

TUESDAY 3:00 P.M. JANUARY 12, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Amy Harvey, County Clerk
- Katy Simon, County Manager
- Maureen Griswold, Legal Counsel (until 3:30 p.m.)
- Madelyn Shipman, Legal Counsel (from 3:30 p.m.)

The Board met 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:

99-6 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the agenda for the January 12, 1999, meeting be approved with the following amendment:

- Delete Item 10;
- a recommendation concerning new class specification and salary range for Deputy Sheriff.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

Chairman Galloway clarified the intent of remarks he had made on December 8, 1998, during discussions concerning the County Manager's appointing authority (see Item 98-1160) stating that it was not his intent to invalidate Mr. Bricca's comments, but rather just to say that Mr. Bricca was probably going beyond the scope of the agenda item; and that as far as the theory versus reality comments, he was just saying that there are other theories and other points of view.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioners Sferrazza and Short abstaining, Chairman Galloway ordered that the minutes of the regular meetings of November 24, 1998 and December 8, 1998, including the clarification comments made by the Chairman, be approved.

99-7 KENNEL PERMIT APPEAL - CHERYL L. LARUM

Katie Stevens, Animal Control Officer, reviewed background information concerning an application received from Cheryl Larum to keep ten American Bull Terriers at 20446 Cooke Drive in Pleasant Valley. She stated that these dogs are also known as Pit Bulls or Pit Bull Terriers; that Ms. Larum currently resides in California and is purchasing subject property contingent upon receiving a kennel permit; and that her kennel plans meet the ordinance requirements. Ms. Stevens further stated that 13 neighbors were notified of the application and three objections have been received.

Applicant Cheryl Larum distributed copies of letters from her current neighbors attesting that her dogs did not cause problems. Ms. Larum stated that her dogs are show dogs; that she has some of the top dogs in the nation; that they are never a problem; that

she is willing to fence the entire property with 6-foot chain link; and that she brings the dogs in at night. In response to Commissioner Bond, Ms. Larum explained that she does breed one or two litters per year; that she does not keep the puppies; and that she never has any trouble selling the puppies. In response to Chairman Galloway, she stated that she does not allow her dogs to bark; that her dogs are very well-mannered and do obey her; and that is why she does so well in the show ring with them.

Ms. Stevens and Ms. Larum then responded to Board questions concerning other kennel permits in the vicinity, size and location of subject property, and proximity to the closest neighbors. Ms. Stevens presented information concerning the process and the kennel permit ordinances for the benefit of the new Board members. A discussion ensued regarding the difference between a commercial and a non-commercial kennel and Ms. Stevens advised that Animal Control does send every kennel permit application to the Business License Division of the Department of Community Development who investigates and determines whether it is a commercial kennel or a residential, hobbyist-type kennel.

Chairman Galloway then called on those wishing to speak for or against the kennel permit.

Gary Powell, current owner of the property, spoke in support of granting the permit and explained that the daylight basement in the home will be the perfect place for bringing the dogs in at night.

Mr. and Mrs. Zittle of 20209 South Virginia, Gary Funkhouser of 20211 Highway 395 South, and George Mahaffey of 20217 South Virginia Street, spoke in opposition to granting the kennel permit. The issues and concerns they cited were that there will be more dogs barking in a neighborhood that already has a barking problem; that Animal Control did not inform them the dogs were Pit Bulls; that there is a large problem with Coyotes in the area and more dogs will just make that worse; that they feel selling dogs is a commercial use and this should require a special use permit; that there will be an odor problem from the kennels; and that there are neighborhood children who might get a little mischievous and bother the dogs.

Speaking in support of the application were Cody Larum, the applicant's son, and Elena Zam, the applicant's niece, who stated that Ms. Larum's dogs do not bark; that her dogs are very well behaved; that if something does disturb them and some of them do bark, she quiets them and they do obey her; that she keeps her kennels very, very clean; that odor would never be a problem; and that the dogs are not dangerous as they were not raised that way.

The Board discussed various conditions that could be placed on the permit as well as revocation procedures. In her rebuttal, Ms. Larum stated that she would be willing to do whatever the Board asks, except for de-barking the animals, and offered to fence the property with solid board rather than chain link, either the whole property or a more compact area since the property is on a slope. In response to Commissioner Short, Ms. Larum stated that last year there was only one litter of four puppies.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried with Commissioners Sferrazza and Short voting "no," Chairman Galloway ordered that a kennel permit be granted to Cheryl Larum to keep ten American Bull Terriers at 20446 Cooke Drive subject to the following conditions:

1. Solid board fencing is to be installed, either on the perimeter of the property or a smaller area depending on the slope and topography of the property, so that the others' ability to see the dogs, and vice-versa, will be minimized as much as possible.
2. Continuation of the permit will be subject to a review by the Board after six month's of occupancy.

99-8 NORTH CAL-NEVA RESOURCE CONSERVATION & DEVELOPMENT COUNCIL, INC. - 1998/99 SPONSOR FEE

In response to Board questions at the Caucus meeting, Katy Simon, County Manager, advised that the amount of the sponsorship is \$300 and that it has been paid out of a Dues account in the Manager's budget for several years.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the annual sponsor fee for the North Cal-Neva Resource Conservation and Development Council, Inc., for the fiscal year August 1, 1998 through July 30, 1999, be approved.

99-9 DRIVER SELECTION AND TRAINING POLICY - RISK MANAGEMENT

County Manager Katy Simon advised that the proposed Drivers' Safety and Training Policy does include the County Commissioners.

Upon recommendation of Kevin Chadwick, Risk Management Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the revised Driver Selection and Training Policy, attached to the agenda memorandum and placed on file with the Clerk, be adopted.

99-10 RESOLUTION - INCREASING CHANGE FUND - SHERIFF'S OFFICE - RECORDS SECTION

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Galloway be authorized to execute on behalf of Washoe County:

RESOLUTION

INCREASING CHANGE FUND FROM \$150 TO \$200 FOR WASHOE COUNTY SHERIFF'S OFFICE, RECORDS DIVISION

WHEREAS, the Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund Change Fund accounts; and

WHEREAS, the Washoe County Sheriff's Office, Records Division, has requested an increase in their Change Fund from \$150.00 to \$200.00 to assist in the administration of that office;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$50.00 increase in the Change Fund (for a total of \$200) for the Washoe County Sheriff's Office, Records Division.
2. That the above mentioned additional \$50.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said Change Fund be used exclusively for transactions related to the Washoe County Sheriff's Office, Records Division.
4. That the Sheriff's Office Records Manager shall henceforth be held accountable for the Change Fund authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this resolution to the Washoe County Treasurer, Comptroller, Sheriff's Office Records Manager and the Nevada Department of Taxation.

99-11 HEALTH CARE ASSISTANCE PROGRAM (HCAP) CLIENTS - SOCIAL SECURITY AND/OR SUPPLEMENTAL SECURITY INCOME - COST OF LIVING INCREASE - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Social Services Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the County Health Care Assistance Program (HCAP) clients who are in adult group care and who are recipients of Social Security and/or Supplemental Security Income (SSI) be allowed to keep their 1.3% cost-of-living increase for the month of January, 1999, to help meet some of their personal needs.

99-12 ACCEPTANCE OF DONATION - ROBERT Z. HAWKINS FOUNDATION - SHERIFF - D.A.R.E. PROGRAM

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that a \$2,000.00 donation from the Robert Z. Hawkins Foundation to be used for the D.A.R.E. Program be accepted with the Board's gratitude.

99-13 ACCEPTANCE OF DONATION - RENO RODEO FOUNDATION - MCGEE CENTER - JUVENILE SERVICES

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that a \$2,500.00 donation from the Reno Rodeo Foundation to the McGee Center for recreation supplies be accepted with the Board's gratitude and that the Comptroller be authorized to make the appropriate account changes increasing revenues (12931D-5802-Donations) and expenditures (12931D-7266-Recreation Supplies) by \$2,500.00 each.

99-14 DISINTERMENT OF HUMAN REMAINS - HEALTH

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the Request for Disinterment from John V. Malarkey to disinter and remove the remains of John Bernard Malarkey, his father, from Our Mother of Sorrows Cemetery in Reno, Nevada, to be reinterred at Paradise Cemetery, Paradise, California, be approved noting that the cause of death was not due to a contagious or loathsome disease.

99-15 ACCEPTANCE OF AND REQUEST TO PURSUE GRANTS - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the FY98-99 Nutrition Grant Award from the Division for Aging Services in the amount of \$431,400 be accepted and that the establishment of specific revenue and expenditure accounts be approved as follows:

Increase Revenue	Account 25449G-4301	\$431,400
Increase Expenditures	Account 25449G-7392	\$431,400

It was further ordered that the Director of Washoe County Senior Services be authorized to pursue a grant from the Human Service Consortium in the amount of \$100,000 for the purpose of providing case management, legal assistance, and adult day-care as an interdisciplinary approach to avoiding premature institutionalization.

99-16 RESIGNATION AND APPOINTMENT - WASHOE COUNTY SENIOR SERVICES BOARD OF TRUSTEES

Upon recommendation of Karen Mabry, Director, Senior Services, who submitted additional information in response to Commissioner Sferrazza's questions at Caucus concerning the recruitment and selection process for new members, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the resignation of Merwin Stravers from the Senior Services Board of Trustees be accepted and that Ms. Bobbeye Bowes be appointed to fill Mr. Stravers unexpired term to July 1, 2000.

99-17 PROFESSIONAL SERVICES AGREEMENT & CONTINGENCY TRANSFER - AUDIT OF SPARKS CONSTABLE'S OFFICE - FINANCE

It was noted that when the County took possession of the Sparks Constable's records, it was determined that an emergency existed which would require professional accounting services; and that the accounting firm of Kohn Colodny LLP was retained to provide auditing services, in an amount not-to-exceed \$42,000, to organize the records obtained from the Sparks Constable pursuant to the authority granted to the County Manager by NRS 332.055.

Pursuant to questions at Caucus, Katy Simon, County Manager, advised that the performance bond for elected officials cannot be used for auditing the outstanding accounts that were inherited from the Sparks Constable's office, but that staff will pursue every available recourse to get reimbursement for these expenses; and that the performance bond would be used for any expenditures resulting from claims against the accounts supervised by the Sparks Constable.

John Sherman, Interim Finance Director, added that \$6,496 has already been spent out of the \$42,000; and that he understands the Board's explicit direction that the County will not waive any potential right to proceed against the former Sparks Constable and to pursue any and all legal remedies to recover these costs necessary to put the records in order.

In response to Commissioner Sferrazza, Mr. Sherman explained the history of the situation with the Sparks Constable and stated that the Sparks Constable was asked to cooperate in the transition and to provide the records, files, etc., but no cooperation was received; that the County did, in fact, have to go to Court twice, once to get a District Court Order to get the records and once to get an Order to acquire the trust account where some of the garnishment funds were kept; and that what staff ended up with was 24 boxes of files that were in no particular order. He further stated that there was no index to these documents and no accounting records as to amounts paid or amounts still owed on these garnishments.

Commissioner Sferrazza stated that the only way he could support approving this recommendation is if it includes pursuing any and all methods, including the elected official's performance bond, to recover the \$42,000.

Upon recommendation of John Sherman, Interim Director, Finance Division, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that:

1. a professional service agreement (purchase order) between Washoe County and the accounting firm of Kohn Colodny LLP, in an amount not to exceed \$42,000, for the purpose of determining the balances on individual garnishments being processed by the Sparks Constable's office and to organize and index garnishment and related documentation, be retroactively approved; and
2. a transfer of \$42,000 from Contingency (Account 001-1890-7328) to Other Professional Services (001-1031-7140) be approved, contingent upon staff pursuing any and all legal remedies, including the elected official's performance bond, to recover the \$42,000.

99-18 CONTINGENCY TRANSFER - COMMUNITY SUPPORT

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that a transfer of \$5,000 from the Contingency Fund (Account 001-1890-7328) to the Community Support Program (Account 001-18136-7290) be approved.

99-19 APPROPRIATIONS TRANSFER - CORONER

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that appropriation transfers within the Coroner's Department, i.e., \$1,000 from 1531-7250, Office Supplies, to 1531-7620, Travel, be acknowledged.

99-20 RESOLUTION - INCLINE VILLAGE EROSION CONTROL PROJECTS - NEVADA TAHOE BOND ACT - PUBLIC WORKS

Upon recommendation of Kimble Corbridge, Engineer, through Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute:

RESOLUTION

A Resolution of the Washoe County Board of Commissioners approving the application for State Bond Erosion Control Funds INCLINE VILLAGE EROSION CONTROL PROJECTS

WHEREAS, the Nevada Tahoe Conservation District has been assigned the administration of the program and has set up necessary procedures governing the program; and

WHEREAS the County of Washoe receives numerous requests from the Incline Village General Improvement District (IVGID) and property owners to submit applications to the State of Nevada Division of State Lands (DIVISION) for financial assistance; and

WHEREAS, the adopted procedures established by the DIVISION require that the governing board for the area of the project must certify by resolution the application of the proposed projects, including all understanding and assurances

contained therein, and availability of matching funds prior to submission of said applications to the DIVISION; and

WHEREAS, the IVGID and property owners are willing to pay all required matching funds and/or services at no cost to Washoe County;

NOW, THEREFORE, BE IT RESOLVED that the proposed Incline Village Erosion Control Projects be approved for submission to the DIVISION;

BE IT FURTHER RESOLVED that the County of Washoe does hereby allow the sponsoring party to provide the required matching funds and/or services.

BE IT FURTHER RESOLVED that if the matching funds are not provided by the sponsoring party, that this resolution will be void and of no effect.

BE IT FURTHER RESOLVED that the Board of County Commissioners does hereby appoint the Director of Public Works as agent of the Board of County Commissioners to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, and so on which may be necessary for the completion of the requested erosion control projects.

It was further ordered that the Chairman be authorized to approve and accept administrative funds from the Nevada Tahoe Bond Act, if offered.

99-21 ACCEPT GRANT OF EASEMENT & IRREVOCABLE OFFER OF DEDICATION - SOUTH MEADOWS OFFICE INVESTORS, LLC - WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the grant of easement and offer of dedication from South Meadows Office Investors, L.L.C., as Grantor and Offerors and Washoe County as Grantee and Offeree, for the operation and maintenance of water facilities and appurtenances located on a map attached to the Grant of Easement (exhibit "A") and placed on file with the Clerk be accepted; that Chairman Galloway be authorized to execute; and that the Utility Services Division Manager be directed to record same with the County Recorder's Office.

99-22 GRANT APPLICATIONS - HAZARDOUS MATERIAL GRANTS - STATE OF NEVADA, EMERGENCY RESPONSE COMMISSION - EMERGENCY MANAGEMENT

In response to questions at Caucus, Katy Simon, County Manager, advised that the only future obligation on these grants is the staff time to complete the grant compliance, the accounting for the grant, and the actual training for the grant; and that there are no other fiscal obligations.

Upon recommendation of Press Clewe, Division of Emergency Management, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, the Board acknowledged that the Division of Emergency Management submitted applications for two State of Nevada, Emergency Response Commission, Hazardous Material Training grants in the amount of \$12,950.00.

99-23 WATER RIGHTS DEED - SIERRA PACIFIC POWER COMPANY - WILD HAWK RIDGE, PHASE 2

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following actions be taken regarding Wild Hawk Ridge, Phase 2, a subdivision within Spanish Springs:

1. The Water Rights Deed for 38.94 acre feet of surface water rights from a portion of Claim 88 and 88A, further changed by Application 63785, between Sierra Pacific Power Company, as Grantor, and Washoe County, as Grantee, be approved and Chairman Galloway be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

Commissioner Sferrazza indicated that he spoke with Mr. Schmidt and Mr. Collins earlier who answered his questions from Caucus

concerning how the yield of waterrights is determined.

99-24 AWARD OF BID - MOSQUITO ABATEMENT PRODUCTS - BID NO. 2126-99 - DISTRICT HEALTH DEPARTMENT

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 December 1, 1998, for mosquito abatement products for the District Health 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:

Fennimore Chemicals
Target Specialty Products, Inc.
Zanus Corporation

Golden Bear Oil Specialties submitted a "no-bid" response; the bid received from Van Waters & Rogers was disqualified because it was not signed; and Abbott Laboratories, Public Health Equipment and Supply Inc., and Zoecon Corporation failed to respond to the invitation to bid.

Mike Sullens, Purchasing Department, was present and responded to Board questions.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Bid No. 2126-99 for mosquito abatement products for the District Health Department be awarded as follows:

BIDDER

Fennimore Chemicals

BID ITEM	DESCRIPTION/BRAND	COST
2.	VECTOBAC 12-AS Packaged 2 per carton, 2 1/2 gal. container	\$ 20.00 per gal.
6.	PYROCIDE #7067: Mosquito fogging concentrate in 5 gal drums	\$110.00 per gal.
7.	WITCO, GOLDEN BEAR # 1356: Packaged in 55 gal drums	\$ 5.00 per gal.
9.	ABBOTT or TEKNAR (B.T.I.) liquid packaged in 5-gal containers	\$ 20.00 per gal.
10.	ABBOTT or TEKNAR (B.T.I.) powder, packaged in 25# containers	\$575.00 per ctn. (or \$23.00 per #
11.	ABBOTT or TEKNAR (B.T.I.) GRANULES packaged in 40# containers	\$ 60.00 per ctn.
1.	VECTOBAC TECH POWDER: packaged 25-pound drums	\$ 23.00 per lb.

(Material is to be ordered from this supplier, if order is less than \$1,000 per order.)

BIDDER

Target Specialty Products, Inc.

BID ITEM	DESCRIPTION/BRAND	COST
1.	VECTOBAC TECH POWDER: packaged 25-pound drums	\$ 21.74 per lb.

(Material is to be ordered from this supplier, if order is more than \$1,000 per order.)

BIDDER

Zanus Corp.

BID ITEM	DESCRIPTION/BRAND	COST
3.	ZOECON ALTOSID LIQUID LARVACIDE 1 gal container	\$217.35 per gal.

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|----|--|-------------------|
| 4. | ZOECON ALTOSID 30 DAY BRIQUETTES 400 Briquettes per carton | \$348.68 per ctn. |
| 5. | ZOECON ALTOSID PELLETS: packaged in 22-pound containers | \$ 24.05 per lb. |

It was further ordered that the Purchasing and Contracts Administrator be authorized to procure Bid Item #8, Pyraperm #455 dust, and Bid Item # 7B, Whitco Golden Bear #111 (bulk), on an as-needed basis on the open market since they did not receive consideration from any of the responding bidders.

Due to budget constraints and limited product availability, it was further ordered that the Purchasing and Contracts Administrator be authorized to procure chemically similar products from the awarded suppliers, with the approval of the Washoe County District Health Department, when circumstances make it necessary and/or desirable to do so.

It was noted that mosquito abatement products shall be procured on a requirements basis during the term of the agreement period, December 1, 1998 through November 30, 1999, with the County retaining the option for a one-year extension of any resultant agreement(s) from this Invitation to Bid.

99-25 RESCIND PREVIOUS AWARD OF BID - NORTHERN NEVADA INVESTIGATIONS - SERVICE OF CIVIL PROCESS - PURCHASING DEPARTMENT

County Manager Katy Simon stated that staff is recommending that the Board reconsider their action of November 10, 1998, (see Item No. 98-1073) wherein a proposal by Northern Nevada Investigations for service of civil process was accepted and staff was directed to negotiate a contract with said vendor for the services. Ms. Simon emphasized that no contract or agreement has been executed yet. She further advised that there may be legislation in the 1999 session that will allow for more privatizing of the civil service process.

Commissioner Short asked several questions concerning costs and revenues to which Gary Goelitz, Finance Division, responded. Mr. Goelitz also reviewed background information relating to the Constables and changing their duties of serving papers over to the Sheriff's Office and contracting with a private company for the service of papers that were not statutorily mandated to be served by a peace officer. He further explained that one of the unsuccessful vendors from the Request for Proposals, Reno-Carson Messenger Service, has alleged that the RFP was changed and because of that, staff has reviewed it again and determined that the County does not have to contract with any particular private company to serve civil papers. Mr. Goelitz stated that if a paper does not have to legally be served by the Sheriff's Office, the person requiring such service can choose whomever they want to serve the papers.

A lengthy discussion ensued concerning revenues and expenditures associated with the serving of civil process and Mr. Goelitz explained that many of the figures in the November 10th staff report are "best guesses" because of the poor record keeping practices of the Constables and that it is staff's intention to monitor this very closely and report back to the Board in April on what the actual experience is during the first three months. Sgt. Towery of the Sheriff's Office stated that they have gone into this essentially blind; that they do not know what the workload is going to be; and that he will not fill all of the additional positions that were authorized until the workload justifies doing so.

In response to Commissioner Sferrazza, Mr. Goelitz and Sgt. Towery indicated that the Sheriff is recommending that the Board rescind the award for service of civil process made on November 10, 1998, and let the public choose from among the private process servers themselves.

Chairman Galloway reported that he received a comment from someone trying to get an eviction served who stated that he was now paying more for slower service and asked Sgt. Towery to respond. Sgt. Towery explained that there are different fee schedules in the Nevada Revised Statutes for service by the Sheriff; and that, unlike the Constables, the Sheriff's office has to serve all of the civil process, which means prioritizing because things like protection orders, child custody orders, etc., take precedence over evictions.

John Frankovich, representing Reno-Carson Messenger Service, stated that they do believe this RFP process was flawed and detailed

the reasons why he feels that way. He further stated that they have no objection to the Board rescinding the award that resulted from that RFP and allowing for open competition among the private process servers.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the action of the Board on November 10, 1998, accepting the proposal from Northern Nevada Investigations for service of civil process not required by Nevada Revised Statutes to be served by the Sheriff's Office and directing staff to negotiate a contract with the selected vendor be rescinded in favor of allowing these services to be provided by any licensed civil process service company, including the Sheriff, at the public's discretion.

99-26 AMENDMENT - COOPERATIVE WORK AGREEMENT - NEVADA TAHOE CONSERVATION DISTRICT - SKI WAY WATER QUALITY IMPROVEMENT PROJECT - PUBLIC WORKS

Upon recommendation of Kimble Corbridge, Engineer, through Dave Roundtree, Public Works Director, who was present and responded to questions, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the Amendment to the Cooperative Agreement between Washoe County and the Nevada Tahoe Conservation District for additional engineering, inspection, testing and landscaping services for the Ski Way Water Quality Improvement Project be approved and Chairman Galloway be authorized to execute.

99-27 CONSULTANT AGREEMENT - MASTERPLAN UPDATE FOR COURTS COMPLEX - TATE & SNYDER ARCHITECTS AND DAN L. WILEY AND ASSOCIATES, INC. - PUBLIC WORKS

Dave Roundtree, Public Works Director, responded to Board questions stating that the reimbursable expenses are for printing, travel and per diem and are estimated to be approximately \$15,000, which will be on top of the contract amount.

Commissioner Sferrazza asked what will be included in the \$143,000 because it is his understanding that that does not include architectural drawings or building designs and that these people will just be determining space needs. Mr. Roundtree stated that there will be drawings and floorplans that include space allocations, and plans that suggest what kind of future building might be needed, but not drawings that would be adequate for construction. Mr. Sferrazza asked if the County does not have staff competent to do this work. Mr. Roundtree stated that County staff does not have the necessary expertise and that the justice system consulting field is fairly limited. Commissioner Sferrazza stated that he does not believe this is necessary.

Chairman Galloway noted that recently the Board did follow the plan for the Law Library location; and that the problem is not doing the plan, but rather sticking to a plan once it is done, because extensive changes trigger more studies and more design efforts.

Following further discussion, upon recommendation of Mr. Roundtree, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that an agreement between Washoe County and Tate & Snyder Architects (who has contracted with Dan L. Wiley and Associates), concerning consultant services related to a Master Plan Update for Washoe County Courts Complex, in the amount of \$143,490 plus reimbursable expenses estimated at \$15,000, be approved and Chairman Galloway be authorized to execute.

99-28 INTERLOCAL AGREEMENT - WASHOE COUNTY SENIOR SERVICES - WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

Upon recommendation of Karen Mabry, Director, Washoe County Senior Services, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an interlocal agreement between the County of Washoe (through the Department of Senior Services) and the Washoe County District Health Department, concerning performance of client chart audits for the Adult Day Health Services Program, be approved and Chairman Galloway be authorized to execute.

99-29 PROFESSIONAL SERVICES CONTRACT - PACE REPLICATION PROJECT - ARKELL ENTERPRISES - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Washoe County Senior Services, on motion by Commissioner Bond, seconded by

Commissioner Shaw, which motion duly carried, it was ordered that a professional services contract between Washoe County and Arkell Enterprises in the amount of \$22,500 for the purpose of preparing and implementing the development of the Washoe County Senior Services (PACE Replication) Project, be approved and Chairman Galloway be authorized to execute. It was further ordered that the Director of Senior Services be authorized to serve as contract administrator.

99-30 BLUE RIBBON ELECTION TASK FORCE - APPOINTMENTS

Pursuant to discussion at Caucus, Katy Simon, County Manager, stated that the Board was interested in having a balance between political affiliations and advised that of the 17 individuals who have submitted applications to serve on the Blue Ribbon Election Task Force, 11 are Republicans and 6 are Democrats. She further advised that there is a person who has expressed that he would like to assist the task force, but not be a member of the task force.

Chairman Galloway expressed appreciation to the applicants and to Mr. Crandall, a reliability expert, the individual offering to assist as a resource person.

Commissioner Shaw suggested that, since the meetings will be open, public meetings, that Mr. Crandall go to the meetings and offer his assistance to the Task Force.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that the following individuals be appointed to the Blue Ribbon Election Task Force (all 17 who submitted timely applications):

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| W. F. "Bill" Barnard | John J. Kadlic |
| Marsha L. Berkbigler | David Kladney |
| Janice Duminie | Donna M. Kollman |
| Martha Gould | Robert LeGoy, Sr. |
| Chester H. Henry | Gregory G. Neuweiler |
| Oma C. Hibdon | Sharron Pelz |
| G. David Hollecker | Cecil E. Riordan |
| Lawrence (Larry) Robert Hunt | R. L. Tannehill |
| Michael Weber | |

99-31 APPOINTING AUTHORITY OF COUNTY MANAGER

Katy Simon, County Manager, reviewed previous action taken by the Board in November and December on a 4 to 1 vote concerning changing the authority for appointing certain non-statutory department heads from the Board of County Commissioners to the County Manager. She further explained that Commissioner Sferrazza indicated that he would like to revisit this issue.

Commissioner Sferrazza stated that he was just alerting the Manager that when the ordinances that effected the changes came before the Board he would have difficulty voting for them.

Chairman Galloway stated that there has been a change on the Board of County Commissioners; that he does have concerns regarding some of the positions that were changed; that he is not comfortable with giving up this authority; and that he felt the new Board should have some discussion on this matter. As an offer of compromise, he further stated that there are three positions that he feels very strongly should be appointed by the Commissioners; and that those are the Director of Community Development, the Director of Parks, and the Director of Water Resources; and that this is a fallback position only as his first preference is for the Board to retain all appointing authority.

Commissioner Bond stated that this reorganization has been in the process for four long years; that she does not believe the Board is giving up anything; that it does not mean that the people cannot approach the Board or that the Board won't have any input; that a Blue Ribbon Committee of local business leaders who have experience in government and business has been looking at this entire issue; and that it must be very discouraging when you invite the public to provide you with their expertise and then you don't like what they tell you.

Legal Counsel Madelyn Shipman explained the new process as currently proposed and as ordinances are being drafted is that the County Manager would not only have the appointing authority over the non-statutory positions, but also the daily oversight and supervision responsibilities of those employees.

In response to Chairman Galloway, Ms. Shipman confirmed that the County Manager would also have the right to terminate any of these employees. The Chairman stated that he is just not comfortable with going that far.

Commissioner Shaw stated that he does not understand why the Board is even discussing this; and that, since they are, he would suggest that a retreat be scheduled so that the five of them can discuss this issue and how each of them views his or her role as a County Commissioner. He further stated that he believes the role of a County Commissioner is to form and enforce policy for the community in the best interests of the community, not to hire and fire staff. Commissioner Shaw adamantly stated that the previous action should not be changed.

Commissioner Sferrazza stated that his concern is that he is responsible to the electorate and the County Manager is not; and that what he would like to see is that the County Manager appoints and the Board confirms the appointment or, if the County Manager wants to terminate a department head, it can only be done if the Board confirms that also. He further stated that he does not see appointing or terminating department heads as a routine day-to-day matter.

Commissioner Short stated that he would like to see how the system works as it is currently set up and not make any changes for a while. He further stated that he thinks Mr. Shaw's suggestion to have a retreat is a good idea. Chairman Galloway inquired if Mr. Short was talking about observing the system that was in place prior to the changes made in December and Commissioner Short stated that he was.

Robert Bricca, local business owner and Chairman of the Organizational Effectiveness Committee, was present with three other committee members. He read a letter into the record which was signed by six of the committee members and placed same on file with the Clerk. The letter urged the Commission to not take the hiring authority away from the County Manager stating the responsibility for the day-to-day operations of the County should not be separated from the authority to hire and fire.

Frank Partlow, Reno resident, urged the Board to follow the recommendations of their Organizational Effectiveness Committee and to think about the effect on employees when they have two or three bosses.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried with Commissioners Bond and Shaw voting "no," Chairman Galloway ordered that consideration of the appointing authority of the County Manager, and the ordinances effecting the changes to that authority made by the Board in December, be tabled until such time as the Board can have a retreat.

99-32 SALES TAX RELATED ISSUES

County Manager Katy Simon advised that the Board had been previously provided with an opinion from Assistant District Attorney Madelyn Shipman, pursuant to the request of Commissioner Sferrazza, regarding the ability of a new commission to revisit the issue of the sales tax, applicable law and options that may allow the Board to repeal or amend Ordinance No. 1047 which imposed the 1/4 of 1% sales tax.

Commissioner Shaw stated that he did not understand why this item was placed on the agenda as this was voted on by a previous Board and questioned the legality of discussing this issue without going through a process of reconsideration.

Ms. Shipman stated that the Board has rules authorizing Board members to bring forth an issue; that the issue brought forth was not an issue related to whether the sales tax is imposed but rather whether any alternatives were available to the new Board to repeal, modify or amend the ordinance which, in her opinion, is a slightly different issue.

Commissioner Galloway stated that although it appears Commissioner Shaw feels that there is nothing left to discuss regarding this issue, it is his opinion that the memorandum does not address the entire agenda item; and that a question was raised at yesterday's caucus regarding the possibility of obtaining an Attorney General's opinion to substantiate or differ from Ms. Shipman's opinion which is all within the scope of the agenda item.

Commissioner Sferrazza reviewed Ms. Shipman's opinion stating that it would appear to him that although the Board may be precluded from repealing the sales tax with regard to the railroad separation, they would, however, have the power to defease the bonds with regard to flood control and public safety projects which would be a matter of placing bond proceeds into an escrow account for a period of ten years to protect the bondholders; and that he would request that they do not take action today and obtain additional information including the Interlocal Agreement with the City of Reno and conditions of the bond sale.

Bond Counsel John Swendseid stated the County bond issue was separated out and was not involved in the appeal of this item; that the City bond issue pledged the sales tax and the room tax; that as a result of the pending litigation, it was not sold on the public market and rather sold through an offering to a local bank; that both taxes are pledged to the bond issue; and that they have disclosed the existence of the litigation to the investor.

Commissioner Sferrazza stated that the question he has is concerning the statute which precludes them from repealing, amending or indirectly modifying the tax that may impair any outstanding bonds or other obligations.

Mr. Swendseid advised that the Supreme Court viewed this from an investors point of view considering whether the investor would be less secured in receiving payment; and that if the investor would be less secured, there would be an impairment.

Ms. Shipman clarified that two issues that would impede revocation of the 1/8 of 1% for the railroad grade separation is the State statute and the Interlocal Agreement between the County and the City of Reno.

Mr. Swendseid stated that the Interlocal Agreement with the City of Reno cannot be impaired; and that the agreement has to stay in effect until the project is completed.

Chairman Galloway and Commissioner Sferrazza stated that they would like to obtain an opinion from the Attorney General to confirm Ms. Shipman's opinion to determine if the Board has the ability to withdraw the 1/8 of 1% tax for the railroad grade separation project and amend the ordinance.

Commissioner Sferrazza moved to obtain an opinion from the Attorney General regarding the amendment of Ordinance No. 1047 removing the imposition of 1/8 of 1% sales tax imposed for the railroad separation project and the motion died for lack of a second.

Commissioner Shaw expressed concern that Board members are questioning Ms. Shipman's opinion.

Chairman Galloway stated that the public deserves to know where he stands on this issue; that although he believes that the Attorney General most likely would support Ms. Shipman's opinion, there is a possibility that the opinion may not be supported; that he was opposed to imposition of the tax in the first place; and that he is desirous of ascertaining whether or not the Board has the power to undo this issue and if not, it can be laid to rest.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried with Commissioner Sferrazza and Chairman Galloway voting "no," it was ordered that the sales tax issue no longer be a matter for consideration and that it stands as imposed by the previous Board.

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 30, 1998, to consider second reading and adoption of Bill No. 1224. 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 Short, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1048, Bill No. 1224, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF CHAPTER 65 RELATING TO RISK MANAGEMENT, THE COUNTY SAFETY COMMITTEE, AND OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

99-34 BILL NO. 1226 - ORDINANCE NO. 1050 - AMENDING WCC STANDARDIZING CERTAIN PROVISIONS FOR WORK PERMITS

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 30, 1998, to consider second reading and adoption of Bill No. 1226. 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 Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1050, Bill No. 1226, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO AND AMENDING SECTIONS STANDARDIZING CERTAIN PROVISIONS RELATING TO WORK PERMITS," be approved, adopted and published in accordance with NRS 244.100.

99-35 BILL NO. 1227 - ORDINANCE NO. 1051 - AMENDING WCC CHAPTER 25 - REMOVING DIRECTOR OF BUSINESS LICENSE AS MEMBER OF MASSAGE EXAMINERS

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 30, 1998, to consider second reading and adoption of Bill No. 1227. 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 Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1051, Bill No. 1227, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 25 BY REMOVING THE DIRECTOR OF BUSINESS LICENSE AS A MEMBER OF THE BOARD OF MASSAGE EXAMINERS; AMENDING THE NUMBER OF MEMBERS, TESTING PROCESS, AND CLARIFYING NAME; AND OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

99-36 SPECIAL USE PERMIT CASE NO. SPW10-34-98 - MOUNTAIN VIEW MONTESSORI SCHOOL - APPEAL

5:00 p.m. This was the time set in a Notice of Public Hearing mailed to concerned property owners to consider the appeal by applicants of the technical denial of the Washoe County Planning Commission to develop in phases, a Montessori School that would serve preschool and elementary school-aged children. Upon completion of all three phases, the project would total $\text{ñ}16,220$ square feet and include classrooms, administration offices, assembly hall and multi-purpose room. The proposed project is located within the Manogue Business Park north of Zolezzi Lane and west of South Virginia Street and will be subject to the recently approved Manogue Design Standards. Because the project must utilize the old zoning, a site review is required. The proposed project totals $\text{ñ}2.73$ acres and has an old zoning designation of A-1 (First Agriculture), and a land use designation of SPA (Specific Plan Area) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 17, T18N, R20E, MDM, Washoe County, Nevada (APN: 162-010-06).

Cheryl Ryan, Department of Community Development, assisted by Mike Boster, Department of Community Development, aided in the overhead presentation depicting the location of the school site, the Whites Creek open space corridor, Bishop Manogue High School

and the Manogue Business Park. Ms. Ryan advised that the project was presented to the Planning Commission on December 1, 1998 and received a technical denial with three votes for approval and three votes for denial; that while the project as proposed met the standards of the Washoe County Development Code concerning site development, the overriding concern of the three Commissioners who voted for denial was the location of the school with preschool and elementary age children that would be in a flood zone advising that the site is located within the FEMA flood zone A and the Whites Creek Basin area as studied by Cella Barr Associates in 1994; that the site is subject to sheet flows from the south and ravine flooding from the west due to Whites Creek; that according to Leonard Crowe, Water Resources Department, the minimum warning time for flooding for the Whites corridor is one hour; and that concerns discussed at the Planning Commission meeting included the ability of school staff to adequately evacuate students and the ability to establish a warning system and an evacuation plan so that the school may respond within the one-hour time frame.

Ms. Ryan further explained that the Planning Commission was made aware that while the Washoe County Development Code does not prohibit sensitive uses such as schools and hospitals being located in a floodplain, it does offer specialized construction standards in Article 416 that this project would be subject to if approved; and that in addition, staff required an evacuation plan subject to the approval of Engineering, Water Resources, and Planning staff; that specialized construction standards include a finished floor elevation of one foot above the base flood elevation and 50-foot setbacks from existing drainage ways and erosion control. Ms. Ryan concluded by stating the applicants have requested modifications to three conditions; and that staff has requested the addition of one condition regarding the trail.

All Board members disclosed that they had previously met with representatives for this project prior to this meeting.

Chairman Galloway opened the public hearing and called on anyone wishing to speak regarding this item.

Tami Franklin, 12280 Jeppson Lane, representing herself and her mother Mrs. Robert Drake, stated that their property has been flooded numerous times in the past, and that their concern is that the proposed school, being located in a flood zone, would pose a serious threat to their property as they reside downstream from the school site. Ms. Franklin stated that this property is not suitable for building; that the previous owners were never successful in obtaining approval for developments due to the floodplain existent on the property; and that she questions the reliability of a flood warning system proposed by staff due to the possibility of mechanical failure.

Commissioner Sferrazza stated that representatives for the applicant indicated to him that, if the height of the property were to be increased, it would not increase potential flooding to downstream properties which he does not concur with; and that he would like to know what measures could be taken to mitigate possible impacts to downstream properties.

Jeff Codega, Jeff Codega Planning & Design, representing the appellant, Montessori School, stated that with regard to the flood issue, Washoe County has a flood hazard ordinance which specifies that downstream property owners cannot be impacted; that they feel very confident that the property can be developed without impacting downstream property owners; and that the building and preschool playground would be elevated out of the floodplain, but not in a way that would direct the water somewhere where it doesn't already go or shouldn't go, concluding that they have studied this issue very thoroughly.

John Mitchell, Civil Engineer, Codega Planning & Design, stated that the elevation of the school site is 91.7 feet based on a 3,000 cfs floodplain analysis; that the site would be located two feet above the level of flooding; that the Franklin property is located 30 to 40 feet lower and would not be impacted any worse by placing the school on the proposed site than it has been in the past.

Beth Honebein, 5450 Wintergreen Lane, advised that her son is a student at Mountain View Montessori preschool; and that an overwhelming number of parents support this project and have no concerns with regard to the flooding issue as they feel the school administration would be very capable of handling any emergency situation.

Alex Papadakos, a Montessori student, stated that he is looking forward to a new school and urged the Board to approve this request.

Leonard Crowe, Water Resources Division, utilized the overhead projector in displaying a map of the school site. Mr. Crowe stated that Washoe County regulates development in the Whites Creek floodplain for a total flow of 5,000 cfs; that there are four branches to Whites Creek; that this project is located on the northernmost branch of the creek which would be capable of handling 700 cfs through that area; and that in his opinion, a flood warning system is the best tool available to the County to protect everyone from a potential flood. In conclusion, Mr. Crowe addressed topography of the land and various flood scenarios by responding to questions raised by the Board.

Kimble Corbridge, Floodplain Manager, Engineering Division, stated that the County does not have an ordinance disallowing schools and hospitals to be located in a floodplain; that in this particular case, there are conditions required by FEMA that provide for a floodway that cannot contain any structures; that they have requested a condition by the applicant to indicate how the floodway may affect the other properties; that he cannot make an assurance that there will not be an increase in water to the adjoining properties; that he is concerned that when the floodway is determined, the applicant may not have enough property left to build the school, playground, and fencing; and that fencing and fill would not be allowed in the floodway according to FEMA.

Ms. Shipman stated that a condition could be imposed requesting the applicant to present an engineering design that would reflect that there would be no significant impact to downstream property owners.

Mr. Crowe stated that individuals who reside on Jeppson Lane most likely built their homes many years ago and do not necessarily comply with current flood insurance ordinances; that it cannot be assumed that some of those homes would not be flooded as they most likely have been flooded in the past; that they would require the developers to provide staff with a detailed map as to how the water currently passes through their property; that they would require them to build in a way that would minimize any impacts on adjoining property owners; and that if this cannot be done, they would require drainage easements to be negotiated between the property owners.

Ms. Franklin reiterated her experiences with past flooding on her property stating that it would appear that, if a structure is raised, water that has previously traveled across the property in a sheet would now concentrate flows and impact downstream properties greater than before.

Mr. Codega stated that they would be agreeable to a condition to mitigate potential increases in flows to downstream property owners; that they do not anticipate any events taking place as speculated; and that the real issue is whether those individuals who have been flooded in the past would get flooded any worse after this project is built.

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

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the appeal of Special Use Permit Case No. SPW10-34-98 with Site Review for Mountain View Montessori School be upheld overturning the decision of the Washoe County Planning Commission subject to the following findings and amended conditions:

FINDINGS

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the applicable area plan;
2. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding

area; and

5. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

6. The Washoe County Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

CONDITIONS

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT WITH SITE REVIEW IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit and site review. The Department of Community Development shall be responsible for determining compliance with this condition.
2. The applicant shall complete construction of phase I within two years from the date of approval by the Washoe County Planning Commission. Phases II and III as shown in the applicants submittal and attached to the staff report shall be completed within seven years.
3. A copy of the Final Order stating conditional approval of this special use permit with site review shall be attached to all applications for administrative permits issued by Washoe County.
4. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a part to the covenant. The District Attorney's Office and the Department of Community Development shall be responsible for determining compliance with this condition.
5. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit with site review to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit with site review. Any subsequent purchaser/operator of the site and/or the special use permit with site review shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
6. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

7. A boundary line adjustment must be completed prior to any construction on property outside of the existing property boundary. The proposed property affected by a boundary line adjustment will be signed "no construction allowed" until the boundary line adjustment is approved.

8. The applicant(s) and/or property owner(s) shall provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized to (1) attenuate single event noise levels as needed to ensure adequate speech intelligibility, and (2) achieve an average hourly interior noise level (Leq) of 45 dBA Ldn in noise sensitive rooms during any hour when the facility is in use.

9. The applicant(s) shall address the RTC letter dated November 17, 1998 prior to issuance of building permits.

10. The applicant shall provide a 4 foot trail along Zolezzi Lane in accordance with Washoe County Parks and Recreation Department standards. However if the 5 foot sidewalk proposed by RTC for the north side of Zolezzi per their December 16, 1998 letter is confirmed for construction, the 4 foot trail is not required and the existing trail access easement can be abandoned.

OPERATIONAL CONDITIONS

1. The applicant shall submit an evacuation plan for the students designed to address flooding. The study shall be reviewed and approved by the Washoe County Engineering Division, the Water Resources Department, and the Planning Department. The facility shall be tied into the flood warning system operated by the National Weather Service.

2. The applicant shall submit a carpooling plan designed to reduce the number of am and pm trips by 50%. The plan shall be reviewed and approved by the Washoe County Engineering Division, and the Planning Department.

3. Construction and on-going noise associated with the project shall meet all noise standards of the Development Code. Upon unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be obligated to compensate the County for all cost incurred to complete two 24-hour monitorings of the operation to assure compliance with noise standards. Failure to compensate the County within 30 days of presentation of the contract fee shall render the special use permit null and void.

Should the noise monitoring report substantiate non-compliance with noise standards within one (1) week, the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development Staff, the plan shall be immediately implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

DRAINAGE AND GRADING

1. The property is located within the FEMA Flood Zone A and the Whites Creek Drainage Basin Area as studied by Cella Barr Associates (dated August 17, 1994). A Nevada registered engineer shall, using the guidelines of the referenced study including 3000 cfs through the site, determine finish floor elevations, setbacks from existing drainage ways (50 foot minimum), erosion control and provide certification of construction prior to Certification of Occupancy (C of O). All recommendations and elevations shall be reviewed and approved by the Engineering Division. All structures shall be constructed in accordance with the Washoe County Code Article 416. The applicant shall mitigate the effect of potential increased flooding to downstream properties due to

the fill placed on the site to the satisfaction of the County Engineer.

2. A detailed hydrology/hydraulic report and master drainage plan designed in conformance with County standards including Article 420 Storm Drainage Standards of the Washoe County Development Code, and prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 10- and 100-year storm flows impacting both the site and the off site areas and the methods for handling those flows. The report shall determine the floodway through the site, and no encroachments, fill, structures, etc., shall be allowed within the floodway. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing off site drainage facilities and properties.
3. Any increase in storm water runoff resulting from the development based upon the 5-year storm shall be detained on site to the satisfaction of the Engineering Division.
4. Prior to construction, the developer shall obtain an Army Corps of Engineers 404 permit, or a letter indicating that a 404 permit is not required. A copy or letter shall be submitted to the Engineering Division.
5. A complete set of construction improvement drawings, including a grading plan, shall be submitted when applying for a grading permit. Grading shall comply with the best management practices and shall include detailed plans for grading, erosion control, slope stabilization, and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.
6. A grading bond of \$750/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
7. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the Engineering Division.
8. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

HEALTH, WATER AND SEWER

1. A letter from the water purveyor must be submitted to this division indicating the amount of water rights necessary to serve this project. Water rights in the specified amount, shall be dedicated to Washoe County in accordance with Article 422. These rights will be subsequently leased to the water purveyor for use on this project.
2. No Certificate of Occupancy shall be issued until the sewer facilities have been completed and accepted for operation and maintenance by the Utility Services Division.
3. The applicant shall deposit with the Utility Services Division, \$50.00 per equivalent residential unit for the developer's prorated share of the ongoing water and wastewater facilities plan for the South Truckee Meadows. Fees for a commercial development will be determined upon fixture unit count.
4. All applicable fees in accordance with Washoe County ordinance must be paid prior to the issuance of a building permit.
5. Easements for all public water and sewer utilities shall be offered for dedication to Washoe County and must be approved by the Utility Services Division prior to the approval of the building permit.
6. If infrastructure such as:
 - a. if any pump stations and interceptors are necessary to supply sewer service to the project, the developer will be

responsible to fund the design and construction.

However, actual design will be the responsibility of the Utility Services Division. Prior to initiation of design the developer shall pay the estimated design costs to Washoe County. The Utility Services Division may either provide such design in house, or select an outside consultant. When an outside consultant is to be selected, the Utility Services Division and the developer shall jointly select that consultant.

Funding of oversizing the design and infrastructure to accommodate future development as determined by accepted engineering calculations, shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate number of service hook-ups to the developer at the time or issuance of a building permit.

7. A sanitary sewer report shall be prepared by the applicant's registered engineer which addresses:

- a. the estimated sewage flows generated by this project.
- b. projected sewage flows from potential or existing development within tributary areas.
- c. the impact on capacity of existing infrastructure.
- d. proposed collection line sizes, alignment, and maximum velocities.

8. Grease interceptor calculations must be provided to the Utility Services Division for approval prior to the issuance of a building permit.

9. A completed dust control plan must be submitted to the Health Department for review and approval prior to the issuance of a building permit. This plan must be in conformance with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030.

10. Construction plans for the proposed development must be submitted to the District Health Department for review and approval prior to issuance of a building permit.

11. Backflow prevention devices, in accordance with the Uniform Plumbing Code 1994 Edition and NAC 445A.67185 to 67255 inclusive, shall be installed at the water service point of connection and at locations to prevent cross connection between the drinking water system and any potential source of water contamination.

FIRE SAFETY

1. Provide water for fire suppression in accordance with Washoe County Ordinance 60. Fire hydrant placement shall be approved by the Fire District. Hydrants shall flow 1,000 gpm. at 20 psi residual.

2. The school shall be protected with an automatic fire sprinkler system per NFPA 13. It shall also meet any requirements for this occupancy as stipulated in the Uniform Building Code, Uniform Fire Code and NFPA Life Safety Code 101.

LANDSCAPING AND DESIGN

1. The Landscaping and irrigation plan shall be done by a licensed landscape architect registered in the State of Nevada. A letter, or series of letters shall be submitted to the Department of Community Development that show that a the final landscaping and irrigation plan complies with the plan as approved at the public hearing, and is in accordance with Article 410 and 412 of the Washoe County Development Code. The letter shall address all modifications incorporated by the Design Review Committee if applicable, and shall be signed and wet stamped by the licensed landscape architect. Prior to issuance of a Certificate of Occupancy, the landscape architect shall conduct an on site inspection to determine if the landscaping and irrigation has been installed per the final landscaping plan. The inspection work shall be documented by the landscape architect and included in the letter(s). All provisions of the code waived by the Director of Community Development shall also be included. Financial assurances

to cover 110% of the landscaping, irrigation, revegetation, and fencing/walls installation shall be retained until the certification letter (s) is received.

2. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wetstamped.

3. The following additions to the landscaping plan shall be made in order to meet Article 412 of the Washoe County Development Code:

1. Replace the "native grasses" on the landscaping plan in between the buildings and parking area with shrubs and groundcovers.

2. Add three evergreen trees, two at 7 feet height and one at 5 feet height to the front of the building area, five evergreen trees, three at 5 feet height and 2 at 7 feet height to the buffer area between Zolezzi and the parking area, and 3 evergreen trees at 7 feet height between the east building wing and the trailer park area. The locations of these trees may be adjusted to the approval of planning staff.

3. All "native grass" areas identified on the landscaping plan shall be an appropriate seed mix for the site, and shall be allowed two years to establish. If after this time the grasses have not established, temporary irrigation shall be employed. The seed mix and application shall be determined by a landscape architect, and shall be identified as a note on the map.

4. All landscaping shall be installed during the first phase of the project. No certificate of occupancy shall be issued until the landscaping is completely installed or bonded for.

5. Prior to the issuance of a certificate of occupancy for phase III, the split face block for buildings in phase II and phase III shall be applied.

6. Any freestanding sign shall be of the monument type and shall match the architectural style of the project by incorporating similar building materials and colors, and shall be no higher than 5 feet. All building signs shall match the style of the building materials and shall be the minimum size necessary to service the project. All signs must meet Article 502 and require a separate building permit.

7. The vinyl-clad fencing shall be of a dark color such as brown to promote blending with the surrounding area.

8. Bollards shall be placed in parking area to provide low level illumination in order to ensure the safety of pedestrians walking to their cars after hours.

9. The project shall be subject to the Bishop Manogue Design Standards Handbook

10. All mechanical equipment, tanks, ventilating fans or similar equipment, whether located on the roof or on the ground, shall be screened from view by parapets from adjoining properties and streets. Screens shall be integrated into the overall architectural style of the associated buildings and shall be measured from the highest point of the object being screened.

TRAFFIC

1. The driveway approaches shall have a 36-foot minimum width at the property line for 2-way traffic.

2. The minimum pavement requirements for on site paving shall be 3 inches asphalt over 6 inches granular base.

3. A detailed master traffic report shall be prepared by a registered engineer in conformance with Article 436 and shall address existing and proposed traffic volumes, driveway locations, offsets, left turn lanes and all turning movements. The driveway

accesses to the trailer park should be blocked off, unless their impacts are addressed in the traffic report and mitigated. The County Engineer shall be responsible for determining compliance with this condition.

4. Prior to ground-disturbing activity, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load supporting capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavements.

5. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices.

6. It should be noted that the project will be subject to the Regional Road Impact Fee.

7. The developer shall provide street lights at all intersections with Zolezzi Lane.

8. An approved Occupancy Permit shall be obtained from the Nevada Department of Transportation (NDOT) for access to, from or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

9. The developer shall provide a traffic plan for student drop-off on site. The County Engineer shall determine compliance with this condition.

10. The driveway approach to the west shall be designed five feet from the property line.

99-37 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-SN-1 - SIERRA POINTE SENIOR RESIDENCES

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 1, 1999 to consider the Washoe County Planning Commission recommendation to amend the Washoe County Comprehensive Plan, to redesignate Assessor's Parcel Number 035-051-23 from a land use designation of General Rural (max. 1 du/ 40 ac) and Medium Density Suburban (max. 3 du/1 ac) to High Density Suburban (max. 9 du/1 ac). The parcel is located on El Rancho Drive, east of Sun Valley Boulevard situated between Sierra Pointe apartments Phase 2 and the City of Sparks. The parcel is located in the Sun Valley Hydrographic Basin, in the northwest 1/4 of the southeast 1/4 of Section 30, T20N, R20E, MDB&M. The parcel is designated "Suburban" on the Truckee Meadows Regional Plan land use diagram. A Regional Plan amendment may be required. Proof was made that due and legal notice had been given.

Cynthia Albright, Department of Community Development, reviewed background information contained in her staff report and responded to questions of the Board regarding this item. Ms. Albright explained that in August, 1998 the applicant filed an application for a comprehensive plan amendment with accompanying applications for a tentative tract map and a special use permit; that the undeveloped property is located on El Rancho Drive with the exception of a single-family home owned by Mr. Braxton located approximately 1,000 feet from the project; that the applicant is requesting a total of 220 age-restricted senior housing units to provide a continuum of care including 60 single family attached homes, 80 units in an independent living congregate care building, and another 80 units in an assisted living building and the recommendation before the Board is for a change of land use only; and that by filing the applications concurrently, the applicant is able to discuss both land use and project level details with citizens and provide an assurance that the land use request is tied to a specific development proposal. Ms. Albright concluded her presentation by reviewing a Traffic Analysis prepared by Solaegui Engineers, Inc., and advised that the Sun Valley Citizen Advisory Board's primary concerns regarding the project were increased traffic and access on El Rancho Drive.

Commissioner Shaw expressed concern regarding new development occurring in the area of this proposed project.

Chairman Galloway opened the public hearing by calling on anyone wishing to speak.

Dennis Smith, Western Engineering & Surveying Services, representing applicant, stated that they brought the application to the Board as a complete package as they wanted to assure everyone that it was their intent to go through with this project as originally planned. Mr. Smith then responded to questions of the Board regarding drainage and access to the project.

Francis Short, member of the Sun Valley Citizens Advisory Board, stated that the land use issue has been brought before them many times; that they object to the density as 300 apartment units are currently being constructed directly across the street from the proposed project; and that traffic is quite heavy on El Rancho Drive. Mrs. Short stated that this appears to be a good project as long as it remains a Senior Residence.

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

Chairman Galloway expressed his concern regarding the apartments across the street and the increased density in the area. He further stated that he is concerned that this particular project may not be constructed and end up as something entirely different than a Senior Residence. He then inquired if there is a mechanism where the land could revert if certain proposals were not completed, and Madelyn Shipman, Assistant District Attorney, stated that it is not possible to condition a Comprehensive Plan Amendment.

Commissioner Shaw stated that he shares these same concerns regarding traffic on El Rancho Drive.

Ms. Albright explained that with regard to traffic impacts on El Rancho Drive, the traffic analysis indicates average daily trips to be 12,300; that the level of service does not decline to a level "D" until they reach 26,000; that there is a fairly healthy margin for growth; that according to the traffic analysis, the road is a level "C" until the year 2015 with the adopted land use; and that the proposed projects in the City of Sparks and adjoining areas have been taken into consideration in the traffic analysis.

In response to Chairman Galloway's inquiry regarding the possibility of changing the Development Code to allow this applicant to proceed as an exception to the zoning that exists, Dean Deiderich, Department of Community Development, stated that the Development Code could be amended for a future consideration; and that variance procedures are not available to the applicant today which is the reason why the applicant is utilizing the appropriate procedure to request a land use change. Mr. Deiderich then discussed the Development Agreement process and answered questions of the Board regarding the use of this procedure.

Chairman Galloway stated that although he is very concerned with the density in the area, a Senior Residence would be less of an impact, and Commissioner Bond concurred although she is very concerned with the traffic on El Rancho Drive.

Mr. Smith stated that with regard to the tentative map application, his staff has spent over four months developing this plan and several years attempting to identify the best use for the property; that they have been working with the Braxton family Trust as the property owners; that it is in escrow to be purchased upon approval of the project from the Braxtons; that the project is hinging on the Senior Care project which is why they brought the entire project to the County as a package; that they have no intent on changing this project in anyway; and that they have been working very diligently with Washoe County Senior Services to see if this could help fill a need for senior housing.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the of Comprehensive Plan Amendment Case No. CPA98-SN-1 (Sierra Pointe Senior Residences), be approved subject to the following findings:

FINDINGS

1. The proposed amendment is in substantial compliance with the policies and action programs of the Comprehensive Plan. The amendment conforms to policies LUT.1, SUN.2.1, POP.1.3, AND psf.1.13.
2. The proposed amendment to the Sun Valley Area Plan will provide for land uses compatible with existing and planned land uses

surrounding the site (LUT.1.3, LUT.1.14 and will not adversely impact the public health, safety or welfare.

3. The proposed amendment 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 (C.4.1. C.4.3).

4. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guide 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.

5. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Sun Valley 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 with the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearing.

99-38 SPECIAL USE PERMIT CASE NO. SPB8-18-98 - OUT OF HARM'S WAY CAT SANCTUARY - APPEAL

5:00 p.m. This was the time set in a Notice of Public Hearing mailed to concerned property owners to consider the appeal of applicant/property owner Alan & Samantha Glen/Heather Martini from the denial of their application to develop and operate a cat sanctuary (defined as a commercial kennel in Section 110.304.25[c][1] of the Washoe County Development Code) for up to 200 cats on three parcels totaling 15.28 acres.

The property is located at 4785 Franktown Road and is designated Medium Density Rural (MDR) and General Rural (GR) in the South Valleys Area Plan. The parcels are situated in portions of Sections 3 & 10, T16N, R19E, MDM, Washoe County, Nevada.

Chairman Galloway advised that numerous correspondence and faxes have been received regarding this issue including various submittals from representatives on both sides of the issue.

Mike Boster, Department of Community Development, utilized the overhead projector to locate the proposed site for the cat sanctuary explaining that the structures that will house the animals will include a garage, a guest house and an existing barn; and that two other structures located adjacent to the home will serve as quarantine areas for the cats when they are first taken into the facility.

In response to a request at yesterday's caucus, Mr. Boster displayed a large map depicting locations of the buildings on the property and advised that representatives from the District Health Department were present to answer questions regarding health issues; that a question was raised as to whether a condition could be imposed limiting the operators of the facility to non-profit organizations; that they were informed by the District Attorney's Office that they could not impose such a condition as this is a land use decision and can only impose operational conditions to address concerns on the site; that cats coming into the facility will be healthy cats examined by a qualified Veterinarian; and that the owners may be too ill to care for them or have passed away and have stipulated that the cats be cared for in this sanctuary; and that the status of the owner cannot be a consideration as a special use permit is tied to the land rather the owner as well as any conditions which would be tied to the land. Mr. Boster then placed a Corporate Charter on file with the Clerk.

Madelyn Shipman, Assistant District Attorney, stated that the commercial kennel use was the closest use to the proposed cat sanctuary determined by the Zoning Administrator and determined by statute and pursuant to code; that the special use permit could be conditioned that no use beyond the conditioned use would be allowed; that the applicant is required to obtain a commercial

kennel permit as a result of the use; and that the Board could use permit process to mitigate any conditions that might be appropriate such as a caveat that there be no retail sales, etc.

Chairman Galloway opened the public hearing by calling on anyone wishing to speak.

Mike Alonzo, attorney with the firm of Jones, Vargas introduced his client and applicant Samantha Glen.

Melissa Lindell, CFA, Inc., representing applicant, described the site and structures proposed to house the cats and the proximity of other homes to the sanctuary. Mr. Alonzo advised that the cat sanctuary was never intended to be a commercial kennel; that this is a cat sanctuary and not a commercial kennel and to defuse allegations made by the opposition, he would welcome conditions that would disallow this from being a commercial enterprise; that they do not intend on having any commercial animal breeding which could be conditioned; and that these will not be boarding kennels in the traditional sense. Mr. Alonzo then described the operation of the cat sanctuary and stated that allegations made by Thomas Hall, who relied on correspondence from Rex Williams, Chairman, Board of Adjustment, alleging that Mrs. Glen was intending on charging \$5,000 per cat to enter the sanctuary were untrue.

Mr. Alonzo then addressed correspondence received from George Gillemot who stated that the reason he did not purchase 75 acres in the area was due to the proposed sanctuary, stating that he has purchased 300 acres down the road which contains in excess of 150 registered cows which could be considered a commercial venture; and that with respect to allegations made by Mr. Hall that property values would decline, this issue was addressed by a certified real estate appraiser who determined there was no way to ascertain whether or not surrounding property values would be affected. Mr. Alonzo stated that this property is in bankruptcy; that it is a distressed property; that the Glens are paying \$3,000,000 for the property which is being designed by renowned architect Peter Wilday; that the Development Code allows this use; and that no one will know the operation exists as it will not be open to the public.

Samantha Glen, applicant, stated that her dream is to create a quiet, loving, peaceful "old age" home for cats; that she intends to be good neighbor; and that she has no intentions of negatively impacting the standard of living in the area. Ms. Glen stated that the idea of establishing a cat sanctuary interested her after she visited a similar facility located in Connecticut which is the only facility of its kind in the country.

Thomas Hall, 4000 Old Ranch Road, representing George Gillemot, property owner adjacent to the site, stated that he previously served on the Washoe Valley CAB for ten years. Mr. Hall reviewed a map depicting Mr. Gillemot's property which was placed on file with the Clerk, explaining that he has acquired property for a private cattle ranch east of the subject property; that he canceled a pending escrow from the Martini family after learning of the proposed sanctuary; and that his cattle will be grazing downstream from the subject use.

Mr. Hall discussed the necessary findings that the Board must meet to grant the special use permit stating that in his opinion and that of his client, none of the findings can be met as the application and proposed use are not in compliance with the South Valleys Area Plan; that there are inadequate improvements; that Franktown Creek which flows year around is located only a few feet from the cat site; that the barn is located in the 100-year floodplain; that the site is unsuitable for the proposed use; and that the issuance of the special use permit would be detrimental to the public health, safety and welfare. Mr. Hall further advised that a potential health threat would be imposed to Mr. Gillemot's cattle; that property values will decrease; and that the cat sanctuary is not appropriate in West Washoe Valley on Franktown Road. Mr. Hall stated that the cat sanctuary would be attracting animals from all over country; that the use is not restricted to only healthy cats; that the application indicates that this will be a commercial kennel; that animals will be left to the facility through wills and other special arrangements of fostering and holding for emergency rescue purposes; that operating revenue for the sanctuary would be derived from charitable donations or bequests; that the proposed managers are not animal people but rather schooled in money raising; and that clients will be solicited through attorneys and certified public accountants.

Mr. Hall concluded by stating that the record is incomplete as Mr. Williams alleges to have received from the applicant's representatives, a Trust Agreement for the Samantha Glen revocable Trust, a Water Study, a newspaper article from the Reno

Gazette-Journal, and a marketing brochure indicating a \$5,000 feeper cat requirement for entrance into the sanctuary.

Mr. Alonzo clarified that he would not have allowed the Trust document to be part of the public record; that Mr. Williams, contrary to what he was allowed to do pursuant to the Development Code, pursued financial issues and made inquiries about the Trust; that Mr. Williams was never in possession of the Trust document; that it was simply stated that Mrs. Glen had established a trust for operating expenses; and that he has never seen a marketing brochure.

Madelyn Shipman, Assistant District Attorney, stated that the Board should have the same information that had been presented to the Board of Adjustment; that there appears to be question as to what was actually presented to the Board of Adjustment; that she had a conversation with Mr. Hall regarding this matter, and unless he is attempting to present this information for purposes of credibility, this would not be a critical point for the Board in rendering a decision; and that financial issues would be irrelevant with regard to the foundation or the establishment of the foundation unless the Board can find by virtue of Mr. Hall's testimony that credibility issues have been raised in terms of different representations that have been made.

Mr. Hall referred to a transcript from Mr. Williams dated December 3, 1998 which stated "I have read your Trust Fund and it does not indicate how funds are going to be determined for animals," indicating that at one point, Mr. Williams had the document which was not part of the record today; and that he is pursuing credibility issues as well as the commercial endeavor which he calculates to be as follows: a \$5,000 bequeathment by the owners to the non-profit organization x 200 cats = \$1,000,000.00.

Mr. Hall then discussed correspondence received from William Kvasnicka, D.V.M., University of Nevada, School of Veterinary Medicine, regarding the potential animal health and public health threats that may be linked to the cat sanctuary who concluded, that it would impose a threat to the health of cattle located downstream from the site; that cat feces and urine could potentially enter existing streams and expose cattle to pathogenic diseases.

Chairman Galloway stated that agricultural ventures also generate income; that this is in a rural land use which allows for a kennel; and that he would like to know why Mr. Gillemot's ranch is not located in a general commercial area.

Mr. Hall stated that the reason that this clause was put in the South Valleys Area Plan was due to intrusion into the Valley of people who do not reside there and the reason why there is an accumulation of commercial in old Washoe City that serve constituents in the Valley; that the problem in this case is that customers would be drawn from outside the valley and across the nation to do business; that this is a slice of a commercial enterprise; and that although it might be a limited use, it is still commercial and falls under what the South Valley Area Plan determines to be "trade".

Commissioner Bond stated that then there would be an assumption that a purebred Hereford cattle ranch would not attract buyers from outside of Washoe Valley; and that there would be no showings or breeding activities. Mr. Hall responded stating that they developed the South Valleys Area Plan in consideration to the uses in the valley which are predominately cattle ranching.

Commissioner Sferrazza requested to see documentation from Mr. Hall, and Ms. Shipman advised it was irrelevant to this item as it had to do with the Franktown Equestrian center.

Mr. Hall stated that the reason he submitted this documentation regarding the Equestrian Center is to prove that this was a private use expanded to a commercial use and would have been violated had the citizens not appealed the expansion and stopped the application, noting that there are no kennel uses that are commercial.

George Gillemot, 4814 Old U.S. Highway 395, stated that he has a cattle ranch operation; that he opposes the special use permit citing concerns regarding the health and welfare of his cattle and aquifers feeding into domestic wells, explaining that all of the water passing through this area goes directly onto his property and is transmitted through ditches for irrigation of the pastures and for watering the cattle; and that cattle and horses have been raised in Washoe Valley since 1850; and that a special use permit is not required for his operation which is intended to be a commercial venture.

Commissioner Sferrazza requested clarification from Mr. Gillemot regarding the difference between cat feces and cow manure and Mr. Gillemot stated that in his experience, cattle do not infect each other; and that his primary concern is cat pathogens affecting

his cattle.

The following individuals spoke in opposition to the special use permit and the proposed cat sanctuary offering the following objections: the necessary findings could not be made; the special use permit is inconsistent with the South Valleys Area Plan; land values would be negatively impacted; the possibility of pathogens leaching into Franktown Creek and endangering grazing cattle; this would become a commercial operation; the sanctuary would attract other predators; other predators would endanger the lives of residents, their children, family pets and livestock; credibility issues, precedent setting; and that the site is located in an area subject to flooding. The Franktown Equestrian Center and Lighting W Golf Course Restaurant were cited as commercial facilities without input from the community causing concerns about a use other than what was originally intended. Some concern regarding cat incompatibility within the facility after they have been bequeathed by their clients was expressed.

Deborah Sheltra

Richard Mason

Sharon Burke

Charles Spann

Pam Murphy

Terry Burke

Joseph Thomas

Pat & Greg Joss

Ed Foster

Jane Countryman

Jeff Houk

Janice Bauer

Harvey Schwartz

Mary Le Friant

Shannon & Barbara Engstrom

Susan Asher, Executive Director, Nevada Humane Society, referred to her letter dated January 12, 1999 which was placed on file with the Clerk, stating that she supports the cat sanctuary as she feels she has expertise in this area since the Humane Society has handled over 54,000 cats since 1980 and is very knowledgeable in the area of disinfectants, cleaning procedures and handling, in an effort to promote a safe and sterile environment; that she supports this due to the stringent measures that Mrs. Glen has put into place for introducing a cat into her sanctuary; that a two-week quarantine period is quite adequate; that the Nevada Humane Society does not have a disease problem; that they have not negatively impacted the safety and health of the community surrounding the facility; that they are located one block from the Truckee River; and that Mrs. Glen is proposing to feed the cats indoors which would eliminate the possibility of attracting mice and eliminating the possibility of hanta virus.

The following individuals spoke in support of the Special Use Permit stating that they did not believe their properties would be negatively impacted by the cat sanctuary; that the character assassination of Mrs. Glen by Washoe Valley residents was totally unwarranted; that rural lifestyles would not be negatively impacted; and that this would be a first-class operation evidenced by the amount of money the applicant is expending on the project including a \$3,000,000 renovation of the site.

Vickie Sherwood

Norman & Donna Higo

John Christensen

Nancy Fennel

Tim Nasonei

Bob Rusk

William Molini, Retiree, Nevada Division of Wildlife, stated that it is his belief that the cat sanctuary would not attract other wildlife such as mountain lions and bears to the area.

Dr. Debra Bruce, D.V.M. and Epidemiologist, Washoe County District Health Department, stated that she has been investigating

outbreaks of communicable disease in humans since 1988 in the State of Nevada and Washoe County; that although a lot of concerns have been raised regarding disease potential, she believes as long as the facility is managed and feces is picked up daily, she does not see a problem with the facility; that urine is sterile and does not contain bacteria or virus; and that she believes this would not pose a threat to contamination of water sources.

Dan Ariaz, Washoe County Vector Control Coordinator, District Health Department, stated that they would request Animal Control to perform the inspections of the facility as this is their area of expertise; that he would suggest quarterly inspections the first year with semi-annual inspections thereafter; that the waste would be handled in prescribed manners that would comply with solid waste regulations; that he has been working with all diseases in Washoe County for many years, and while it was noted that cats can contact the plague, he does not see a problem as the cats will be indoor cats; that he is more concerned about bats as 25% of the bat population in Washoe County are rabid; and that he would suggest the applicant have a plan whereby bats could be physically screened out of the area in order to make the facility "batproof".

Peg Schopper, District Health Solid Waste Management, stated that Mrs. Glen's plan must include the proper disposal of all manure and solid waste from the facility, the proper removal and disposal of any animal that may die at the facility, and the proper disposal of food containers made into waste.

Katie Stevens, Reno Animal Control, stated that there are no requirements that would limit the number of cats in the unincorporated areas of Washoe County; and that Animal Control would not have a problem conducting the inspections.

Dr. Don Long, Veterinarian, spoke in support of the sanctuary advising that in general, cats carry very few diseases that are transmittable to cattle and individuals; that his primary function, should the facility be approved, would be to oversee the public health, zoonoses, quarantine, vaccinations, wellness programs and physical exams which would be performed on site; that he would serve on an on-call basis; that every prospective cat coming into the facility would be examined and placed in quarantine; and that Interstate Health Certificates are required for cats coming from other states and are required to indicate that the cats are free from contagious and infectious diseases.

Mr. Alonzo concluded his presentation by stating that with regard to the number of cats the applicant proposes to have, Mrs. Glenn could have 200 cats as her own pets without going through this process but elected instead, not to go "through the back door" and do this legally; and that he has never introduced a brochure or the trust document as alluded to in previous testimony.

In conclusion, Mr. Hall stated that William Kvasnicka, D.V.M. made a point that these cats would be coming in from around the nation; that zoonoses of the feline are often insidious and lack detectable signs in carrier animals before signs develop or definitive diagnostic results are received. Mr. Hall stated that he has reviewed Mr. Boster's file and previously read a document that was the "guts" of this deal which is not present this evening; and that the South Valleys Area Plan prohibits this type of trade area.

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

Commissioner Sferrazza stated that he could not support the appeal as it is his belief that the special use permit violates the South Valleys Area Plan.

Commissioner Shaw stated that since the applicant's representative has indicated his willingness to condition all concerns expressed in previous testimony regarding the possibility of this becoming a commercial kennel, he would support the special use permit based on testimony from representatives from the District Health Department and Dr. Long as well as others.

Mr. Boster then distributed excerpts from the South Valleys Area Plan and Mr. Deiderich answered questions of the Board regarding zoning.

Commissioner Bond stated that she does not support the applicants desire to take in a "few" dogs, if necessary, as this would set a precedent and is not what this application is about.

Commissioner Short stated that he would support the special use permit although he would like to stipulate that the applicant be prohibited from breeding, selling, buying and trading cats; that he would like to see impervious material placed in any location where the cats would be outside to allow daily sanitation as well as any necessary health precautions to protect the water supply in the area, and a limitation on the number of cats that enter the sanctuary per year.

Mrs. Glen stated that she would agree to limit the number of cats per year.

Chairman Galloway stated that he does not believe that the special use permit violates the South Valleys Area Plan; and that he would uphold the appeal with the caveat that no breeding activities or cat sales take place on the site; that a Vector Control Plan be in place; and that the barn renovation include a 100-year floodplain design.

Commissioner Bond stated that she would request quarterly inspections of the facility for the first year with semi-annual inspections thereafter as well as a condition to address bat and squirrel control.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Galloway ordered that the appeal of Special Use Permit Case No. SPB8-18-98 for Out of Harm's Way Cat Sanctuary be upheld and the decision of the Board of Adjustment be overturned subject to the following findings and conditions:

FINDINGS

1. That the site is physically suitable for a cat sanctuary with adequate infrastructure to support intensity use.
2. That issuance of the permit will not be detrimental to the public health, safety or welfare: injurious to the property or improvements of the adjacent properties, or detrimental to the character of the surrounding area;
3. That no policies exist in contravention with the policies, action programs, standards and maps of the Comprehensive Plan and the South Valleys Area Plan.
4. That granting of the request will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Medium Density Rural (MDR) and General Rural (GR) land use designations.
5. That the Board of County Commissioners gave reasoned consideration to the information contained with the staff report and information received during the public hearing.

CONDITIONS

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall be responsible for determining compliance with this condition.

2. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.

3. The applicant shall obtain a Washoe County Business License prior to any operation of the facility. Compliance with this condition shall be determined by the Department of Community Development.

4. Prior to issuance of a business license, the applicant shall submit a letter from an animal control agency acceptable to the Board of Adjustment indicating that the facility is suitable to be operated as a cat sanctuary.

5. The applicant shall submit a solid and liquid waste plan and a vector control plan acceptable to the District Health Department prior to the issuance of a business license.

6. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Community Development staff to review conditions of approval prior to the final sale of the site and/or the special use permit.

Any subsequent purchaser/operator of the site and/or the special use permit shall notify the development review staff of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

7. Secure exterior animal enclosures shall be constructed prior to acceptance of animals at the facility. These structures shall be connected to all buildings allowing egress of animals. Materials used shall be of sufficient durability to ensure the security of the enclosure. No animal housed at the sanctuary shall be allowed outside of either these enclosures or the buildings used in conjunction with the sanctuary.

8. The applicant shall appropriate water rights. The subject application will identify the existing domestic well as the point of diversion and will identify the manner of use as "Commercial and Domestic." The quantity of water applied shall be 1,800 gallons per day as provided in the NRS and the place of use shall include the applicants residence and the areas to be used by the sanctuary.

9. No signs or additional lighting shall be placed on the property that would be visible from Franktown Road or State Route 429. Compliance with this condition shall be determined by the Department of Community Development.

10. All animal food must be sealed and stored inside a secure structure. Feedings shall be supervised and all uneaten food must be disposed of in a secure container.

11. The facility shall not be open to the public for tours or similar visitation.

12. A maximum of 200 cats, accepted at a rate of no more than 40 per year, may be housed at the sanctuary. Any increase to this amount will require an amendment to the special use permit. No dogs shall be allowed as a part of this operation.

13. Site plans for all improvements related to the facility shall be reviewed and approved by the Design Review Committee.

14. The applicant shall arrange to have the facility inspected by the District Health Department on a regular basis.

15. Three evergreen trees (species to be determined by the applicant) shall be planted immediately to the east of the wire mesh enclosure attached to the south side of the barn. Two of the trees shall be at least 7-feet in height and one shall be at least 5-feet in height. These trees shall be planted immediately after construction of the wire mesh enclosure. Compliance with this condition shall be determined by the Department of Community Development.

16. During the first year of operation, the facility shall be inspected quarterly by Washoe County Animal Control. Inspections shall be performed on a twice-yearly basis thereafter. Contact Washoe County Animal Control to arrange inspection dates and times.

17. The operation of the facility shall not include sales, breeding or temporary boarding of cats.

18. Impervious surfaces shall be provided at all outdoor locations accessible to cats. The applicant shall work with Washoe County Animal Control and/or the Nevada Humane Society to determine the most suitable material to be used.

19. Buildings associated with the cat sanctuary shall comply with the provisions of Article 416 of the Washoe County Development Code relating to flood hazards. Compliance with this condition shall be determined by the Engineering Division.

99-39 BLACK ROCK DESERT - DRAFT ENVIRONMENTAL IMPACT STATEMENT - REVIEW

Bill Whitney, Department of Community Development, reviewed revised draft correspondence to Gerald Moritz, EIS Project Manager, Bureau of Land Management. regarding this issue.

In response to Commissioner Bond's inquiry at yesterday's caucus regarding proposed restrictions on events on the Black Rock Desert, Mr. Whitney stated that in the proposed action, the Burning Man event would be limited to 10,000 participants.

Chairman Galloway requested that the following language be incorporated into the correspondence: "to request that the BLM keep in mind that there are economic consequences to Washoe County in limiting uses and user population in the Black Rock Desert; and that they not be more restrictive than necessary to protect the environment and management of their area."

Following discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the agenda memorandum be accepted as outlined by staff; and that Chairman Galloway be directed to sign correspondence to be forwarded to the Winnemucca Field Office of the Bureau of Land Management incorporating language referenced above.

99-40 RENO CITY MANAGER'S LETTER CONCERNING COUNTY ANNEXATION & LEGISLATIVE PROPOSALS

County Manager Katy Simon read a letter into the record from City Manager Charles McNeely regarding Washoe County's legislative bill drafts relating to annexation and reviewed discussion held at yesterday's caucus regarding this item.

Chairman Galloway advised that Mr. McNeely's letter overstates what occurred at the joint meeting on September 1, 1998; that there was never an assurance that they agreed to forward bill draft requests to the Regional Governing Board; however, that they did agree to revisit the legislative agenda which was accomplished at yesterday's caucus.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that Chairman Galloway and County Manager Katy Simon draft correspondence to Charles McNeely, Reno City Manager, regarding this issue; and that Commissioner Bond present same to the Regional Governing Board.

COMMISSIONERS' /MANAGER'S COMMENTS

Chairman Galloway expressed a desire to amend the Development Code regarding land use and densities in an effort to ensure that proposed projects are carried out as proposed.

Commissioner Sferrazza requested a future agenda item to discuss limiting individuals to a fifteen minute time frame per side for public hearings.

Commissioner Shaw stated that he would like to schedule a retreat for the purpose of obtaining unity on the Board.

There being no further business to come before the Board, the meeting adjourned at 12:00 a.m. Wednesday, January 13, 1999.

JIM GALLOWAY, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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