

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JULY 10, 2001

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

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:

01-722 WORK CARD PERMIT APPEAL – CHARLES DAVID HARVILLE

This appeal was considered on Monday, July 9, 2001, prior to the Caucus meeting, the Board having convened in open session with Chairman Shaw presiding to consider the appeal of Charles David Harville from the Sheriff's denial of his work card permit application.

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, the Board convened in closed session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed session. Also present was Maureen Thomas, Chief Records Clerk of the Permits and Registration Department of the Sheriff's Department. The Board then reconvened in open session, and the following action was taken.

Having convened in OPEN SESSION, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried with Commissioner Sferrazza voting "no", Chairman Shaw ordered that the appeal of Charles David Harville be denied.

01-723 WORK CARD PERMIT APPEAL – KIMBERLY JEAN SCHETROM

This appeal was considered on Monday, July 9, 2001, prior to the Caucus meeting, the Board having convened in open session with Chairman Shaw presiding to

consider the appeal of Kimberly Jean Schetrom from the Sheriff's denial of her work card permit application.

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, the Board convened in closed session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed session. Also present were Maureen Thomas, Chief Records Clerk of the Permits and Registration Department of the Sheriff's Department and Alice LeDesma, Supervisor, Child Care Services of the Department of Social Services. The Board then reconvened in open session, and the following action was taken.

Having convened in OPEN SESSION, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the appeal of Kimberly Jean Schetrom be granted and a work card permit issued with the condition that the appellant pass a drug test to be obtained by close of business Tuesday, July 10.

01-724 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the agenda for the July 10, 2001, meeting be approved.

PUBLIC COMMENTS

Sam Dehne, local resident, expressed his objection to the disclaimer on the SNCAT broadcast of the meeting which is displayed during the public comment period. He advised the Board of a recent Attorney General decision regarding citizens being allowed to speak on agenda items at public meetings. Mr. Dehne also discussed the problems of shopping carts all over the community and cars with loud radios.

The following County residents addressed the Board concerning the water rate increase and requested a future agenda item to discuss the matter: Cindy French, John C. Pannell, Jr., Deborah Jones, and Lori Argall. Chairman Shaw noted letters have been received by the Board from Robert and Bonita Curtis and Karen Lynn concerning water rates, and the letters were placed on file with the Clerk.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Short requested a future agenda item on the possible acquisition of the Ballardini/Gaspari Ranch and reported on a meeting he attended with the Forest Service and the Land Conservancy regarding that.

Commissioner Bond requested a future agenda item for the Board to review the recent water rate increase. She also requested staff look into a situation occur-

ring in Verdi where Mr. Ellis Jack is having problems getting permits to put in a mobile home for his parents to live in.

Commissioner Galloway requested a future agenda item regarding County regulations concerning noise and loud music, since the Governor vetoed the “boom-box” legislation. He also stated he would like the Board to have a discussion about the affordable housing money which was set aside for Incline Village/Crystal Bay now that the Tahoe Regional Planning Agency (TRPA) has defined “affordable housing.”

2:35 p.m. Commissioner Sferrazza arrived.

Chairman Shaw discussed the near drowning which occurred at Bowers Mansion pool and acknowledged the heroism of Lifeguard Justin Loncar, Pool Manager Scott Morrison, and Julie Welsh, citizen, who saved the little boy.

Chairman Shaw also thanked his fellow Board members for their hard work and efforts during the meeting with Reno City Council earlier today, stating he feels they made some historic accomplishments.

Commissioner Sferrazza reported he received a letter from Mr. Tyson requesting that the idea of using pilot cars to control trains through downtown Reno be explored, and asked that the letter be forwarded to Reno with a cover letter from the County.

2:37 p.m. Commissioner Short temporarily left the meeting and was not present when the Board voted on the Consent items.

MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that the minutes of the regular meetings of June 12 and June 19, 2001, be approved.

01-725 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 16 sexual assault victims in an amount totaling \$7,949.82 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated June 14, 2001, and placed on file with the Clerk.

01-726

**ACCEPTANCE OF JOINING FORCES GRANT – NEVADA
DEPARTMENT OF MOTOR VEHICLES – SHERIFF**

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that a grant of \$76,200, with no County match required, from Office of Traffic Safety be accepted. It was noted that the funds will be used to cover overtime costs expended for saturation patrol events, DUI checkpoints, STEP initiatives, the purchase of four Preliminary Breath Testing devices, and “buckle up” promotional information and educational material.

It was further ordered that the following revenue and expenditure budget adjustments be authorized:

FY01/02

Increase Revenue	152460G2/4301		\$76,200.00
Increase Expenditures	152460G2/7003	\$73,300.00	
	152460G2/7245	\$ 1,400.00	
	152460G2/7230	\$ 1,500.00	

01-727

**ACCEPTANCE OF ADDITIONAL GRANT FUNDS – VICTIM OF
CRIME ACT – STATE DIVISION OF CHILD AND FAMILY
SERVICES – DISTRICT ATTORNEY**

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that the District Attorney’s Office be authorized to accept additional grant funds in the amount of \$20,644 from the Victim of Crime Act through the Nevada Department of Human Resources, Division of Child and Family Services. It was noted that this increases the total grant award to \$149,644.00 and will expire on September 30, 2003; and that the additional funds will be used to contract with a pool of therapists for the Northern Nevada Child Abuse Response and Evaluations program administered through the Victim-Witness Assistance Center of the District Attorney’s office.

It was further ordered that the following account changes in the District Attorney’s budget for the term of this grant be authorized:

Account No.	Account Description	Increase Budget
Revenue: 10668G1-4301	Federal Contribution	\$20,644.00
Expenditure: 10668G1-7321	Contract Services	\$20,644.00
	Total	\$20,644.00

**01-728 APPROVE EXPENDITURE – ONE REGION – REGIONAL
COLLABORATION SUMMIT – FINANCE**

Upon recommendation of Karen Wallace, Fiscal Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that an expenditure of \$200 to One Region to assist with costs incurred at the first Regional Collaboration Summit on June 15, 2001 be approved.

**01-729 RECLASSIFY FUND TYPES – GASB STATEMENT NO. 34 –
COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that the reclassification of fund types as required for implementation of Governmental Accounting Standards Board Statement No. 34, *Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments (GASB 34)* be approved.

**01-730 EXPENDITURE AUTHORIZATION – FY2001/2002 – CHILD
PROTECTIVE SERVICES – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Director, Social Services Department, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that the expenditure of funds from Child Protective Services Account, Referral Services (7423), to benefit children and families in order to promote keeping families intact, be approved.

**01-731 REFUND OF SURPLUS ASSESSMENT FUNDS – SAD NO. 5 –
SOUTHWEST PINES – TREASURER**

Upon recommendation of Bill Berrum, Washoe County Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that, pursuant to NRS 271.429, the refund of surplus funds totaling \$95,982.14 for 81 properties in Washoe County Special Assessment District #5, Southwest Pines, be approved. It was noted that a list of the parcels and the apportionment by parcel was placed on file with the Clerk.

**01-732 APPROVE PURCHASE ORDER OVER \$25,000 – FY01/02 – AIR
QUALITY MANAGEMENT DIVISION – DISTRICT HEALTH
DEPARTMENT**

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion

duly carried with Commissioner Short absent, Chairman Shaw ordered that a purchase order in the amount of \$50,000, in pass through Federal Environmental Protection Agency grant funding, for Fiscal Year 2001/02 to subrecipient National Clean Cities, Inc., Truckee Meadows Chapter, on behalf of Washoe County Health District's Air Quality Management Program, be approved.

01-733 BUDGET AMENDMENT -FY 2001/02 – COMMUNICABLE DISEASE PROGRAM BUDGET

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that amendments to the District Health Department Fiscal Year 2001/02 Communicable Disease Program budget in the amount of \$33,476 in State funds be approved and the following account transactions be authorized:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
002-1700-1711G3-4301	Federal Contributions	\$33,476
002-1700-1711G3-7002	Part Time Salaries	\$25,255
-7042	Group Insurance	3,120
-7048	Retirement	4,735
-7050	Medicare	366
	Total Expenses	\$33,476

01-734 AGREEMENT –STOREY COUNTY – SENIOR NUTRITION PROGRAM – SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Washoe County Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, it was ordered that an Inter-local Agreement between the County of Washoe (Senior Services) and the County of Storey, concerning conducting a Senior Nutrition Program in the Rainbow Bend area of Lockwood through the Washoe County Department of Senior Services, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

01-735 AGREEMENT RENEWAL – NEVADAWORKS (aka JOIN) – FINANCE DEPARTMENT

Upon recommendation of Karen Wallace, Fiscal Analyst, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, it was ordered that the renewal agreement between the County of Washoe and NevadaWorks, concerning purchase of administrative services from Washoe County for the period July 1, 2001 through June 30, 2002, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

01-736 INTERLOCAL AGREEMENT – CITY OF RENO – JOINT CHILD ABUSE AND INVESTIGATION TEAM – SOCIAL SERVICES

Upon recommendation of Mike Capello, Director, Social Services Department, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, it was ordered that an agreement between the County of Washoe (Child Protective Services) and the City of Reno (Reno Police Department), concerning continued operation of the Joint Child Abuse and Investigation Team, effective July 1, 2001 through June 30, 2002, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

01-737 AGREEMENT – COMMITTEE TO AID ABUSED WOMEN – SOCIAL SERVICES DEPARTMENT

Upon recommendation of Mike Capello, Director, Social Services Department, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, it was ordered that the renewal agreement for fiscal year 2001/02 between the County of Washoe (Social Services) and the Committee to Aid Abused Women (CAAW), concerning services to applicants and respondents for orders of protection against domestic violence, in the amount of \$73,000, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

01-738 FORENSIC SERVICES CONTRACTS – SHERIFF

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Short absent, it was ordered that the Sheriff's Office Crime Laboratory be authorized to contract with the following 19 outside County and municipal agencies within the State of Nevada for forensic services for fiscal year 01/02 and that Chairman Shaw be authorized to execute:

Carson City Sheriff's Office	\$10,721
Churchill County Sheriff's Office	\$ 9,189
Douglas County Sheriff's Office	\$13,478
Elko County Sheriff's Office	\$ 7,258
Eureka County Sheriff's Office	\$ 1,378
Humboldt County Sheriff's Office	\$ 5,749
Lander County Sheriff's Office	\$ 3,737
Lyon County Sheriff's Office	\$20,523
Mineral County Sheriff's Office	\$ 1,302
Pershing County Sheriff's Office	\$ 4,978
Storey County Sheriff's Office	\$ 4,787
White Pine County Sheriff's Office	\$ 842
Elko Police Department	\$17,442
Fallon Police Department	\$ 6,509

Lovelock Police Department	\$ 3,140
Sparks Police Department	\$61,000
West Wendover Police Department	\$ 4,619
Winnemucca Police Department	\$ 9,036
Yerington Police Department	\$ 600

01-739 RESOLUTION OF APPRECIATION – FIREFIGHTERS

2:40 p.m. Commissioner Short returned to the meeting.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following resolution, which Chairman Shaw read into the record, be adopted and Chairman Shaw be authorized to execute on behalf of Washoe County.

RESOLUTION

WHEREAS, During the last two weeks of June, the Washoe County community was threatened by an explosive, fast moving fire in the Eastern Sierras known as the Martis fire; and

WHEREAS, Due to dry wildland conditions and high winds, the Martis fire initially spread at a rate rarely seen, burning in hours what would normally take a day or two; and

WHEREAS, A number of Washoe County communities in the areas of Incline, Galena, Mt. Rose, Verdi, Caughlin Ranch and Reno, as well as the County's Galena Creek Regional Park lay in the path of this fast-moving fire, endangering lives and property; and

WHEREAS, Firefighters and support personnel from numerous local, state and federal agencies, including volunteers and inmates, were immediately mobilized to stop the Martis Fire; and

WHEREAS, During the course of the fire approximately 3,035 fire personnel, including ground based crews, air-tankers and helicopters were put to work at an expense of over twelve million dollars; and

WHEREAS, These men and women, faced with rough terrain, heat exhaustion, dehydration, high winds and even hypothermia contained the Martis Fire at just under 15,000 acres; and

WHEREAS, Even though the fire has been contained, fire crews are committed to remaining on the scene for an extended duration, perhaps through the summer, until they are sure the hot spots are completely doused and the fire is under control; now, therefore, be it

RESOLVED, By the Washoe County Board of Commissioners, on behalf of all the residents of Washoe County, that we are indebted to the men and women fire-fighters and their numerous support agencies for their valiant effort in containing the Martis Fire and we cannot overstate our appreciation to everyone who pulled together to deal with this tremendously dangerous situation.

**01-740 RESOLUTION OF APPRECIATION – TMWA TRANSITION
MANAGEMENT TEAM**

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution, which Chairman Shaw read into the record, be adopted and Chairman Shaw be authorized to execute:

RESOLUTION

WHEREAS, Governance of our water system has an impact on community growth and the quality of life in the Truckee Meadows; and

WHEREAS, On September 7, 2000, Sierra Pacific announced its intent to sell its water division, a water supply and distribution business which served approximately 73,000 households and residents of Washoe County; and

WHEREAS, The City Councils of Reno and Sparks and the Washoe County Commission immediately recognized the importance of retaining public management over this crucial resource and unanimously directed their respective staffs to work together to formulate a joint bid to acquire the water system; and

WHEREAS, As Reno, Sparks and Washoe County officials began negotiations to acquire the water system, they formed a joint powers authority under the name of Truckee Meadows Water Authority (TMWA); and

WHEREAS, TMWA's successful bid to acquire Sierra Pacific's water company for 350 million dollars is an unprecedented financial accomplishment for local governments; and

WHEREAS, Critical to TMWA's success was the support of a Transition Management Team consisting of the City of Reno's Chief of Staff Leann McElroy, Special Assistant to the Sparks City Manager Bill Isaeff and Washoe County's Finance Director John Sherman; and

WHEREAS, Leann, Bill and John have worked countless hours over the past nine months, going above and beyond their regular duties, to ensure a successful acquisition that is sensitive and beneficial to customers and employees, achieve regulatory agency approval, and obtain revenue bond financing necessary to keep this critical resource in local ownership; now, therefore, be it

RESOLVED, By the Washoe County Board of Commissioners, on behalf of all the citizens of Washoe County, to relay our appreciation to Leann McElroy, Bill Isaeff and John Sherman for their contribution of time, talent and teamwork in supporting the successful acquisition of this crucial resource by the local public jurisdictions of Washoe County.

01-741 APPEARANCE: BARBARA HUNT, DISTRICT HEALTH OFFICER

Barbara Hunt, District Health Officer, presented an overview of the District Health Department's areas of responsibility via a PowerPoint presentation of statistics, charts and graphs. She also responded to specific questions from Board members concerning air quality problems caused by dirt roads and the sand used for de-icing roads, and the increase in TB cases.

01-742 CHANGE AUTHORIZED POSITIONS – COMMUNITY AND CLINICAL HEALTH SERVICES – DISTRICT HEALTH DEPARTMENT

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the following changes in two authorized positions in the Community and Clinical Health Services (CCHS) be approved and that the Human Resources Department be directed to make the necessary changes:

1. PC #160: decrease a full time Office Assistant II position to a part time 21 hours/week position with benefits; and
2. PC #210: increase a part time 21 hours/week Office Assistant II position to a full time 40 hours/week position.

01-743 RESOLUTION – INTERFUND LOAN – PUBLIC WORKS CONSTRUCTION FUND TO SPECIAL ASSESSMENT DISTRICT NO. 30 (ANTELOPE VALLEY ROAD)

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

RESOLUTION

A RESOLUTION AUTHORIZING AN INTERFUND LOAN - PUBLIC WORKS
CONSTRUCTION FUND (092) TO THE SPECIAL ASSESSMENT DISTRICT NO. 30

WHEREAS, the Public Works Construction Fund (092) has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$1,500,000 without adversely affecting its cash need; and

WHEREAS, Special Assessment District No. 30 has been designated to account for the design and construction of the Antelope Valley Road construction project and is in need of a short-term loan to cover interim expenditures associated with the paving of Antelope Valley Road prior to obtaining financing; and

WHEREAS, the short-term cash loan will not in any way have an adverse or deleterious effect upon the Public Works Construction Fund (092); and

WHEREAS, the Special Assessment District Fund will be seeking a longer term financing source that will be sufficient to repay the short-term interfund loan.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE
OF NEVADA:**

Section 1. The County Comptroller is hereby directed to transfer amounts as needed, up to \$1,500,000 from the Public Works Construction Fund (092) to the Special Assessment District No. 30 to cover interim expenditures prior to obtaining financing.

Section 2. The cash interfund transaction for this loan is as follows:

Fund 092 - Public Works Construction Fund:	Debit:	Credit:
Due from SAD No. 30 (092-135992)	\$1,500,000	
Cash (092-1001)		\$1,500,000
Fund 059925 -Special Assessment District No. 30:		
Due to Public Works Construction Fund (059925-2692)		\$1,500,000
Cash (059925-1001)	\$1,500,000	

Section 3. Appropriation authority with the Special Assessment District will be augmented to provide the necessary expenditure authority.

Section 4. The interfund loan is nonrenewable and must be repaid within twelve months following the month in which the loan is made.

Section 5. There shall be interest on this interfund loan at an annual rate of 6.0%, calculated from the date(s) the advances are made.

Section 6. This resolution shall be effective upon passage and approval.

Section 7. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, and the Finance Department.

01-744 APPOINTMENT - LIBRARY BOARD OF TRUSTEES

On motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Kenneth Rohrs be appointed to the Library Board of Trustees with a term to expire on June 30, 2005.

Commissioner Sferrazza stated, in the future, he would like to see the representation balanced more proportionately.

01-745 APPOINTMENT - PARKS AND RECREATION COMMISSION

At caucus, Commissioner Sferrazza had requested information concerning how the Parks Commission districts conform to the Commissioner districts. Karen Mullen, Parks and Recreation Director, explained the Parks districts are drawn according to the planning districts; there are nine districts, which overlap the Commission districts; and there is one at-large representative. Commissioner Sferrazza stated he wanted to know which Commission district each member represented. Ms. Mullen displayed a map depicting the Parks districts and explained which Parks Commissioners were in Commissioner Sferrazza's Commission district. Commissioner Sferrazza stated the Parks Commission is unbalanced having more representation in the unincorporated areas and those boundaries should match the County Commission districts with two representatives from each. He requested an item on the next agenda to reconstitute the Parks districts. Commissioner Galloway noted they will be changing the Commission district boundaries.

On motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Shaw ordered that Lissa Davis, Leanne Vonarx, Tom Lean, and Mary Hansen be appointed to the Parks and Recreation Commission with terms expiring June 30, 2005.

Commissioner Sferrazza stated his opposition is an expression of his dissatisfaction with the process, not the individuals.

01-746 APPOINTMENT - REGIONAL WATER PLANNING COMMISSION

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Michael DeMartini (voting

member) and Charlie Donohue (alternate) be reappointed to the Regional Water Planning Commission with the term to expire June 30, 2004.

01-747 APPOINTMENT - SENIOR SERVICES ADVISORY BOARD

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Martha Rugg be appointed to the Washoe County Senior Services Advisory Board with a term to expire July 1, 2005.

01-748 AWARD OF BID – TANAGER STREET PEDESTRIAN PATH, INCLINE VILLAGE – PWP-WA-2001-292 – PUBLIC WORKS

This was the time set to award the bid, Notice to Contractors having been published in the Reno Gazette-Journal on January 17, 24, and 31, 2001, for the Tanager Street Pedestrian Path, Incline Village, project (#PWP-WA-2001-292) on behalf of the Public Works Department. Proof was made that due and legal Notice had been given.

Following is a summary of the bid results:

Gradex Construction	\$187,855.00
Granite Construction	\$244,442.00

Commissioner Galloway reviewed background information concerning problems that have plagued this project, the most recent being the coverage requirement by the Tahoe Regional Planning Agency (TRPA). He stated he has had discussions with the Incline Village General Improvement District (IVGID), who has coverage available; and IVGID has agreed to ask their Board whether they would be willing to transfer the needed coverage to Washoe County. He also advised that the next IVGID board meeting is July 25th.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that staff be directed to draft a conveyance for IVGID approval which would allow Washoe County use of IVGID coverage for a period of three and a half years, after which time any coverage not used for this project would return to IVGID; and that award of the contract for the Tanager Street Pedestrian Path be continued to the July 24th meeting and will be contingent on IVGID approving the conveyance of coverage to Washoe County.

01-749 AWARD OF BID – TELECOMMUNICATIONS BUILDING PROJECT – PWP-WA-2001-671 – PUBLIC WORKS

This was the time set to award the bid, Notice to Contractors having been published in the Reno Gazette-Journal on June 6, 7, 13, and 14, 2001, for the Telecommunications Building project for the Regional Dispatch and Emergency Operations Center (#PWP-WA-2001-671) on behalf of the Public Works Department. Proof was made that due and legal Notice had been given.

Following is a summary of the bid results:

Q & D Construction	\$1,249,111.00
Northern Sierra Construction	\$1,348,684.00
United Construction	\$1,325,000.00

Upon recommendation of Keith McAninch, Licensed Engineer, through Rodney Savini, Capital Projects Division Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the contract for the Telecommunications Building project, PWP-WA-2001-671, be awarded to the low, responsive, responsible bidder, Q & D Construction, Inc., in the amount of \$1,249,111.00, and that Chairman Shaw be authorized to execute the contract documents upon presentation.

01-750 AWARD OF BID – PLEASANT VALLEY PARK PROJECT –
PWP-WA-2001-689 – PUBLIC WORKS

This was the time set to award the bid, Notice to Contractors having been published in the Reno Gazette-Journal on June 13, and 20, 2001, for the Pleasant Valley Park project (#PWP-WA-2001-689) on behalf of the Public Works Department. Proof was made that due and legal Notice had been given.

Following is a summary of the bid results:

Gradex Construction	\$239,097.55
Garden Shop Nursery	\$281,750.00
MKD Construction, Inc.	\$423,000.00

Upon recommendation of Anthony McMillen, P.E., through Rodney Savini, Capital Projects Division Manager, on motion by Commissioner Short, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the contract for the Pleasant Valley Park project (PWP-WA-2001-689) be awarded to the low, responsive, responsible bidder, Gradex Construction Company, Inc., in the amount of \$239,097.55 for the base bid plus add alternates 1 through 3, for a drinking fountain, sanihut enclosure and exercise equipment, and that Chairman Shaw be authorized to execute the contract documents upon receipt.

01-751 COLD SPRINGS COMMUNITY BUILDING – PUBLIC WORKS
AND

01-752 AWARD OF BID – COLD SPRINGS PARK SEWER
IMPROVEMENTS – PUBLIC WORKS

Katy Singlaub, County Manager, advised these items are being continued to the July 24, 2001 meeting, as staff is still working on the location of the building.

Kelly Probasco, Secretary-Treasurer, Cold Springs Citizen Advisory Board, stated the CAB is grateful the Board has agreed to continue this item so they will have time to examine a possible relocation of the community building from where it is presently located on the plans. He advised the next CAB meeting is July 16th and they have the location of the building on that agenda as an action item.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that approval of the location of the Cold Springs Community Building and awarding the bid for the Cold Springs Park sewer improvements be continued to the meeting of July 24, 2001.

01-753 FAIRVIEW BOULEVARD/COUNTRY CLUB DRIVE – WATER QUALITY MITIGATION PROJECT – PUBLIC WORKS

Upon recommendation of Kimble Corbridge, P.E., Engineering Division, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, it was ordered that the following actions be taken concerning the Fairview Boulevard/Country Club Drive Water Quality Improvement Project:

1. Staff be authorized to request up to \$100,000 from Washoe County Tahoe Regional Planning Agency Water Quality Mitigation Funds (\$30,000 from Bitterbrush Settlement; \$70,000 from Water Quality) for redesign and construction of changes made to the project;
2. The Washoe County Public Works Director be authorized to execute the amendment to request 75% funding (up to \$300,000) from the Nevada Tahoe Bond Act;
3. The Chairman be authorized to approve and accept the grant funds from the Nevada Tahoe Bond Act when received; and,
4. The Washoe County Public Works Director's authority to execute any additional agreements for engineering services for the project (as approved by Resolution at the June 20, 2000 Commission Meeting) be reconfirmed.

01-754 PURCHASE OF PROPERTY FOR THE JAN EVANS JUVENILE JUSTICE FACILITY – PUBLIC WORKS

Commissioner Sferrazza moved to approve the purchase of 11.98± acres located northeast of Parr Boulevard and southeast of the proposed Ferrari - McCleod Boulevard (a portion of Assessor's Parcel No. 035-013-07) for the Jan Evans Juvenile Justice Facility contingent on the City of Reno approving the project and issuing all the necessary approvals and permits. Commissioner Bond seconded the motion.

Paul Lipparelli, Deputy District Attorney, advised staff does want to alert the Board about a concern regarding the road around the project. He stated the City of Reno is considering a condition of the special use permit requiring that the entire road be constructed, but the County's needs are only for about half of the road. He further stated the developer is committed to building the entire road and will leave funds in escrow to secure his promise to build the County's portion of the road. Mr. Lipparelli stated there is also a requirement that the developer build a water detention facility in conjunction with the rest of the commercial property for which the County has no financial security, but staff does believe there are sufficient incentives for the developer to fulfill the requirements.

Commissioner Sferrazza stated that is not sufficient and the County should hold enough in escrow to ensure that the road is built.

Mr. Lipparelli further stated the agreement does have a provision that all governmental approvals for the project are obtained before the deal is final.

Chairman Shaw asked if the suggestion for holding sufficient funds in escrow to be sure the road and the detention basin are completed could be added to Commissioner Sferrazza's motion. Mr. Lipparelli stated staff tried to get security for all of this, but the property owner reached a point where it was not financially feasible. He said staff will go back to the owner and express the Board's direction. Commissioner Sferrazza asked if the owner and the developer are the same and was told they are.

Dave Roundtree, Public Works Director, advised the improvements not covered by the County's surety are not left completely uncovered because the owner/developer has posted a bond with the City of Reno. Staff's concern is that is not an obligation to the County.

Commissioner Galloway expressed that imposing a condition on the County's special use permit requiring the entire "ring" road to be built is an onerous condition, and he would like the City to remove it, and any other onerous conditions. He asked that removal of all onerous conditions that might place the County at undue risk be added to the motion.

Commissioner Sferrazza stated he would change his motion to be that purchase of the subject property is approved contingent upon the City of Reno either removing those conditions or that Washoe County be indemnified and covered 100 percent either through security, holding funds in escrow, or some other means satisfactory to the City Attorney's Office and the District Attorney's Office, which would ensure that the County is protected; and that escrow be closed after all zoning and approvals are received. Commissioner Galloway asked if that motion allows the property to be used as security. Commissioner Sferrazza indicated it could. Commissioner Short seconded the motion. Chairman Shaw called for a vote on the motion, and it carried unanimously.

01-755 THREE-YEAR AUDIT SCHEDULE – INTERNAL AUDIT

Commissioner Sferrazza requested an audit of all third party and outside contracts and all overtime expenditures. He stated he understands that is being done by department, but he would also like to have the cumulative totals.

Upon recommendation of Gary Goelitz, Senior Internal Auditor, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that:

1. The risk assessment methodology proposed by the Internal Audit Division to identify priorities for performance and financial audits be approved.
2. Inclusion of the Public Works Department, Parks and Recreation Department, the Sheriff's Office and a County cash collection audit within the three-year audit schedule be approved.

01-756 EVANS CREEK (BLOCK N) FLOOD CONTROL PROJECT — WATER RESOURCES

Commissioner Sferrazza suggested the Board put a motion on the table considering the controversy concerning a flood control project for Evans Creek so that the public comments could be made with respect to the motion. He offered the following as a motion: The County no longer supports construction of the Evans Creek Dam as currently proposed, and staff be directed to proceed with an extensive analysis of other flood control alternatives. Commissioner Galloway seconded the motion.

Commissioner Short clarified that the motion would not preclude a series of smaller dams at other locations. Commissioner Sferrazza stated the only thing he is precluding is the big dam currently proposed.

Chairman Shaw then called on the people who had requested to speak.

Karen Kotke and Thomas Serink, Washoe Vista Homeowners Association, expressed their appreciation to the Board for their willingness and openness in exploring other alternatives, and stated the proposed dam would be very close to their home.

Patti Bakker, Calusa Lane resident, stated the people opposed to the dam are not saying that some attenuation is not needed in the canyon, but are saying they disagree with how much and how to provide that attenuation.

Mary Winston, Truckee Meadows Trails Association, stated they believe the proposed cure for the occasional flooding would cause more damage than the flooding itself.

Robert Rose, Copper Creek Court resident and member of Friends of Rancho San Rafael, stated some mitigation for the flash flooding is needed, but the proposed dam would really adversely impact the park; and he hopes another solution can be found.

Brian Whalen, Facilities Management, University of Nevada, read a letter into the record concerning the damage suffered by UNR during the 1986 flood and urged the Board to accept the recommendation of the Regional Water Planning Commission.

Bryan Tyre, Washoe-Storey Conservation District, stated the WSCD has been a sponsor of the plan since its inception, and he pledged their cooperation and assistance in working with everyone to examine other alternatives.

Alice Moy, Evans Creek Property Owners Group, urged the Board to support the currently proposed project as the logical, practical and economically viable solution to an undeniable life, safety, and property damage threat.

Fred Atcheson, Evans Avenue property owner, described prior floods of Evans Creek and stated as development continues up the hill, the flooding potential increases impacting all downstream properties, including the University.

John Gwaltney, Tarn Way resident, expressed his support for the proposed motion and stated rational people can sit down and come up with a reasonable solution.

George Ball, Regional Water Planning Commission, stated he would only reiterate the comments he made during the workshop held at yesterday's caucus meeting.

Chairman Shaw noted the Board has received a letter from Tregg Jackson representing the West University Neighborhood Advisory Board indicating the NAB is very interested in facilitating a solution to this flood control issue in a public process.

Commissioner Sferrazza disclosed that he has met with the people who are opposed to the current dam site; that he has observed the area; and that he was one of the original signers on the agreement, but over the years he has changed his mind because of the size of the dam and the impact it will have on nearby residents. He further disclosed that he has also had discussions with Mr. Atcheson and the downstream properties do need to be protected. Commissioner Sferrazza said there are other alternatives that need to be explored.

Commissioner Galloway agreed that other alternatives need to be examined and future development is a valid concern, which must also be considered. He suggested any future development above the area that would contribute to runoff should be required to maintain their runoff on site.

Chairman Shaw thanked everyone for their input at both this meeting and the workshop. Commissioner Short thanked the RWPC for all their hard work and stated

the Board does accept their hydrology report. Commissioner Sferrazza agreed and stated he does not think anyone disputes the hydrology report.

Chairman Shaw then called for a vote on the motion, which carried unanimously; and it was ordered that:

1. The County no longer supports construction of the Evans Creek Dam as currently proposed; and
2. Staff be directed to proceed with an extensive analysis of other flood control alternatives for Evans Creek.

**01-757 RESOLUTION AND INTERLOCAL AGREEMENT – RENO,
SPARKS AND WASHOE COUNTY – TOILET RETROFIT
PROGRAM – REGIONAL WATER PLANNING COMMISSION**

Upon recommendation of the Regional Water Planning Commission, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Resolution to enter into an Agreement between Reno, Sparks and Washoe County, regarding contribution of funds for the toilet rebate retrofit program, be adopted and Chairman Shaw be authorized to execute. It was further ordered that the Interlocal Agreement with the City of Reno and the City of Sparks for toilet rebate contributions from the Truckee Meadows Water Reclamation Facility be approved and Chairman Shaw be authorized to execute.

RESOLUTION

**RESOLUTION TO ENTER INTO AGREEMENT BETWEEN RENO,
SPARKS AND THE COUNTY OF WASHOE REGARDING
CONTRIBUTION OF FUNDS FOR THE TOILET RETROFIT PROGRAM**

WHEREAS, pursuant to NRS 277 et seq., Washoe County desires to enter into an agreement for the purpose of supporting the Regional Water Planning Commission toilet retrofit rebate program, whereby the Cities of Reno and Sparks will pay up to the sum of \$17.00 per toilet commencing in January of fiscal year 2001/2002. A copy of the Agreement was placed on file with the Clerk; and

WHEREAS, the Cities of Reno and Sparks and Washoe County are entering into this Agreement as a cooperative effort to benefit the Cities of Reno and Sparks and Washoe County, to assist in the conservation of water by contributing funds for the toilet retrofit rebate program.

NOW, THEREFORE, BE IT RESOLVED that the Agreement, incorporated herein by reference, the terms of which are hereby approved, upon execution of all parties, shall operate as the governing agreement for Washoe County.

[Business Impact Note: The Board of County Commissioners hereby finds that this resolution does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

01-758 DISCUSSION/DIRECTION – REGIONAL PLAN UPDATE AND VERDI ANNEXATION PROPOSAL – COMMUNITY DEVELOPMENT

Eric Young, Planner, Advanced Planning Program, reviewed the highlights of the comprehensive staff report concerning the Verdi annexation proposal and its impact on the Regional Plan Update process. In summary, it is staff's conclusion that: 1) the City of Reno has not negotiated this issue in good faith; 2) the future of regional planning in this region is in jeopardy when one entity decides to ignore the rules established by all entities in order to pursue a unilateral agenda; and 3) the need for good, comprehensive planning for the region has never been greater.

Commissioner Sferrazza asked if staff has had a chance to review the compromise proposal discussed between Reno Mayor Jeff Griffin and Commissioner Bond. Mr. Young stated staff has not yet heard the details of the proposal.

Commissioner Bond apologized for not yet having anything in writing to present to staff and her fellow Board members concerning her meeting with Mayor Griffin and stated she will try to get that done. She stated it is her belief that Reno found itself in a less than win-win situation and felt they had been maneuvered into it by developers. She was contacted and asked to try to work out some sort of compromise. She then provided the following as a brief overview of her discussions with the Mayor:

- The first item of compromise was continuation of the second reading and adoption of the annexation ordinance by Reno.
- The second compromise was that the City of Reno would agree to build the sewer interceptor to the Boomtown area.
- The Reno City Code states a property is automatically annexed into the city limits if it receives city sewer; and she received some assurances from Mayor Griffin that he would try to see if there was any appetite at City Council to amend that ordinance so that, in the future, communities near a sewer line facing health issues because of nitrates (septics) could connect without being annexed into the City of Reno.
- Reno would not annex any of the residential area in the original 3,000± acres. The residential area would remain in the County, and under County purview, with the same densities already designated by the County for those areas. The area that would be annexed would be approximately 500 acres, primarily involving Boomtown and some of the industrial-commercial area surrounding Boomtown. That area would go into the sphere of influence through a regional plan amendment and then be annexed. Commissioner Short asked whether it would be the 1996 or the 2001 regional plan that would be amended. Commissioner Bond stated that is something that still needs to be decided.

- Another item is there would be an ability to acquire a considerable amount of open space.
- There was agreement that a legal definition is needed for this process.

She stated she really feels that Reno has had a “change of heart” in this matter and has realized what a terrible atrocity this would be to regional planning.

Commissioner Galloway stated he is glad that it appears Reno might go back and do this correctly by proposing a sphere amendment before the Regional Planning Commission. He added if Reno followed proper procedures, there would be no need for such agreement, and until Reno does go through the proper, legal, methods the County Commission should oppose.

Commissioner Sferrazza stated his concern is for the City of Reno sewer ratepayers because they will be subsidizing delivery of sewer service to Boomtown. He suggested the County should finish putting together the grant funds for this sewer interceptor and contract it to Reno if they want to build it, but it should not be paid out of the current operating fees of the sewer or any monies paid by current users. Commissioner Bond stated that was discussed briefly; that developers will have to pay hookup fees; and that the County was going to establish a Special Assessment District in the Verdi area to extend the interceptor. Commissioner Sferrazza stated he does not want to lose those federal funds. Commissioner Bond stated that was the City’s concern also. Commissioner Galloway said the fact that the developers had not yet put up the money was what kept the County from signing the agreement previously.

Katy Singlaub, County Manager, stated whether it is the 1996 or 2001 plan that should be amended is a major issue. Mr. Young stated an item for discussion at the next Regional Planning Governing Board meeting is whether there should be a concurrent process whereby the 1996 amendment process would be reopened to allow amendments to the 1996 plan concurrent with the 2001 update in case the update is not completed by November. This idea was brought forth by some of the members of the Regional Planning Commission, and County staff and the Regional Planning Agency staff are opposed to the idea. Ms. Singlaub stated they have also heard this is not the end of these kinds of proposals, which is another reason they should be part of the update. Mr. Young stated deciding where the sphere of influence should be and how much land is needed for commercial/industrial development has to be part of the update process.

Madelyn Shipman, Assistant District Attorney, expressed her concern about discussing an agreement or a compromise when there has not been a process to reach a definitive outcome. She reported the outcome of the meeting yesterday on the legal issues was that there was agreement that under a special provision of the Nevada Revised Statutes the parties agreed to go to court as co-petitioners to seek an answer to the question as to whether there is some exception in the law for Washoe County for this type of annexation. Ms. Shipman further stated the property owners seeking the annexation are the real wildcard in this and, in the Board’s direction to staff, she would like to have authorization for the District Attorney to take any appropriate action which may be

necessary in the event something else occurs before the Board has an opportunity to discuss this again.

Commissioner Short brought up other matters to be considered such as the other commercial/industrial properties in Verdi and that the area is in the Nevada Division of Forestry's fire coverage area.

Commissioner Sferrazza said the only thing he would be willing to do at this time is to tell the City of Reno that the County agrees it would be good for them not to have their second reading and the County would agree not to sue them if they do not have that second reading. He said he would also like to authorize the District Attorney to take appropriate legal action if Reno does proceed with the second reading.

Chairman Shaw then called on individuals who had requested to speak concerning this item.

Tom Murphy and Stan Fincham, Advanced Environmental Systems, stated their company specializes in wastewater treatment processes, cited Nevada Revised Statutes requirements concerning changing wastewater systems and their belief that the law has not been followed in this instance, and advised that their company has six U.S. patents on the most advanced secondary treatment process.

Chris Ketring, NDF Firefighters Association Local 3895, representing the members of the local, stated the members are concerned that, if this annexation occurs, there will be a duplication of fire services in the area and a loss of revenue could lead to reduced staffing levels and layoffs.

Dana Uhlhorn, Northwest Reno Neighborhood Advisory Board, advised that the NAB strongly recommended against approving the annexation. He stated that besides finding out who is going to pay for putting the sewer in, they would also like to know who is going to pay for the maintenance.

Chairman Shaw noted the letter received from Verdi resident Dee Ann Radcliffe expressing her opposition to the annexation. Commissioner Galloway noted the fax he received from Brian Kelly raised several legal questions concerning the proposed annexation. Both letters were placed on file with the Clerk.

Commissioner Galloway stated he believes staff should be given direction that the Board does not support a concurrent amendment process for the regional plan update.

Mr. Young reviewed the options available for Board action as outlined in staff's agenda memorandum, noting that staff believes options 5 and 6 are the best course of action and that those actions are already occurring. Option 5 was that the entities (Reno, Sparks and Washoe County) get together in a facilitated retreat to work on major points of conflict and attempt to re-establish trust and good faith, and it appears that proc-

ess started with the joint meeting between the Board and the Reno City Council this morning. Option 6 was that TMRPA (Truckee Meadows Regional Planning Agency) staff complete the regional plan update by writing the remaining goals and policies and offering some guidelines and methods to get to adoption, which is something that TMRPA has already undertaken on its own.

Ms. Singlaub disclosed that she lives in the Belli Ranch area.

In regard to the 2001 Regional Plan Update, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that options 5 and 6, as outlined in staff's agenda memorandum, be endorsed and staff be directed to proceed accordingly; and that staff be advised that the Board does not agree with the proposed concurrent amendment/update process for the 1996 regional plan and staff be directed to so inform TMRPA staff.

In regard to Reno's proposed annexation of portions of the Verdi area, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that staff be directed:

1. To advise the City of Reno that the County Commissioners request that they continue, indefinitely, the second reading of their ordinance providing for the annexation, until this matter can be resolved; and, in return, the County will forego filing litigation;
2. That if the property owners or any other persons file litigation, or if the City chooses to proceed forward with an unlawful process, the District Attorney's office is authorized to file any necessary litigation to protect the interests of Washoe County and the residents of Verdi;
3. That the County does not want to encourage litigation and would participate in a process with the City of Reno to obtain a legal determination.

**01-759 SECOND AMENDMENT TO INTERLOCAL AGREEMENT -
STATE OF NEVADA DEPARTMENT OF HUMAN RESOURCES -
INTEGRATED PERMANENCY PLANNING PROJECT - SOCIAL
SERVICES**

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the County Manager's signature approving the content of the Second Amendment to the Interlocal Agreement between Washoe County for and on behalf of the Social Services Department and the State of Nevada Department of Human Resources, concerning continuation of the Integrated Permanency Planning Project regarding out-of-home placement for children through June 30, 2002 or until an agreement is entered into pursuant to Sections 72, 73 and 135 of AB 1 of the 17th

Special Session of the Nevada Legislature (whichever occurs first), be ratified, and Chairman Shaw be authorized to execute the Interlocal Agreement.

**01-760 PROFESSIONAL SERVICES AGREEMENT – DRUG/ALCOHOL
REHABILITATION SERVICES – ADULT DRUG COURT –
CHOICES GROUP, INC. - DISTRICT COURT**

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, it was ordered that the professional services agreement for drug/alcohol rehabilitation services of the Washoe County Adult Drug Court in a not-to-exceed amount of \$335,031 for the contract period July 1, 2001 to June 30, 2003, be approved, and Chairman Shaw be authorized to execute.

**01-761 OPEN SPACE DEDICATION – GALENA TERRACE SUB-
DIVISION – LEWIS HOMES/KAUFMAN AND BROAD –
REDFIELD TRUST – PARKS**

Karen Mullen, Director, Department of Parks and Recreation, advised that in 1995 the Board of County Commissioners conditionally accepted the offer of dedication from Lewis Homes/Kaufman and Broad for the open space located within the Galena Terrace Subdivision, and all conditions have now been met to the satisfaction of the Parks and Recreation Department.

Upon inquiry of Commissioner Sferrazza, Ms. Mullen advised that the County requested disclosure and was told that no hazardous materials were dumped at the pit site, but an actual Environmental Assessment (EA) was not done. Commissioner Sferrazza said he would like to have assurance that there is no environmental hazard on the property. Commissioner Galloway commented that it is common practice for a buyer of commercial property to conduct an assessment with the purchase being contingent on the results. Commissioner Sferrazza said he would want an EA to be a condition of acceptance, and would not have a problem with the County paying for it.

Commissioner Short commented that this is a borrow pit and he cannot imagine any environmental problem with the property. The developer will revegetate the pit and he does not know what else could be done. Commissioner Bond noted that the County accepted dedication in 1995 and this open space acceptance would conclude the process.

Commissioner Bond moved that staff's recommendation to accept the open space be approved without any requirement for an EA. Commissioner Short seconded the motion.

Commissioner Sferrazza amended the motion to accept the open space and staff's recommendations, subject to an EA. Commissioner Galloway seconded the motion.

Gigi Chisel, representing Kaufman and Broad, provided historical information concerning the pit site and tentative map approval in 1994. She advised that a portion of the site is located in the water parcel and suggested that the Water Resources Department may have conducted an EA before the water tank was installed.

Chairman Shaw asked for a vote on the motion to amend the original motion. Commissioners Sferrazza, Galloway, and Shaw voted "aye" and Commissioners Bond and Short voted "no."

On call for the question on the amended motion made by Commissioner Sferrazza and seconded by Commissioner Galloway, Commissioner Bond voted "no," and Chairman Shaw ordered that the open space property totaling approximately 400 acres, as described on the deed concerning same, consisting of four parcels comprised of one ±386-acre parcel from the Redfield Trust and three smaller lots of ±9.5, and ±5.0 and ±.10 acres from Lewis Homes/Kaufman & Broad be accepted, subject to an Environmental Assessment being conducted unless an EA has already been done by the Water Resources Department.

It was further ordered that the Parks Department be authorized to record the deeds once the Department of Water Resources records the parcel map located within the Redfield parcel and accepts the deed; that \$1,500 from Kaufman and Broad to be used by Parks and Recreation to revegetate portions of the former borrow pit located on the ±386-acre Redfield parcel be accepted; and that the following account transactions be authorized:

Increase fiscal 01-02 revenue budget account 1401D-5802 \$1,500 (Parks Donations)

Increase fiscal 01-02 expenditure budget account 1401D-7196 \$1,500 (Horticulture Supplies)

01-762 **BILL NO. 1301 –AMENDING WCC CHAPTER 25 – BUSINESS LICENSE FEES FOR PUBLIC UTILITIES**

Madelyn Shipman, Legal Counsel, advised that some minor clerical corrections would be made prior to the second reading, but they would not affect the substance of the ordinance. Katy Singlaub, County Manager, noted there was an inaccuracy in a recent newspaper article about this item, and cable fees are not part of the ordinance.

Bill No. 1301, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING BUSINESS LICENSE FEES FOR PUBLIC UTILITIES PROVIDING ELECTRIC ENERGY SERVICE AND PUBLIC UTILITIES PROVIDING TELECOMMUNICATION SERVICE AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

(Note reconsideration below)

Later in the meeting, Commissioner Galloway advised that he had intended to bring forth a matter for consideration regarding this ordinance. He requested that this item be reconsidered.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that this item be reconsidered.

Commissioner Galloway said this fee represents a surcharge and the public paying this tax might want to get something out of it. He believes that funding for undergrounding existing utilities is seriously lacking and would propose that 40% of the revenues from this franchise fee be dedicated for underground utilities. This would not need to be limited to the unincorporated areas and does not have to conflict with the fiscal equity issue.

Commissioner Galloway moved that staff be directed to draft ordinance language that 40% of the fees collected be reserved for the purpose of undergrounding existing above-ground utilities.

Katy Singlaub, County Manager, noted that the full fee amount has already been included in the budget adopted this year. Commissioner Galloway said he would want the reserve funds to be permanently set aside; and that the reserve could start next fiscal year.

Lori Burke, area resident, spoke in support of the designation of 40% of the collected amount to bury some existing unsightly or unsafe overhead power lines. She noted this mechanism has worked successfully in other communities and states.

Linda Galli, Sierra Pacific Power Company, advised they would be pleased to assist the County with this matter. She noted telephone and cable facilities are located on many utility poles and a portion of the fees should be earmarked for undergrounding those facilities. Commissioner Galloway said his intent would be that anything included in the ordinance could be undergrounded.

Bill No. 1301, as *amended* to include language to designate a portion of the revenues from business license fees for public utilities providing electric energy service and telecommunication services to be placed in an account to be used for undergrounding existing utility lines, was introduced by Commissioner Sferrazza and legal notice for final action of adoption directed.

**01-763 BUSINESS IMPACT STATEMENT - BUSINESS LICENSE FEES -
PUBLIC UTILITIES PROVIDING ELECTRIC ENERGY AND
TELECOMMUNICATION SERVICE**

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Business Impact Statement for Busi-

ness License Fees for public utilities providing electric energy service and public utilities providing telecommunications service be approved.

6:00 p.m. **The Board recessed.**

6:20 p.m. **The Board reconvened with all present as before. Chief Deputy County Clerk Nancy Parent arrived at the meeting, and County Clerk Amy Harvey left the meeting.**

01-764 OFFICIAL COMMENTS - DRAFT ENVIRONMENTAL IMPACT STATEMENT – OIL-DRI CLAY PLANT PROJECT – COMMUNITY DEVELOPMENT

Bill Whitney, Department of Community Development, advised that the Board's comments on the accuracy and adequacy of the Draft Environmental Impact Statement (DEIS) for the Oil-Dri project will be combined with comments from the Planning Commission and submitted to the Bureau of Land Management (BLM) for consideration in the Final EIS.

Chad Giesinger, Department of Community Development, said considerable input went into the comments contained in the staff report, and the public was encouraged to submit their comments in writing to the BLM.

Commissioner Sferrazza stated he would request that the BLM demonstrate the quality of the clay deposit and the need for mining at the selected site, and all possible information to justify that the clay is locatable should be provided. He is opposed to utilizing roads used for residential areas to transport mining products and suggested a separate haul route be established that does not impact any area streets. He concurs with all of the comments contained in the Great Basin Mine Watch letter dated June 9, 2001, as well as the comments contained in the staff memorandum dated June 26, 2001 and would want those concerns addressed in the EIS. He agrees with some of the comments received from the public but not all.

Commissioner Galloway said he did not review the comments just presented by the Great Basin Mine Watch or those contained in the agenda material with the intent of endorsing everything. He does not mind acknowledging that they are valuable submittals but will not say that he concurs with everything. Commissioner Short said he has not had a chance to review the Great Basin Mine Watch document and could not say he agrees to everything contained in it.

Commissioner Bond commented that she believes Oil-Dri is trying to find an alternative route, which is a haul road across the existing Sha-Neva mining operation, and that issue should be pursued. A major concern is whether the clay deposit is a common variety or has unique characteristics. The EIS is vague on that issue and she would like more definitive information. The lab report regarding the clay characteristics should be available to the public. She is also concerned that there is no data requirement con-

cerning air quality and that recycled fuel will be burned. Commissioner Galloway added there is also a concern about particles of less than 10 microns and that issue should be addressed. He noted the EIS contains the peak model particulate matter and indicates the project will reach 109.7, which is very close to the health standard of 150 micrograms per cubic foot. This poses a serious concern. Commissioner Bond said noise levels need to be addressed. Mr. Giesinger advised that noise measurements at similar facilities have been compared against Washoe County standards, and staff does not believe the effects of cumulative noise have been addressed. Commissioner Bond questioned the validity of taking noise readings from other sites and requested more detail concerning the terrain of those sites.

Chairman Shaw opened the public hearing and called on those wishing to speak.

Arlan Melendez, Chairman, Reno-Sparks Indian Colony, advised their position is that the DEIS is very superficial. This is residential mining and will affect the North Valleys and set a precedent for what happens in the State. Air quality is a major concern and they would request that monitors be set up on the reservation in order to know what the residents will be breathing and how detrimental the project will be to their health. They are concerned about the availability of groundwater and locatability is an issue. They want to know about the residue that will be going back into the open pits.

Todd Irvine, Government Relations Coordinator, Reno-Sparks Indian Colony, expressed concerns relative to air quality and that the impact to the environment cannot be adequately assessed unless the starting point is known. Environmental justice issues are required to be identified and addressed according to Executive Order and the DEIS does not do this. Washoe County would be well advised to include this in their comments, as this is one of the fastest growing areas of environmental litigation. There are several procedural inequities, such as the Hispanic community has not received anything in the Spanish language and received only a bare minimum of notifications.

Chairman Shaw read a statement from Lloyd Eastman, area resident, expressing concerns about health problems that will be increased by the project. He then read a statement of opposition to the project from Angela Melendez, area resident.

Darlene Gardipe, area resident, said the project would defeat open space recreational areas. She expressed concerns about the constant noise that will be created by the project. The EIS is based on 20 years, but Oil-Dri has said they will be there at least 100 years. She would like to see something in writing about that issue.

Diana Crutcher Smith, area resident, said the DEIS does not accurately or adequately address concerns regarding air quality, water, traffic, sight and sound. There has been conflicting information concerning the number of jobs that will be generated and the number of trucks that will be operating. They have the right to get accurate information on these issues.

Janice Gardipe, Reno-Sparks Indian Colony, stated her opposition to the Oil-Dri Plant Project being built in the backyard of the Reno-Sparks Indian Colony in Hungry Valley. The sacred lands of her ancestors should be protected from pollution of the land, air, and water for current residents and future generations.

John Bradbury, Eagle Canyon Association, said the BLM should be good stewards of the land and all information should be provided. Residential mining should not be permitted in Nevada. He expressed concerns relative to dust and the reduction of the water table in the area.

Karel Malloy, Great Basin Mine Watch, said they believe the DEIS is grossly inadequate on many levels. It does not adequately address many concerns such as water quantity and quality, air quality, and safety concerns from tractor-trailer traffic; and does not address environmental justice and quality of life impacts to the Reno-Sparks Indian Colony and the residents of Hungry Valley and Lemmon Valley.

Karen Shrader, Spanish Springs resident, spoke in opposition to the Oil-Dri project because of noise pollution, truck traffic and dust. She does not think special kitty litter is necessary.

Chairman Shaw read statements of opposition to the Oil-Dri Project from Sam Dehne and William Coffey, as well as a statement from Marlene Coffey concerning conflicting statements from Oil-Dri regarding the number of people they will employ.

Lois Kane, area resident, expressed concern about air and water quality impacts. They would like their quality of life to continue.

Robert DeSoto-Holguin, area resident, said so much of the Native American spiritual stewardship is disappearing, and increased pollution is occurring to the sacred lands. He expressed concern about the impact on wildlife, traffic safety, and the adequacy of the scientific study.

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

Commissioner Sferrazza disclosed that he represented the Reno-Sparks Indian Colony over ten years ago, but that will not impact his vote on this issue.

Commissioner Galloway said he had a telephone conversation with a representative from Oil-Dri and raised the issue about why they have not considered accepting fill available from a flood control or similar project. He does not know what they plan to do concerning that matter and wants the issue in the EIS.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the comments contained in the staff report dated June 26, 2001, comments from the Planning Commission's July 3, 2001 meeting on

this issue, and the Board's comments given tonight in accordance with the County's status as a "cooperating agency" be incorporated into a letter to the BLM to be signed by Chairman Shaw.

* * * * *

Commissioner Short temporarily left the meeting.

**01-765 ORDINANCE NO. 1123 - BILL NO. 1300 - AMENDING WCC
CHAPTER 50 – POSSESSION OF INTOXICATING LIQUOR BY A
MINOR**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on June 29, 2001, to consider second reading and adoption of Bill No. 1300. 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 adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried with Commissioner Short absent, Chairman Shaw ordered that Ordinance No. 1123, Bill No. 1300, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING THE PROVISIONS PERTAINING TO THE POSSESSION OF INTOXICATING LIQUOR BY A MINOR AND OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

**01-766 APPEAL CASE NO. AX01-003 – VARIANCE CASE NO. VA01-004
– GERRY AND SUSAN HAYES – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing dated June 29, 2001 mailed by the Department of Community Development to area property owners to consider an appeal of the decision of the Washoe County Board of Adjustment action to deny Variance Case No. VA01-004 for Gerry and Susan Hayes to vary the required setbacks within Section 110.406.05 to reduce the front yard setback from 30 feet to 10.5 feet to facilitate the construction of a new residence. The property is located at 929 Jupiter Drive, Lot 4, Block B, Incline Village Subdivision, Unit No. 5, at the intersection of Mt. Rose Highway (SR 431) and Jupiter Drive. The ±.46-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 3, T16N, R18E, MDM, Washoe County, Nevada, within the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1 (APN: 125-422-10). Proof was made that due and legal Notice had been given.

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Commissioner Short returned to the meeting.

Eva Krause, Planner, described the site and discussed the reasons for the Board of Adjustment's denial. She explained why staff does not support the applicant's position that special circumstances relating to the property create a hardship. Ms. Krause advised that Tahoe Regional Planning Agency (TRPA) presented information this afternoon concerning their conditions requiring preservation of natural vegetation on the site whenever possible. Staff believes that moving the house back would still maintain the vegetation area relative to the stream setback zone. She then discussed comments contained in the letter from Phil Gilanfarr, the applicant's representative.

Commissioner Galloway disclosed that he met with Mr. Hayes at the site and was furnished with a map depicting the setbacks of various houses on the street. He also spoke with Tim Hagan of the Tahoe Regional Planning Agency concerning stream zone setbacks allowed in the area.

Phil Gilanfarr, Architect, representing the applicant, advised their request for a 10.6-foot setback is to accommodate the roof structure on the second floor, which would protrude over the setback line in order to cover the entry walk. The main level of the structure would be 15.6 feet from the property line. He discussed TRPA's review of the property concerning the stream environment zone (SEZ) and reviewed the special circumstances that create a hardship, being the intense TRPA standards relative to the SEZ and the difficulty in finding a location for the driveway with a cut under five feet. He referred to maps contained in the agenda material and advised that the majority of the parcels in the neighborhood have 15 to 20-foot setbacks and experience similar situations where accessibility to the site required the structure to be moved closer to the property line. He advised that they could consider a compromise to eliminate the deck overhang. Some discussion was held concerning neighbor Robert Langsfeld's objection that the proposed construction might create a visual blockage. Commissioner Galloway said he has visited the site and does not agree with that contention.

Commissioner Galloway said it appears the applicant could move the structure five or six feet back and not impact the SEZ. An engineer's estimate would have to be done to determine if that would be possible. It would be difficult to grant a variance to preserve a deck, but he could justify some variance in consideration of the stream environment. He could consider a 15.6-foot setback and the applicant would have the choice of either disposing of the deck or checking to see if the structure could be pushed back a few more feet.

Gerry Hayes, applicant, said the current design fits into the neighborhood and their variance request is not out of line for the area. They recognize TRPA's desire that they stay as far away as possible from the SEZ. He believes the slope and narrow width of the property also creates a hardship. If they cannot receive the 10.6-foot variance for the roof deck, they could go to 15 feet without having to make a drastic change to the structure.

Chairman Shaw opened the public hearing and called on those wishing to speak. There being response the public hearing was closed.

Commissioner Galloway commented that he believes moving the house back more than another five feet would affect the approval of TRPA because the structure would get too close to the stream, and, with the explanation provided by the applicant, he better understands the special circumstances relating to the driveway.

Chairman Shaw stated he would have a hard time overturning the Board of Adjustment's unanimous vote to deny the variance, because he believes they had good reasons for doing so.

Following further discussion, and having made the following findings;

1. There are special circumstances of the property that require a reduction of the setback;
2. Relief will not create a substantial detriment to the public good, or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. Granting of the variance will not constitute a granting of a privilege not shared by other properties in the vicinity or an identical regulatory zone;
4. This action does not authorize a use or activity, which is not expressly authorized in this zoning district;

on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried with Chairman Shaw voting "no," it was ordered that the denial of the Board of Adjustment be overturned and the appeal be upheld; and Variance Case No. VA01-004 for Gerry and Susan Hayes be granted for a setback of **15.6** feet from the property line, subject to the following conditions:

<p>CONDITIONS OF APPROVAL FOR VARIANCE CASE NO. VA01-004 Gerry and Susan Hayes</p>

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

GENERAL 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 VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, 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 VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONAL CONDITIONS IMPOSED BY TO THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEE ACHIEVED.

ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.

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.

SPECIFIC CONDITIONS for VARIANCE CASE NO. 01-004

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
 - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
 - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
 - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County.

The applicant shall commence and complete construction in accordance with the time periods required by said permit(s). The Department of Community Development shall determine compliance with this condition.

2. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control. Compliance with this condition shall be determined by the staff of the Department of Community Development.
3. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the Department of Community Development prior to the issuance of a building permit.
4. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
5. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.
6. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. Compliance with this condition shall be determined by the staff of the Department of Community Development.
7. Roof plans shall show a snow pole running along the roof line designed to eliminate snow slough onto the adjacent property. Compliance with this condition shall be determined by the staff of the Department of Community Development.
8. Site plan shall show an infiltration trench shall be established running along the eave line to retain all roof run-off on the applicant's property and assuring the run-off will not drain to the adjacent property. Infiltration trenches are not allowed in open space easements. Compliance with this condition shall be determined by the staff of the Department of Community Development.
9. The applicant shall complete a Washoe County encroachment permit prior to the issuance of a building permit. Compliance with this condition shall be determined by the staff of the Department of Public Works, Roads Division.

**01-767 APPEAL CASE NO AX0010-010 – COMPREHENSIVE PLAN
AMENDMENT CASE NO. CP00FO-001 – GARY SCHMIDT –
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on June 29, 2001 to consider an appeal of the decision of the Washoe County Planning Commission denial of the applicant's request to re-designate APN 48-082-05 to General Commercial and action to re-designate the applicant's parcel from Medium Density Suburban (MDS) and General Rural (GR) to Medium Density Suburban

(MDS). The recommendation would amend the Forest Area Plans, being a part of the Washoe County Comprehensive Plan. The applicant's amendment request would redesignate Assessor's Parcel Number 48-082-05 from the land use category of Medium Density Suburban (MDS) and General Rural (GR) to General Commercial (GC). The parcel considered for the land use change totals ± 0.618 acres and is located at the southwest corner of Sunridge Drive and the Mt. Rose Highway adjacent to the Reindeer Lodge in County Commission District 2. The parcels are found within the Pleasant Valley Hydrographic Basin, in Section 16, T17N, R19E, MDB&M. Proof was made that due and legal Notice had been given.

Robert Sellman, Director, Community Development, displayed a map of the subject area on the document camera. He advised that the appeal is for two actions of the Planning Commission, being their denial of the applicant's request to designate this one-half acre parcel as General Commercial, and the redesignation of the parcel from MDS and GR to MDS. He stated that the subject property currently has a split zone of MDS and GR, and it is not clear why this situation occurred. However, the issue before the Board is whether the property should be zoned commercial. Mr. Sellman advised that it appears there may have been a misunderstanding by one of the Planning Commissioners who believed the emphasis of the Scenic Corridor Plan would preclude commercial use on this property, but that is not what the Corridor Plan does; it regulates how development occurs within the corridor and does not, in itself, limit the designation for commercial uses. Mr. Sellman then responded to questions of the Board and provided documentation relative to allowed uses for MDR, GC, etc. He noted that the range of uses under GC is fairly extensive, but the subject is a small parcel served by a septic tank, and many commercial uses would not be allowed.

Gary Schmidt, applicant, provided a brief history of the zoning of the property and presented his arguments to support that the parcel should be designated as General Commercial. He provided and discussed several exhibits and reviewed maps and photographs of the property on the document camera. He discussed traffic issues and Scenic Corridor regulations, and stated that the property is not suitable for residential development because it is too close to the Mt. Rose Highway, and commercial development would conform to the Regional Plan. He believes the only reason his property is not currently zoned commercial is due to mapping errors. He noted that the original staff Planner for this amendment request recommended approval, but he is no longer employed by Washoe County and the normal procedure of the planner presenting his position was not available for the hearings.

Commissioner Galloway said that it would bother him if some of the allowed General Commercial uses were placed on the parcel. Mr. Schmidt noted that some of those uses would require a special use permit. His intent would be to put a couple of cabins for temporary lodging on the property and still maintain access into the National Forest. Commissioner Short said he believes Mr. Schmidt wants to do the right thing with the property, but he is also concerned about some of the uses that would be allowed, such as a second-hand store.

Board members inquired as to whether any other options were available that would allow Mr. Schmidt to put temporary lodging on the property. Mr. Sellman said he could only accomplish that type of development with commercial zoning.

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9:10 p.m. County Manager Singlaub left the meeting and Howard Reynolds, Assistant County Manager, took her position at the dais.

Mr. Schmidt noted that there is no credible opposition to his request for commercial land use and the reason for denial by the Planning Commission was based on a misunderstanding of the Scenic Corridor regulations. He has owned the property for 30 years and would like to get some use out of it. Changing the zoning to commercial would be consistent with his adjoining 3.5-acre Reindeer Lodge property.

9:15 p.m. Commissioner Sferrazza left the meeting.

Commissioner Galloway said he thinks Mr. Schmidt could put temporary lodging on the Reindeer Lodge parcel that is already zoned commercial and would be more comfortable with that option.

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

Commissioner Galloway moved to deny the appeal and uphold the Planning Commission's denial to designate the property as General Commercial, notwithstanding the misunderstanding of one of the Planning Commissioners. The motion died for lack of a second.

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Having made the following findings:

1. The proposed amendment to the Forest Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan. The amendment conforms to policy F.4.4 of the Forest Area Plan;
2. The proposed amendment to the Forest Area Plan would not result in land uses which are incompatible with existing and/or planned adjacent land uses, and will not adversely impact the public health, safety or welfare;
3. The proposed amendment to the Forest Area Plan identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners,

and the requested amendment represents a more desirable utility of land;

4. The proposed amendment to the Forest Area Plan will not 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 Forest Area Plan promotes the desired pattern for the orderly physical growth of the County and adequately guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services;
6. The proposed amendment to the Forest Area Plan is the first amendment to the Plan in 2000 and, therefore, does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code;
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Forest Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1);
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing;
9. 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;

on motion by Commissioner Bond, seconded by Chairman Shaw, which motion duly carried with Commissioner Galloway voting "no" and Commissioner Sferrazza absent, it was ordered that the decision of the Planning Commission to deny General Commercial zoning for the parcel be overturned and the appeal be upheld; and Comprehensive Plan Amendment Case No. CP00FO-001 for Gary Schmidt to re-designate Assessor's Parcel No. 48-082-05 from Medium Density Suburban (MDS) and General Rural (GR) to General Commercial (GC) be approved.

On motion by Commissioner Bond, seconded by Chairman Shaw, which motion duly carried with Commissioner Galloway "abstaining" and Commissioner Sfer-

razza absent, it was ordered that the Planning Commission's action to designate the entire parcel as Medium Density Suburban (MDS) be overturned.

Mr. Schmidt thanked the Board and said he would make every effort to be a good steward of the property.

**01-768 DISCUSSION – APPOINTMENTS TO TRUCKEE MEADOWS
WATER AUTHORITY BOARD**

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that this item be continued to the August 14, 2001 regular Board meeting.

**01-769 DISCUSSION – CITY ANNEXATION COMMISSION -
AGREEMENT TRANSFERRING DUTIES TO REGIONAL
PLANNING COMMISSION**

Commissioner Galloway stated that the entire Board is not present and discussion was held on this item at yesterday's caucus. He does not believe further discussion is necessary at this time. The issue concerning rules that were to be established once the Regional Planning Agency was formed to provide some of protection that the Annexation Board formerly provided could be addressed at a later time if necessary.

**01-770 DISCUSSION – PROPOSED EXPANSION OF THE RENO
REDEVELOPMENT DISTRICT**

Commissioner Galloway said that, in view of the action taken this morning at the joint meeting with the Reno City Council to schedule regular joint meetings, matters concerning the proposed expansion of the Reno Redevelopment District and/or formation of a new Reno Redevelopment District could be addressed at a future joint meeting.

There being no further business to come before the Board, the meeting adjourned at 9:25 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

*Minutes Prepared by
Sharon Gotchy and Barbara Trow
Deputy County Clerk*

