

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

TUESDAY

2:00 P.M.

NOVEMBER 28, 2000

PRESENT:

**Ted Short, Chairman**  
**Jim Shaw, Vice Chairman**  
**Joanne Bond, Commissioner**  
**Jim Galloway, Commissioner**  
**Pete Sferrazza, Commissioner**

**Katy Singlaub, County Manager**  
**Madelyn Shipman, Assistant District Attorney**  
**Amy Harvey, County Clerk**

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 County Clerk called the roll and the Board conducted the following business:

**00-1130      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Short ordered that the agenda for the November 28, 2000 meeting be approved with the following amendments: **Delete** Item 6F5, an agreement with Smith Design Group regarding a remodel project at the Incline Village Library; **Correct** the figure in the agenda memorandum for Item 6G, expenditures from District 5 Special Funding Account, to reflect the correct amount of \$600.00 for the estimated costs of printing the Grandparents Raising Grandchildren Resource Guide.

**PUBLIC COMMENTS**

Patricia Puchert, South Hills resident, expressed her concerns regarding Suzie's Adult Bookstore and placed written information on file with the Clerk.

Ike Eichbaum, South Hills resident, read a letter into the record, which was placed on file with the Clerk, regarding his and his neighbors' concerns about Suzie's Adult Bookstore and the proposed USPS cargo operations at the Reno Airport.

Al Hesson, area resident, discussed the purchase of Sierra Pacific's water business by the combined governments. He also expressed a concern about the darkened Pioneer Inn and urged that some outdoor lights be turned on to prevent muggings, purse snatchings, etc.

Sam Dehne, local resident, expressed concern about actions of the Airport Authority, Reno City Council, and the Reno-Sparks Convention and Visitor's Authority.

Will Brown, Spanish Springs resident, reported the Desert Research Institute recently released the results of a study concerning air pollution in this area which determined that a major factor is dust. He stated the biggest causes of dust are the sand used on the roads and the developers who clear all the vegetation off their entire project long before it is necessary. Mr. Brown urged the Commission to take steps to correct these problems.

Commissioner Sferrazza asked if Item 15, Commissioners' Comments, could be moved up on the agenda, now if possible, and certainly on future agendas, in order for the Board to request additional information or provide direction to staff regarding the concerns expressed by the citizens. There was no opposition from the other Board members to this change.

### **COMMISSIONERS'/MANAGER'S COMMENTS**

Commissioner Sferrazza requested a County representative attend the December 7<sup>th</sup> meeting concerning the USPS Postal Hub Environmental Impact Statement to express the Board's concerns. Chairman Short advised he is planning to attend that meeting and suggested Commissioner Sferrazza also attend.

Commissioner Sferrazza also requested reconsideration of the ordinance governing adult entertainment businesses be scheduled on an agenda as soon as possible.

Commissioner Galloway requested General Services staff examine the feasibility of lighting at the Pioneer Inn to make the area safer.

Commissioner Galloway reported he recently sent a letter to Senator Reid concerning the proposed protection of the Black Rock Desert under an NCA designation. He advised the bill has still not passed Congress, and it is now in a rider proposed to be attached to an appropriations bill relating to labor matters. His letter asked that this legislation not be attached to this bill and requested a meeting with Senator Reid.

Commissioner Shaw reported that at the District Health Board meeting he asked the Division Director of Air Quality to look into removing the sand that is placed on the roads after a snowstorm. He also requested staff look into the vegetation issue brought up by Mr. Brown. Katy Singlaub, County Manager, stated she would also ask the Roads Division to provide a report to the Board concerning sanding the roads.

Commissioner Bond suggested putting together a plan to address the unpaved roads, which would help to reduce the dust.

Commissioner Bond stated she has been contacted by members of the billboard industry asking the County to consider allowing the billboard currently located

on the Pioneer Inn property to remain until such time as something is done with the property.

Chairman Short requested a future agenda item to discuss what should be done with property owned by the County on ArrowCreek Parkway (APN 4931222).

Commissioner Bond requested information on the status of the sewer line in the Boomtown vicinity.

**00-1131      ACCEPTANCE OF DONATIONS – EMERGENCY SHELTER CARE – SOCIAL SERVICES**

Alice LeDesma, Supervisor, Child Care Services, acknowledged the following donations made to the emergency shelter care program:

Cash Donations

\$11.10 from Norma Wohlt  
\$15 from Marjorie Tavernia  
\$25 from Anna Lou Tullis in memory of Sally Harrison  
\$25 from Mr. and Mrs. Doug Faulconer in memory of Sally Harrison  
\$50 from Carole Horan  
\$305 from the Brotherhood Motorcycle Club, Complete Millwork Services and American Made  
\$397.50 from A and H Insurance, Inc.  
\$400 from Kiwanis Club of Reno on behalf of Don Lucas  
\$877 from the following individuals, many of whom are County employees, from the annual Kids Kottage Art Auction:

<i>Adams &amp; Associates</i>	<i>Alcantar, Shirley</i>	<i>Arnold, Melody</i>
<i>Baker, Kristy</i>	<i>Bascom, Jennifer</i>	<i>Basterrechea, Rosie</i>
<i>Botello, Adriana</i>	<i>Enlow, Norm</i>	<i>George, Patty</i>
<i>Gibbons, Sharon</i>	<i>Gilbert, Dena</i>	<i>Gorden, Michael</i>
<i>Huddleston, Beccie</i>	<i>Hughes, Carol</i>	<i>Humke, Kerstin</i>
<i>Iori, Rich</i>	<i>Jarolimek, Hayley</i>	<i>Knapp, Peggy</i>
<i>Koss, Ralph</i>	<i>LeDesma, Alice</i>	<i>Martinelli, Ellen</i>
<i>Mercer, Owen</i>	<i>Moffitt, Susan</i>	<i>Moore, Stacey</i>
<i>Myers, Kathy</i>	<i>Negron, Dena</i>	<i>O'Grady, Lisa</i>
<i>Roberson, Frank</i>	<i>Rockholt, Christine</i>	<i>Santos, Valerie</i>
<i>Sappenfield, Misty</i>	<i>Sharkey, Betty</i>	<i>Wells, Bert</i>
<i>Wilson, Pat</i>	<i>Zunino, Tiffany</i>	

Chairman Short presented certificates of appreciation to Rick Furton, Brotherhood Motorcycle Club, Andy Fleming, Complete Millwork Services, and Colinda Larsen, American Made, and thanked everyone for their help and support.

Mr. Furton explained how their annual toy run started and stated they do this every year because they love children.

The Board expressed its gratitude and accepted the donations.

### **MINUTES**

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the minutes of the regular meeting of October 24, 2000, be approved.

#### **00-1132      WAIVER – ALCOHOLIC BEVERAGES – SPARKS SENIOR CENTER – SPOON FAMILY**

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the prohibition of serving alcoholic beverages be waived for the Spoon family celebration at the Sparks Senior Services Center on December 9, 2000, from 8:00 p.m. to midnight. It was noted the event is a 50<sup>th</sup> birthday party where wine and beer will be served to approximately 80 family members and friends.

#### **00-1133      BUDGET TRANSFER – JUVENILE SERVICES – FACILITY SITE VISITS**

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that the following budget adjustments be approved for staff to participate in site visits of several juvenile facilities:

DECREASE: 9204152-7879 - \$6,000 (Juvenile Services Facility: Engineering/Design)

INCREASE: 9204152-7620 - \$6,000 (Juvenile Services Facility: Travel)

#### **00-1134      FY 00/01 PURCHASE ORDER – DESERT RESEARCH INSTITUTE – NOX EMISSIONS – AIR QUALITY MANAGEMENT PROGRAM**

Commissioner Galloway requested this study include a component to address how much of the nitrous emissions from automobiles, or NOx, is converted to nitrates that can be used by plant life. Katy Singlaub, County Manager, stated she would find out whether that is within the scope of work and, if not, what the additional cost would be to include it.

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that a purchase order in the amount of \$30,000 for fiscal year 2000/01 to the Board of Regents, University and Community College System of Nevada, Desert Research Institute, Division of Atmospheric Sciences, be approved. It was

noted this is a grant funded project for the preparation of a technical report evaluating the fate of NOx and precursor species emissions in Washoe County based on models and simulations conducted during research.

**00-1135      ACCEPTANCE OF WAIVER AND CONSENT AND  
APPORTIONMENT REPORT – REDISTRIBUTE SAD 21  
ASSESSMENTS – 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 Galloway, which motion duly carried, it was ordered that the Affidavit of Waiver and Consent be accepted and Chairman Short be authorized to execute the Apportionment Report to redistribute Special Assessment District 21 assessments for 23 lots in Lake Hills Unit 3 Subdivision. It was further ordered that the Utility Services Division Manager be directed to record the Affidavit with the County Recorder.

**00-1136      WATER RIGHTS DEED – DGD DEVELOPMENT**

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 Galloway, which motion duly carried, it was ordered that the following actions be taken concerning Stampmill Estates:

1. The Water Rights Deed for a total combined duty of 285.60 acre-feet of groundwater rights from portions of Permits 35581 and 35582 between Washoe County as Grantor and DGD Development as Grantee be approved.
2. Chairman Short be authorized to execute the Water Rights Deed.
3. The Utility Services Division Manager be directed to record the Water Rights Deed with the Washoe County Recorder.

It was noted, these rights are being reconveyed to the developer as the remaining undeveloped lots will not be developed, and a Reversion to Acreage map has been submitted to the County.

**00-1137      WATER RIGHTS DEED AND WATER SALE AGREEMENT –  
CASAZZA RANCH ESTATES – SIERRA PACIFIC POWER  
COMPANY**

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 Galloway, which motion duly carried, it was ordered that the following actions be taken concerning Casazza Ranch Estates, Unit 6:

1. The Water Rights Deed for 0.06 acre-feet of surface water rights from a portion of Claim 294, further changed by Application 66862, between Sierra Pacific Power Company as Grantor and Washoe County as Grantee be approved.
2. The corresponding Water Sale Agreement between Sierra Pacific Power Company and Washoe County for 0.06 acre-feet of surface water rights be approved.
3. Chairman Short be authorized to execute the Water Rights Deed and the Water sale Agreement.
4. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the Washoe County Recorder.

**00-1138      AGREEMENT – DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY – FORENSIC SERVICES – SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and the State of Nevada Department of Motor Vehicles and Public Safety, concerning forensic services effective February 8, 2000 to June 30, 2001, be approved and Chairman Short be authorized to execute on behalf of Washoe County. It was noted the revenue from these services is set at \$53,618 for fiscal year 1999/00 and \$56,299 for fiscal year 2000/01.

**00-1139      AGREEMENT – SPARKS REDEVELOPMENT AGENCY – CITY OF SPARKS – JOINT PLANNING OF COURT FACILITIES**

Commissioner Sferrazza requested the possibility of creating one system of Justice Courts, all housed in one location, for the whole County also be explored.

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County, the Sparks Redevelopment Agency, and the City of Sparks, concerning joint planning of court facilities, at an estimated cost of \$20,000 for the County's portion, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

**00-1140      RENEWAL/AMENDMENT TO INTERLOCAL AGREEMENT – CITY OF RENO – KID'S KORNER – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that renewal and amendment of an interlocal agreement between Washoe County, on behalf of the Social Services Department, and the City of Reno on behalf of the Reno Police Department Kid's Korner Program, concerning assignment of a Senior Social Worker and two Senior Human Services Support Specialists to Kid's Korner.

ner effective July 1, 2000 through June 30, 2001, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

**00-1141      AGREEMENT – PACIFIC ASSOCIATION OF USA TRACK AND FIELD – JUNIOR OLYMPICS – RANCHO SAN RAFAEL**

Upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and the Pacific Association of USA Track and Field, concerning the 2000 USA Track and Field Junior Olympics Cross-Country National Championships event to be held at Rancho San Rafael Regional Park on December 9, 2000, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

**00-1142      AGREEMENT – BARADA-FUETSCH ARCHITECTS – INFORMATION COMMONS AREA – SPARKS LIBRARY**

Upon recommendation of Nancy Cummings, Library Director, and Bob Hall, County Architect, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Barada-Fuetsch, concerning design of an Information Commons area remodel project at the Sparks Branch Library at an approximate cost of \$26,506, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

**00-1143      AGREEMENT – BARADA-FUETSCH ARCHITECTS – INFORMATION COMMONS AREA – DOWNTOWN RENO LIBRARY**

Upon recommendation of Nancy Cummings, Library Director, and Bob Hall, County Architect, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an agreement between Washoe County and Barada-Fuetsch, concerning design of an Information Commons area remodel project at the Downtown Reno Library at an approximate cost of \$33,187, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

**00-1144      FIRST ADDENDUM TO LEASE – SUN VALLEY WIC CLINIC – DENNIS ANASTASSATOS – GENERAL SERVICES**

Upon recommendation of Tom Gadd, General Services Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the First Addendum to Lease between Washoe County and Dennis Anastassatos, concerning continued operation of the satellite clinic of the District Health Department's Women, Infants and Children (WIC) Program in Sun Valley for an additional 24-month period retroactive to October 1, 2000, and for such other terms and

conditions as stated therein, be approved and Chairman Short be authorized to execute on behalf of Washoe County.

**00-1145      APPROVE EXPENDITURES – RESOLUTION – COMMISSION  
DISTRICT 5 SPECIAL FUNDING ACCOUNT**

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following expenditures from County Commission District 5 (Commissioner Bond) Special Funding Account be approved:

1.      \$144.15 for the purchase of an 11X14 photograph of Orland Outland to be hung in the Senior Services Center. Mr. Outland was considered by the Center as its mentor, conscience and strength, having served on the Senior Services Advisory Board for nine years.
  
2.      Approximately \$600.00 to have Washoe County Reprographics print 80 copies of the Grandparents Raising Grandchildren Resource Guide, which will be distributed to participants of the Grandparents Raising Grandchildren Support Group which meets monthly at the Sparks Senior Center.

It was further ordered that the following resolution be adopted and Chairman Short be authorized to execute:

**RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization**

**WHEREAS**, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2000/2001, a grant of money which will provide a substantial benefit to the inhabitants of Washoe County and which is made to private, nonprofit organizations; now, therefore, be it

**RESOLVED**, by the Board of Commissioners of Washoe County that the Board hereby grants to Grandparents Raising Grandchildren, a private, nonprofit organization, a grant of in-kind support for Fiscal Year 2000/2001 in the approximate amount of \$600 for the printing by Washoe County Reprographics of 80 copies of the Grandparents Raising Grandchildren Resource Guide.



**00-1146**      **CASH TRANSFER – TAHOE REGIONAL PLANNING AGENCY  
CONSTRUCTION IMPROVEMENTS ACCOUNT (GENERAL  
FUND) TO PUBLIC WORKS CONSTRUCTION FUND**

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that a cash transfer of \$250,998.71 from the Tahoe commercial floor area and Tahoe Regional Planning Agency construction improvements accounts in the General Fund (001) to the Public Works Construction Fund (092) in order to more efficiently account for the funds be approved.

**00-1147**      **2001 FEE SCHEDULE – PARKS AND RECREATION  
DEPARTMENT**

Pursuant to discussion at Caucus, Karen Mullen, Parks and Recreation Director, stated the proposed schedule for rental of the Black Springs Park Building is being changed to match the charges for the Lemmon Valley building. Ms. Mullen also reviewed the special fees and scholarships for youth programs and stated the Department has a policy that children who do not have the fee are not turned away.

Following discussion, upon recommendation of Ms. Mullen, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that the **amended** Parks and Recreation Department fee schedule for calendar year 2001, a copy of which was placed on file with the Clerk, be approved.

**00-1148**      **PARTNERSHIP AGREEMENT – BOYS & GIRLS CLUB OF THE  
TRUCKEE MEADOWS – PARKS DEPARTMENT**

Commissioner Galloway asked whether there might be any secondary benefits to the Boys & Girls Club managing the availability of the buildings, such as more utilization of the facilities by other groups. Karen Mullen, Parks and Recreation Director, responded both the County and the Boys & Girls Club will be providing staff at the Sun Valley Teen Center, and they will be looking for dual uses at the Black Springs Community Building. Ms. Mullen advised staff has examined a similar program in Scottsdale, Arizona that they hope to model this program after. Commissioner Galloway stated the first priority should be to the immediate area, but, beyond that, the buildings should be used as much as possible for the good of the whole community.

Upon recommendation of Doug Mullens, Recreation Superintendent, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that staff be directed to proceed in the development of a Partnership Agreement with the Boys & Girls Club of the Truckee Meadows for the programming of the Sun Valley Teen Center and the Black Springs Community Building.

**2001 TRUCKEE MEADOWS REGIONAL PLAN UPDATE –  
COMMUNITY DEVELOPMENT**

Maryann DeHaven, Planner, presented a series of goals and draft policies proposed by staff for the 2001 Truckee Meadows Regional Plan Update process, including the changes made by the Board at the Caucus meeting. She advised staff will be going out to the citizen and neighborhood advisory groups for their thoughts and ideas on these goals and policies, and they plan to return to the Board after the first of the year with an analysis of the citizens' comments.

Commissioner Galloway stated he would like to add the following wording at the end of Bullet 3 under Goal #1: while preserving adequate safeguards to ensure orderly growth of cities.

Commissioner Sferrazza expressed a concern about annexations under Goal #1 stating developers may seek annexation so they can develop at a higher density, which would be contrary to the wishes of the people who live nearby. He stated annexations should only be allowed when it would not negatively impact adjacent property owners. During discussion, Board members added language to Goal #1 concerning annexation policies in an attempt to maintain compatible densities for contiguous and nearby neighborhoods.

Commissioner Galloway advised his constituents are telling him they want more land use planning in the plan and more predictability concerning when they can expect things to happen. He stated that planning is about what kinds of things go where; that governance issues are being proposed for this regional plan update; and that governance, which is about who decides what goes where, is not planning. Commissioner Galloway suggested another goal be added which states the Regional Plan Update should not deal with governance, but should deal with planning.

Katy Singlaub, County Manager, suggested adding more specificity concerning what is allowed in certain plans under Goal #6.

Commissioner Galloway suggested the Rural Reserve designation also be better defined so people will understand that if it is reserved for development, the land is potentially developable. Robert Sellman, Director, Community Development Department, stated those would be areas programmed for future development and could be worked into the plan. In response to Commissioner Bond, Mr. Sellman stated it would be a part of each jurisdictions' master plan, and in Washoe County future development is tied to the Capital Improvement Program infrastructure development. Commissioner Galloway noted the County's General Rural designation is really a Rural Reserve category, but that has never been made clear to the citizenry. He added that should be done and property should only be changed from General Rural to reserve on the 5-year cycle, which would give the people 5-years' predictability.

Commissioner Sferrazza suggested defining the densities from lowest, or least intense, to highest, or most intense use, and establishing a policy that property can only go up one step above adjacent properties. He further suggested that maximum densities within a certain time period should be established. Mr. Sellman stated language concerning transition policies could be added under Goal #2.

Commissioner Sferrazza stated more needs to be added regarding the fiscal equity concerns and offered the following wording to be included under Goal #4: To provide services in a fiscally equitable manner.

Commissioner Bond thanked staff stating this is a great beginning for the process. Commissioner Galloway stated this was one of the best discussions to date on the regional plan update, and he feels a lot was accomplished.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Short ordered that:

1. The series of goals and draft policies set forth in the attachment to the agenda memorandum, **as amended**, be adopted as Washoe County's direction for the 2001 Regional Plan Update;
2. Staff be directed to return to the citizen and neighborhood groups for discussion and input regarding the draft policies; and
3. Staff be directed to return to the Board in late January/early February for a report from the citizen and neighborhood groups and analysis of the draft policies.

**00-1150      FLOOD CONTROL FACILITY ALONG LA POSADA DRIVE – PUBLIC WORKS**

Dave Roundtree, Public Works Director, provided background information concerning the request from the City of Sparks to use/develop County-owned property along La Posada Drive as a flood control facility. He displayed maps on the overhead screen depicting the area in general and the water flow patterns for the different drainage basins. He also described the Spanish Springs dam and other current flood control facilities in the subject area. Mr. Roundtree cited the concerns of the City of Sparks and the reasons why they feel this detention facility is necessary.

Commissioner Sferrazza asked about the Cimarron development and their obligation to provide flood control facilities. Mr. Roundtree stated the conditions of approval for that project do require the Cimarron developers to take care of the drainage and flood control facilities. Commissioner Sferrazza asked what the County is obligated to do. Mr. Roundtree responded the County's obligation, as outlined in the Code, is to require detention to the extent that it does not increase the pre-development flows.

Mr. Roundtree further explained that two of the drainage basins, 15F and 15E, come together at the location of the property owned by the County. There was a requirement to construct some flood control facilities as part of the subdivision approval. A berm was constructed to direct water away from the residential lots facing Benedict Drive. This proposal is to enhance the existing flood control facility by extending the berm. Mr. Roundtree provided specifics about the size (approximately 6 feet high), length, and location of the berm, as well as proposed slopes, and stated the basin could be developed in either an intensive or passive fashion for parks and recreation use.

Mr. Roundtree then responded to questions from Board members providing more specific details and technical information. Commissioner Shaw summarized by asking if this is a situation in which something should have been done when Cimarron was developed that was not done; and, if the County does not agree to this, will Cimarron have to find another way of meeting their requirement. Mr. Roundtree stated that was correct.

Commissioner Galloway asked about the claim against the County by the City of Sparks wherein they have indicated in the past that if the County does not do something, Sparks will have to build their dam higher and they would want the County to pay for that. Mr. Roundtree stated this is a small piece of the overall regional flood control and drainage plan for the Spanish Springs valley. The City of Sparks needs to find ways to reduce their inflow. The Boneyard Flat/Spanish Springs Flood Control Project is the ultimate answer to addressing the needs for the City of Sparks.

Chairman Short asked if there have been any discussions with the City of Sparks about building the park within the basin and maintenance responsibilities for same. Mr. Roundtree stated the City is willing to assume the maintenance responsibility of the detention basin once it is built, but they have declined to construct the park facilities within the basin, and they have indicated the developer is also not willing to do so.

Karen Mullen, Parks and Recreation Director, stated the best use of the property would probably be passive because of parking limitations. The Parks Master Plan has always shown trails going through this area which connect to other trails outside the basin. Vegetation on the berm and within the basin would require an irrigation system, and development of a park facility would depend on what the Board is willing to commit to.

Chairman Short then called on the citizens who had requested to speak concerning this matter.

Richard Capurro, area resident, stated this will be a weed-infested eyesore, a dust bowl, and another mosquito breeding area. If there is no irrigation, vegetation will not be re-established, and it appears it would be a win for the developer and a loss to Washoe County and the City of Sparks.

Martin Owens stated he lives just to the north of the property and does not believe there is a need for this flood mitigation because he has never observed any flows or standing water in this area. This will not be a park, but will be a pit with nothing growing in it except cheat grass, which will be a fire hazard and will result in a devaluation of neighboring properties.

Terry Ibarra stated he has lived out there for 20 years and went through the 1986 and 1997 floods as well as numerous cloud bursts, and he has not yet needed a lifeboat. The detention basin will be nothing but a weed infested trash collecting fire hazard that no one will maintain. He stated he has heard they are planning to excavate 55,000 yards, which would be equal to 3,000 to 4,000 trucks going up and down La Posada 6 days a week.

Will Brown stated he has owned his property since 1977, and he knows where the water used to go. He watched Cimarron blade the natural channels, fill them in, and build houses on them, and he wondered how they were going to cope with the water that flows over the road. He said Cimarron has been a terrible neighbor allowing their dust to blow and ignoring everyone's complaints about the dust. A detention basin with berms will be very attractive to dirt bikes and quads. He emphasized that the Neuffer developer always told them subject property was going to be a park someday and that is what they want it to be.

Bob Tankersley stated he has never seen water in this area proposed to be a detention basin and explained where the water comes from and where it goes. The land in question is supposed to be a park, and that is what the people paid for. Sparks and the developer need to take care of their own flood problems.

Lois Avery, Spanish Springs Citizen Advisory Board member, submitted a copy of a letter written by the Washoe County Engineer on April 23, 1993, wherein Washoe County accepted the offer of dedication of the two parcels and indicated the parcels were intended for a future park site. Ms. Avery said she went out to the area after a recent storm and tried to determine where the water flows were. There were no signs of water in the two areas where staff indicates the water is coming into the basin. The only place she found rivulets was on the east side, which water would no longer be able to get into the detention pond if the berm is expanded as planned. Ms. Avery stated current plans are based on studies done before the houses were built, and where the water is coming from and going to now since so many houses have been built needs to be determined. She reported Mr. Neuffer has said this land is worth \$500,000. The Cimarron developer would get free use of this land if this proposal is approved, and if that happens, Cimarron should be required to put \$500,000 into the park.

Daniel Russ said he was one of the people who helped pay for that land, and they were assured they were going to get a park. The City of Sparks and the Bighorn developers tried to sneak this through previously, and on several occasions, the residents were not notified of meetings. Bighorn built all over their land so they could make money. Then they looked downstream, where a dam should be built, but that property

cost money. So, they looked across the road and saw “free” property. They are not offering to pay for anything or do anything that would benefit their neighbors. He also asked about the height of the berm stating he heard it was going to be 14 feet. Mr. Russ stated they do not want a big, ugly, weed-filled pit, which would be a hazard and an unattractive nuisance with the dust, the four-wheelers, and the mosquitoes.

Paul Neuffer stated he is the developer of the Sky Ranch Subdivision and the person who donated the property in question to the County. There is a detention basin on the property which takes care of all the water before the construction era. There was also a drainage system on the south side of the property from the north side of La Posada that has since been changed. Prior to Bighorn, the County specifications were all fulfilled and anything created by the subdivision at that time was taken care of. Mr. Neuffer reviewed the chain of events beginning with their offer to dedicate the property in December, 1991, the County’s acceptance of the dedication and acknowledgement that the parcels were intended for a future park site in April, 1993, and the map acceptance and recordation with “future park” written on it in August, 1993. He stressed that the land was dedicated for a park site, and the Parks Department can do what they want with it, but it was not dedicated to enhance downstream residents. It would be wrong for the County to put this on the backs of the Sky Ranch community.

Marguerite Miller stated she was angry because this hearing would not even be happening if she and two of her neighbors had not found out about this plan and appealed the decision made by the Board of Adjustment two months ago. She questioned how this got this far and urged the Board to tell Sparks to find another parcel.

Charlie Clements area resident and USDA Range Scientist, stated no one has identified a revegetation plan because they know it would fail. If two or three feet are removed and topsoil brought back in, it will be another Helms pit with nothing but cheat grass and noxious weeds. The Nevada Revised Statutes require property owners to keep noxious weeds off their property.

Maralee Quanbeck stated she received a letter from Bighorn Development in August, 1999, advising her they wanted to improve a drainage easement and requesting her to sign something so they could commence their improvements, but there was nothing included with the letter for her to sign. She called to ask them about it and learned they were ready to start building without ever talking to anybody. Many homes have been built since August, 1999, and they should have started planning their own detention pond because they knew there was opposition at that time. Ms. Quanbeck said she lives on the east side and they wanted to dig a drainage ditch 40 feet wide to the middle of her property so that 15E would drain into their pond. She stated 15E will never drain into their pond because it is on her side of her split rail fence, and it would go into the new ditch along La Posada. She further stated a real estate attorney would tell you the general rule is downhill property owners must accept the natural flow of water from an uphill property. However, if the uphill owner channels or directs the water artificially, he then becomes liable to the downhill owner for damages. She said she was afraid if any water ever did get in there and the calculations are not correct, it would back up and

flood, and she and the other uphill properties would be responsible for the damage. She stated she was also told the berm would be 14 feet in elevation, and it would be rip-rapped. Rip-rap is nothing but ugly rock that catches weeds, and horses cannot walk on rip-rap.

Art Mirchland stated nobody would even know about this if it were not for the neighbors. This mess is Cimarron's problem and it is the City of Sparks' problem, and they should not have been allowed to build until this situation was resolved.

Chairman Short noted that a petition has also been submitted expressing opposition to the proposal with approximately six and half pages of signatures of neighbors.

Commissioner Sferrazza stated there is no proposal before the Board to construct a park, revegetate the area, and maintain it. Without that, he would direct staff to say this property is not available. Neil Krutz, Engineering Services Manager for Development and Operations, City of Sparks, explained their proposal would be to have the Cimarron developer construct a detention facility, which the City of Sparks would then maintain. As a part of that, the interior of the detention facility would be revegetated, probably with natural grasses. If the Board approves this, the City of Sparks would work with County staff to come up with a suitable proposal and go back through the Board of Adjustment process.

Commissioner Bond asked if they were going to bring water to the site for any landscaping enhancements. Mr. Krutz stated they would require irrigation be done until the landscaping was established. Commissioner Bond stated she meant non-ending irrigation. Mr. Krutz stated they would not do that.

Commissioner Shaw asked if Cimarron or the City of Sparks have looked at any other sites. Mr. Krutz stated they have not. Commissioner Shaw asked if it was somewhat presumptuous to assume this property could be used for this. Mr. Krutz agreed and stated this issue should have been addressed four or five years ago.

Commissioner Galloway asked if the developer represented to the City of Sparks that they had the use of this property when their subdivision was approved. Mr. Krutz stated they did not, and Sparks was well aware this was County property. Commissioner Galloway discussed a project with berms at the Hunter Lake Reservoir and the problems they had to overcome before it was revegetated, which took four or five years.

Commissioner Bond asked if the developer was present. Mathew Mahan, Reynan & Bardis Development, stated it was his understanding from his engineers, the City of Sparks, and conversations with the Engineering Department of the County that this would solve a regional problem; and, because it is directly north of Cimarron, they would have to accommodate some of the flows.

Commissioner Galloway asked how they would accommodate the flows if the County does not make this property available to them. Mr. Mahan stated he does not have an answer for that at this time, but they are working on it with the City of Sparks.

Commissioner Shaw asked if Mr. Mahan was aware the subject property was dedicated to the County for a park site. Mr. Mahan stated he was not aware of that until they started having conversations with the neighbors.

Commissioner Galloway stated it appears there is considerable disagreement about the hydrology and where the water actually drains. Mr. Roundtree stated the hydrology study was conducted by Nimbus Engineers and has been reviewed by staff. Further, subsequent studies have been done by SEA in that area and staff concurs with the information. A discussion ensued concerning exactly what would drain into this basin.

Mr. Roundtree stated if the Board decides this is an appropriate use for this property, staff would then work with the City of Sparks to structure a special use permit application that would address the specific requirements of how this would be developed, whether there would be permanent irrigation and landscaping, whether there would be intensive or passive park use, or none at all, and what would be done about grading and dust control. All of those kinds of things would be part of a special use permit.

Commissioner Galloway and Mr. Roundtree discussed the height and width of the berm in detail.

Commissioner Bond stated she was sure this property was designated as a park at one time. She was hoping it could be utilized as a detention basin but also that it could be a well landscaped, well manicured, well maintained park facility. She said she has not heard that today and asked Ms. Mullen if there was any way, or any funding, to make this into a park.

Ms. Mullen discussed the original Parks District 2C Master Plan, which was prepared with the assistance of the people in the area. The plan shows a passive, trail kind of park on these parcels. The community parks are not located on these parcels. Ms. Mullen further stated park development, landscaping, etc., could be done with Park Construction Tax funds. Her recommendation was, if it is actually developed as a detention facility, it would be prudent to ask that the developer of the detention facility do at least part of the park facility. She stated they would want to be sure revegetation and the extension of the trail did occur, and some planning and cost estimates need to be done.

Commissioner Bond asked how the conditions of a special use permit are enforced. Mr. Roundtree stated that in this case the City of Sparks would be the applicant and the County would work with the City of Sparks. Madelyn Shipman, Assistant District Attorney, stated it would be up to the County to enforce the conditions. Mr. Round-



tree further advised that because revegetation and those kinds of things are long-term items, in many instances the County requires a performance bond from the applicant.

Commissioner Sferrazza noted this property belongs to the County. Sparks needs to lease it or get an assignment from the County to use it, and talking about a special use permit at this time is jumping way ahead. He emphasized the first thing that should have happened was for Sparks to come to the County with a detailed plan for the property for the County to even consider letting them use this land.

Commissioner Galloway stated they were told this was appealed, yet it did not come to the Commissioners as an appeal. He asked if it was appealed to the City of Sparks. Ms. Singlaub stated it did come to the Board as an appeal, but the first thing staff did was point out that the County had not yet given permission for anyone else to use this property and that needed to occur first. Commissioner Galloway concluded it was not appropriate for it to go before the Board of Adjustment yet.

Commissioner Galloway noted there is no proposal by the developer to create a park. It would take a considerable amount of money to provide permanent irrigation, permanent landscaping, build trails, access, etc., for the 12 acres. He said he would not be inclined to entertain any offer without such a proposal.

Commissioner Shaw commented that even with everyone's good intentions, this will still be an ugly pit for at least two to three years with no purpose. Ms. Mullen reiterated the park development would depend on what the Board wants to put into it. In response to Chairman Short, Ms. Mullen stated water rights would have to be purchased for landscaping irrigation.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Short ordered that staff be directed to notify the City of Sparks that the County-owned property along La Posada Drive is not available for the proposed flood control facility construction.

**00-1151      APPOINTMENT – TRUCKEE MEADOWS WATER AUTHORITY**

Commissioner Sferrazza nominated Commissioner Shaw for appointment to the Truckee Meadows Water Authority stating his reason is because this Authority represents the citizens who live within the urban areas of the County, and Commissioner Shaw represents the most urban area.

Commissioner Bond stated she would support the nomination if Chairman Short would be appointed as the alternate.

Commissioner Galloway stated he could not support the motion because the District Commissioner Shaw represents is the City of Sparks, and Sparks already has its own designated votes on the Authority. He stated it would be more appropriate for Chairman Short to be Washoe County's representative.

Commissioner Sferrazza disagreed explaining that 95 percent of the people who pay the fees live in Reno and Sparks and they need representation. The other 5 percent of the people have representation in the South Truckee Meadows General Improvement District, or some other body, and those people have protection.

Chairman Short stressed the importance of looking out for the good of the whole Truckee Meadows and looking far into the future for things like where more water will come from, conjunctive use of the water, etc. He said this can not be a Reno versus Sparks versus Washoe County situation, and there can be no competition between the entities. If the entities are successful in obtaining Sierra Pacific's water business, it will have to be run like a business.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Chairman of the Board of County Commissioners be appointed to the Truckee Meadows Water Authority, with the Vice Chairman as the alternate, and that the appointment rotate with the terms of office to provide full representation.

Commissioner Shaw pointed out that every Commissioner represents Washoe County.

**COMMISSIONER COMMENTS**

Commissioner Bond requested the Commissioner Comments item be reopened so she could request that whatever fees Ms. Miller had to pay to appeal the Board of Adjustment decision on the La Posada flood control facility be refunded.

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**5:15 p.m.**      The Board recessed.

**5:35 p.m.**      The Board reconvened with Commissioner Sferrazza absent.

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**00-1152      BILL NO. 1283 – ORDINANCE NO. 1107 – AMENDING WCC – BY EXTENDING THE SUNSET PROVISION FOR COLLECTION OF THE 911 SURCHARGE**

**5:30 p.m.**      This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on November 17, 2000, to consider second reading and adoption of Bill No. 1283. 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 Chairman Short closed the public hearing.



Truckee Meadows Regional Plan land use diagram, so a Regional Plan amendment should not be required. Proof was made that due and legal Notice had been given.

Administrative changes to the area plan are necessary to reflect the changes requested within this application, including a revised Public Services and Facilities Map, and a revised table of land use acreage.

Chairman Short opened the public hearing and called upon those wishing to speak on this matter.

Sandra Dutton, Washoe County Planner, reviewed the comprehensive plan amendment with the Board. She said the applicant is proposing individual wells and engineered septic systems to serve the future development. Currently there is no community sewer or water available for the subject site, nor has it been planned for in the Capital Improvements Program. The applicant has proposed mounded septic systems with denitrification units. A letter from the Health Department advised denitrification units would not be acceptable for new development. She said the Planning Commission denied the amendment and requested that the Board of County Commissioners uphold their denial.

Dennis Smith, Western Engineering, representing Norman Evans, said this application is for a land use change, and if approved they would come back to the Board with a tentative map, at which time it would be appropriate for the Health Department to come out to review the site. He submitted a field delineation report to identify jurisdictional waters of the United States on a portion of the Evans Ranch, conducted by CSCON of Carson City. The purpose of the delineation was to identify jurisdictional waters including wetlands that would be regulated by the Corps of Engineers for a 12-unit subdivision. Using the projection screen, he provided the Board with locations of the pits dug on the property testing the depth of groundwater. He noted their application was delayed for a year while they conducted these tests.

Chairman Short asked why, if there were 38 test holes dug, were only 2 mentioned in the application. Mr. Smith said when the application was submitted there were only 2 test holes. They later dug 36 more holes, and to this day all 38 of them are still open and dry.

Commissioner Shaw inquired if there had been opportunity for the Health Department to review this plan. Mr. Smith said yes they had, although the delineation report was not available then.

Mr. Smith responded to questions from the Board concerning the surrounding densities in the area, and explained how this piece of property could be parceled should the amendment be approved.

Doug Coulter, Senior Engineer, District Health Department, reviewed the delineation report with the Board. He advised that the standard septic system requires a

four-foot separation between the water table and the bottom of the trench. He commented that April was a little late in the year to test for groundwater.

In response to Commissioner Bond’s inquiry, Mr. Coulter advised he did not have this report at the Planning Commission hearing. He said parcel maps are not reviewed by Nevada Department of Environmental Protection (NDEP), and the Board cannot condition comprehensive plan amendments.

Chairman Short asked if some of these lots, based on the report by CSCON, would be buildable. Mr. Coulter said if the septic systems tested at higher than 2 feet, they would not be approved.

In response to Commissioner Shaw’s inquiry, Madelyn Shipman, Legal Counsel, advised the only action the Board can take tonight is to uphold the appeal or deny it. The Board cannot condition the amendment, they cannot offer direction peripheral to it, and the applicant is not required by law to come back to this Board with a tentative map.

\* \* \* \* \*  
**Howard Reynolds, Assistant County Manager, replaced Katy Singlaub,  
County Manager at 6:23 p.m.**  
\* \* \* \* \*

Commissioner Galloway questioned the boundary depth outside the wetlands. He said it looks like the test pits would not qualify around the wetlands area.

In response to Chairman Short’s inquiry, Mr. Coulter said the regulations concerning septic still refer to “original” ground surface.

Commissioner Bond questioned if the applicant would be getting anything in return if MDR is approved, because they still have to prove they can put in septic systems. Robert Sellman, Director, Community Development Department, said they would be getting a higher density.

Commissioner Galloway said this site could be parceled without going through a parcel map. Then Washoe County could be dragged into a problem similar to the one happening in Spanish Springs.

Mr. Smith said the applicant would not be coming in with a parcel map to circumvent the County code. They are requesting 12, 5-acre lots, and they would have to show on their map that each 5-acre lot is septic approved.

Ms. Shipman said when a comprehensive plan amendment and/or particular zoning is approved, they are only approving to the maximum density. They are not saying this property would necessarily allow 12 additional lots placed on it because of other characteristics that may be present. She said there is a perception that gets created with this type of zoning, and if it is not the same person following through with the de-

velopment or parceling of the property, the next person may see something different than what the Board originally approved. The way the process works is before any parcel or tentative map is approved on the property, the developer would have to show that each proposed parcel or lot can sustain a septic system.

Mr. Sellman advised that the developer does not have to show sustenance of a septic system prior to development. He cited several possibilities and noted it would not be necessary for the applicant to come before the Board in all instances.

Mr. Coulter said a test hole would have to be conducted on each parcel to show that a septic can be placed on that parcel. He said a parcel map does not require review from the NDEP, but a subdivision does.

In response to Commissioner Sferrazza's inquiry, Mr. Coulter said the Health Department designates which hole a perk test will be conducted on.

Chairman Short closed the public hearing.

Commissioner Galloway said there should be a standard level of proof that a parcel can be successfully subdivided into buildable parcels.

Ms. Dutton advised once the land use is changed to MDR, it does not just indicate a residential use would go there. It has the potential for a multitude of uses under the table of uses of the development code with or without the discretion of a special use permit, which the Planning Commission may or may not see. She will review the table of uses for clearer verification, but would like the Board to keep that in mind when making their decision.

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Short voting "no," it was ordered that the Washoe County Planning Commission's denial of Comprehensive Plan Amendment CPA99-SV-3 be upheld, based upon the following findings:

1. The proposed amendments to the South Valleys Area Plan is NOT in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendments to the South Valleys Area Plan will provide for land uses which are incompatible with existing and planned adjacent land uses and will adversely impact the public health, safety or welfare.
3. The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the South Valleys Area Plan was adopted by the Board of County Commissioners, and the requested amendment does NOT represent a more desirable utilization of land.

4. The proposed amendments to the South Valleys Area Plan will adversely affect the implementation of the policies and action programs of the Population Element, Conservation Element, and/or the Housing Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the South Valleys Area Plans does NOT promote the desired pattern for the orderly physical growth of the County. The proposed amendment does NOT 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.
6. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the South Valleys 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).
7. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
8. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

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There being no further business to come before the Board, the meeting adjourned at 6:45 p.m.

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TED SHORT, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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*Minutes prepared by:  
Sharon Gotchy and Jeraldine Magee  
Deputy County Clerks*