

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

FEBRUARY 11, 2003

PRESENT:

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner*
Bonnie Weber, 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:

03-121 AGENDA

County Manager Singlaub advised that Item 7, Sierra Forest Fire Protection District, has been pulled from today's agenda. She noted requests have been received to continue Item No. 17B concerning possible relocation of Callahan Ranch Road and appeal of denial of Tentative Subdivision Map Case No. TM02-003, and Item No. 17D concerning the appeal of denial of Variance Case No. VA02-043.

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the agenda for the February 11, 2003 meeting be approved, as amended.

PUBLIC COMMENTS

Sam Dehne, Reno resident, questioned whether the Sierra Forest Fire Protection District agenda could be pulled, as it is a regularly scheduled meeting that has been noticed. Mr. Dehne then stated the University of Nevada, Reno (UNR) has a very good boxing team, but the media does not give them enough attention.

Gary Schmidt, County resident, said he would like to make comments regarding access to public records and requested he be able to address the full Board on this issue after Commissioner Sferrazza arrives later this afternoon. Chairman Humke said this could be done.

John Callahan, Mt. Rose Highway resident, discussed matters in support of open burning in the Mt. Rose area.

Scott Donovan, Spanish Springs property owner, said there have been noticing and information problems concerning updates by County staff of the Community Management Plan to the Spanish Springs Citizen Advisory Board (CAB). He stated some very significant changes were made in the Plan that he does not think the residents of Spanish Springs know about.

Carl Adams, representing the Washoe County Backcountry Recreation Coalition, presented a petition containing 1,899 signatures in support of the creation of a permanent Peavine Mountain Vehicular Recreation Area.

***2:25 p.m.** Legal Counsel Madelyn Shipman arrived at the meeting.

Mr. Adams stated that backcountry recreation is very important to Washoe County, and the charter of the Coalition is to serve as a focal point for coordinating the activities of the various recreational groups. He advised their ultimate goal is to create a permanent quasi-governmental commission to develop, promote, and implement a multiple use backcountry recreation plan for Washoe County. He requested a County representative be provided to work with the Coalition to assist in documenting the existing access points, identifying which should remain open, and developing standards for access in the future.

Legal Counsel Shipman responded to Mr. Dehne's comments about pulling the Sierra Forest Fire Protection District agenda. She advised the item was pulled because it did not meet the Open Meeting Law requirement of proper notice. She said no agenda was posted and no meeting could take place.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Galloway requested that County staff provide information to Mr. Adams concerning existing trail plans and the access issues being addressed by the County.

Commissioner Shaw stated he is aware of the problems that Mr. Donovan referred to about getting Community Management Plan updates to the residents of Spanish Springs. He advised he plans to attend the Spanish Springs CAB meeting tomorrow evening and is sure that issue will be addressed.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the minutes of the regular meetings of November 26 and December 10, 2002 be approved.

03-122 SEXUAL ASSAULT – MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke 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 62 sexual assault victims in an amount totaling \$13,525.04 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated January 16, 2003 and placed on file with the Clerk.

**03-123 TRAVEL REIMBURSEMENT – COMMISSIONERS’
ATTENDANCE AT NEVADA ASSOCIATION OF COUNTIES
ANNUAL CONFERENCE**

Upon recommendation of Rita Lencioni, Assistant to the County Manager, through Katy Singlaub, County Manager, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the reimbursement to Commissioner Weber of \$303.51 and Chairman Humke of \$41.61 for travel expenses incurred for attending the Nevada Association of Counties Annual Conference held November 12-15, 2002 at Lake Tahoe, Nevada be approved.

**03-124 ALCOHOL BEVERAGE WAIVER – SPARKS SENIOR CENTER –
SENIOR SERVICES**

Upon recommendation of Despina Hatton, Acting Director, Washoe County Senior Services, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the prohibition of serving alcoholic beverages at the Sparks Senior Center for a private birthday celebration on Saturday, March 1, 2003 from 4:00 p.m. to 8:00 p.m. be waived.

It was noted the applicant has paid the regular building use fee for this function, a champagne toast is requested to be served, and approximately 50 people are anticipated to attend the function.

**03-125 ABOLISH ONE POSITION AND CREATE TWO POSITIONS –
BUDGET/LIBRARY**

Upon recommendation of Brain Mirch, Finance Department, Budget Division, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the abolishment of one vacant library aide part-time permanent

position with benefits (#124) and creation of two permanent part-time library aide positions without benefits to work less than 780 annual hours each be approved.

It was noted this action would save approximately \$1,958.00 for the 2002-03 fiscal year and \$1,528 for the 2003-04 fiscal year. The value of the additional hours is \$4,419.00 annually.

**03-126 REVISION - REGULATIONS FOR CHILD CARE FACILITIES –
SOCIAL SERVICES**

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the revisions to the Regulations for Child Care Facilities effective January 1, 2003, as outlined in the agenda memorandum dated January 23, 2003, be ratified.

**03-127 APPOINTMENTS/REAPPOINTMENTS - CHILD CARE
ADVISORY BOARD**

Upon recommendation of Michael Capello, Director, Department of Social Services, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the following appointments and reappointments to the Washoe County Child Care Advisory Board be ratified.

New appointments for term expiring August 2007:

Karyn Murray, Director, Brookfield School
Representing Profit Providers

Margaret Oberg, Family Child Care Home Provider
Representing Licensed Child Care Homes

Barbara Allen
Representing Recipient of Child Care

Reappointments for term expiring August 2007:

Joyce Larsen, Mental Health Counselor, Northern Nevada
Child & Adolescent Services
Representing Division of Child and Family Services

Pete Litano, Assistant Fire Marshal, Sparks Fire Department
Representing City of Sparks

Karen Barreras, Director, Holy Child Day Home
Representing Non-Profit Providers.

03-128 NAME EASEMENT - SIERRA COUNTRY ROAD – PUBLIC WORKS

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that naming an unnamed easement Sierra County Road effective immediately be approved. It was noted that the easement is located one street south of Rose Rock Lane and runs in an east/west direction.

03-129 PURCHASE - EXCESS LIABILITY INSURANCE – RISK MANAGEMENT

Upon recommendation of Jim Jeppson, Risk Management Division, through John Sherman, Finance Director, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the Risk Manager be authorized to purchase a policy of excess liability insurance from Insurance Company of the State of Pennsylvania (a member of AIG Group) for the period February 1, 2003 to February 1, 2004. It was noted the annual premium of \$134,500.00 is currently budgeted in the Risk Management Fund and represents a decrease of 1.2 percent of the premium for the expiring term.

03-130 REIMBURSEMENT - REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY (REMSA) - PLANT VESTA 911 TELEPHONE ANSWERING SYSTEM

Upon recommendation of Lt. Brent Lee, Chairman, 911 Emergency Response Advisory Committee, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that a monthly reimbursement in the amount of \$4,293.09 to the Regional Emergency Medical Services Authority (REMSA) for the acquisition of a Plant Vesta 911 Emergency Telephone Answering System, effective November 2002 and subject to annual renewal upon recommendation of the 911 Emergency Response Advisory Committee, be approved.

03-131 AWARD OF BID – HOT AND COLD MEAL DELIVERY TRUCK CONVERSIONS – BID NO. ITB-2369-03 – SENIOR SERVICES

This was the time to consider award of the bid for two hot and cold meal delivery truck conversions for the Senior Services Department. The Notice to Bidders for receipt of sealed bids was published in the Reno Gazette-Journal on December 19, 2002. Proof was made that due and legal Notice had been given.

One bid, a copy of which was placed on file with the Clerk, was received from Mobile Advantage. Delivery Concepts, Inc. submitted a “no bid” response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that Bid No. ITB-2369-03 for two new hot and cold meal delivery truck conversions on behalf of the Senior Services Department be awarded to Mobile Advantage in the amount of 17,775.00 each for a total bid award of \$35,550.00. It was further ordered that the County’s option to procure additional hot and cold meal delivery truck conversions from Mobile Advantage through June 30, 2004, provided there is no increase in pricing, be acknowledged.

It was noted that subsequent purchases would be brought back before the Board for approval, and although only a single price bid was received, pricing offered is below the original estimate of \$18,357.50 per unit and is inclusive of all costs including pickup and delivery.

03-132 LEASE RENEWAL - RECREATION AND PUBLIC PURPOSES - HUFFAKER HILLS - PARKS

Upon recommendation of Mike Boster, Planner, Parks and Recreation, through Karen Mullen, Director, Parks and Recreation, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the renewal of Recreation or Public Purposes Lease N-32941 between Washoe County and the Bureau of Land Management concerning approximately 190-acres of land in the Huffaker Hills for development of recreational facilities for an additional 10 years be approved and Chairman Humke be authorized to execute the Lease.

03-133 INTERLOCAL AGREEMENT - TRUCKEE MEADOWS WATER AUTHORITY – COLLECTION SERVICES

Upon recommendation of Robin Greco, Collections Division Administrator, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the Agreement to Provide Collection Services between Washoe County and the Truckee Meadows Water Authority (TMWA), concerning the provision of collection services to TMWA be approved and Chairman Humke be authorized to execute the Agreement.

**03-134 GRANT OF EASEMENT - SIERRA PACIFIC POWER COMPANY
- LEMMON VALLEY WATER TANK #2 SITE – WATER
RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Director, Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the Grant of Easement for Utility Facilities between Washoe County, Grantor, and Sierra Pacific Power Company, Grantee, at the Lemmon Valley Water Tank #2 site be approved and Chairman Humke be authorized to execute the same.

03-135 WATER RIGHTS DEED - LEE T. & SALLY S. WESTON

Upon recommendation of John Collins, Manager, Utility Services Division, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the following actions be taken in support of nine parcel maps creating about twenty parcels in the northeast corner of Washoe Valley:

1. The Water Rights Deed between Washoe County, as Grantor, and Lee T. Weston, II, and Sally S. Weston, as Grantees, for a total duty of 34.057 acre-feet of groundwater rights be approved as follows:

Permit 57915	9.940af
Permit 61913	5.137af
Permits 57429 and 61703	18.980af (total combined duty*)

*Total combined duty is defined as the limit placed on supplemental water rights permits by the Nevada State Engineer.

2. Chairman Humke be authorized to execute the Water Rights Deed.
3. The Manager of the Utility Services Division be directed to return the Water Rights Deed to Mr. And Mrs. Lee T. Weston.

03-136 ROLL CHANGE REQUESTS - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the Treasurer to correct the error be approved and Chairman Humke be authorized to execute the same.

Property Owner	Parcel #	Amount	Roll (Secured)
Christine L. Cohn, et al	003-352-31	[-\$46.53]	2000
Christine L. Cohn, et al	003-352-31	[-\$66.24]	2001
Christine L. Cohn, et al	003-352-31	[-\$68.11]	2002
Reno Sparks-Lake Tahoe Convention & Visitors Authority	011-380-32	[-\$4,487.57]	2002
Washoe Medical Center, Inc.	012-144-03	[-\$143.46]	2002/2003
Washoe Medical Center, Inc.	012-144-04	[-\$402.95]	2002/2003
Washoe Medical Center, Inc.	012-144-05	[-\$292.23]	2002/2003
Washoe Medical Center, Inc.	012-144-06	[-\$132.26]	2002/2003
Washoe Medical Center, Inc.	012-381-14	[-\$160.24]	2002/2003
James M. and Julie A. Paschall	032-275-04	[-\$120.90]	2002/2003
Clifford J. and Kiyō Schaffer	049-351-27	[-\$31.88]	2000
Clifford J. and Kiyō Schaffer	049-351-27	[-\$32.09]	2001
Clifford J. and Kiyō Schaffer	049-351-27	[-\$702.29]	2002
Edward and Karol Davis	076-690-62	[-\$45.22]	2002
Danial Smith	086-572-50	[-\$16.95]	2000
Danial Smith	086-572-50	[-\$17.29]	2001
Danial Smith	086-572-50	[-\$17.76]	2002
Hans C. & Françoise Verhoeven, Tr.	125-185-08	[-\$91.63]	2002
Donald C. and Terry L. Tachera	200-340-26	[-\$177.55]	2000
Donald C. and Terry L. Tachera	200-340-26	[-\$179.31]	2001
Donald C. and Terry L. Tachera	200-340-26	[-\$164.62]	2002

**03-137 ENHANCEMENTS TO PERMITS PLUS APPLICATION –
INFORMATION TECHNOLOGY**

Chairman Humke advised that a party contacted him about their interest in bidding on this item the next time it comes forward. Matt Beckstedt, Information Technology Department Director, advised the formal bidding process on this item was conducted about three years ago, and this represents an enhancement that was not part of the original scope of work.

Upon recommendation of Jan Anderson, Information Technology Manager, and Matt Beckstedt, Information Technology Director, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the enhancements to the Permits Plus permitting application to be performed by Accela, Inc. in coordination with the Information Technology Department at a cost of \$37,960 be approved.

It was noted that the project's purpose is to redesign and upgrade the EHS composition within Accela Permits Plus, Washoe County's automated permitting program.

Katie Stevens, Animal Control Supervisor, reviewed the kennel permit application for Deanna Zech to house eight dogs at 6155 Chimney Drive, Sun Valley, Nevada. Ms. Stevens advised the property is slightly more than 0.4-acre in size, and a perimeter fence is located on the back of the property. She said 20 neighbors were notified of the kennel permit application, and seven letters of objection were received. The major concern of the objectors was barking, and two neighbors indicated the dogs had run loose on several occasions.

Deanna Zech, applicant, said the dogs that broke through the fence were puppies, and that situation has been corrected. She stated the kennel would furnish a safe and secure area for the dogs and would enable them to provide education and awareness regarding the pit bull breed. She said they have provided pit bull rescue, work with the dogs, and find them new homes. The puppies are spoken for before they are born, and they carefully screen where they would be placed. Ms. Zech stated they do not and would not run a puppy mill. She then reviewed the plans for the proposed kennel and how they would mitigate any barking problem. Upon inquiry of Commissioner Shaw, Ms. Zech advised it is not their intention to have eight dogs at one time, and noted there are witnesses that the dogs were provoked.

Jerrad Fisher, area resident, stated he adopted a dog from Ms. Zech about one year ago. The dog was well trained by Ms. Zech and is good with children.

Roger McLain, area resident, stated he has one of the applicant's dogs that is well mannered and does not bark.

Chairman Humke read a statement from Rozetta Winslow, area resident, objecting to the permit because of the number of dogs and concerns about odors and noise.

Gayle Reynolds, neighbor of the applicant, spoke in opposition to the kennel permit. She said the dogs are not provoked but charge at their fence when they are in the back yard, and this frightens their young grandchildren. She said there is not always someone home at the Zech residence, and she is concerned about cleanliness, odors and flies.

Verne Olson, neighbor of the applicant, spoke in opposition to the permit. He said the dogs charge his fence, and they snarl and attack. He advised the dogs have come into his yard on three separate occasions, and he is concerned about the dogs hurting his family.

Garth Elliott, area resident and Sun Valley Citizens Advisory Board member, said Ms. Zech has proved to be conscientious, and her kennel plans would eliminate the problems the neighbors have discussed. He said he does not have a problem with the kennel permit, if she follows through with her plans. Mr. Elliot then

noted that the County spent \$20,000 to \$30,000 to deal with one incident concerning a braying mule. He asked if there was a way the CAB's could be more involved in the kennel permit applications that would save money for the County.

Gary Schmidt, County resident, stated he is opposed to the County Code that requires a kennel permit for more than three dogs regardless of the size of the parcel. He said this is not in keeping with the rural lifestyle he wants to preserve in Washoe County. He stated he is not sure that eight dogs would be appropriate for the size of the applicant's parcel, but the problem is enforcement, not the number of dogs.

Sam Dehne, Reno resident, said it appears the applicant is doing everything she can and provides a humanitarian service by taking in dogs that need to find a home. He stated the real issue is proper oversight by the owner, and suggested the kennel be placed in the middle of the property. He noted he is a long-term owner of pit bulls and they are very gentle.

Commissioner Galloway stated he was also thinking about the possibility of putting the dogs closer to the center of the property. He noted that, if the permit is not issued, the applicant will continue to have three dogs with no kennel and no extra fencing, and the same problems could persist. He stated, if the kennel would be placed closer to the center of the property and have opaque fencing the dogs could not see through, he could support a permit for five dogs. Commissioner Galloway made suggestions about how the kennel could be redesigned to create a yard within a yard that the dogs could not see through. Ms. Zech said she would agree to the redesign and noted they would put up a kennel even if they do not get the permit.

Commissioner Weber said she continues to be concerned about the nuisance this has created for the neighbors.

Chairman Humke requested that the proposed kennel redesign be placed on the overhead display and asked if anyone present wished to comment on the recommended changes.

Mrs. Reynolds said she appreciated the effort to find a solution, but does not think this resolves the problems. She stated the property is small and she is concerned about the number of dogs, the dogs charging, and problems with odors and flies.

Katie Stevens noted that the permit would provide for a certain number of adult dogs over six months, but the number of dogs under six months would be unlimited.

Commissioner Galloway moved to grant the amended kennel permit for no more than five adult dogs, subject to an opaque inner and outer fence being installed around the kennel, the additional barking control conditions volunteered by applicant, and the dogs not running free outside the inner fence perimeter. There was no second and the motion died.

Commissioner Shaw stated he would not be comfortable approving the kennel permit, as amended, if Mrs. Reynolds and Mr. Olson, the neighbors that would primarily be affected, do not agree with it.

Commissioner Shaw moved to deny the request for a kennel permit based on testimony presented today. Commissioner Weber seconded the motion and commented she would like to have had something worked out.

Commissioner Galloway reiterated that, by denying the permit, there would be no requirement on the applicant to do anything. He stated he has never seen anyone so willing to do so much in order to have just two more dogs.

Commissioner Weber said she would withdraw her second if the applicant could come back with a revised proposal that was noticed to the affected property owners. Commissioner Shaw stated he would withdraw his motion to deny the permit so the matter could be brought back.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that this item be continued to the March 11, 2003 meeting.

**03-139 APPEARANCE – PETE CHRISTENSEN, BUREAU OF LAND
MANAGEMENT - DONNA POTTER, ENVIRONMENTAL
COORDINATOR, EMPIRE FARMS – PROPOSED LAND
EXCHANGE**

Pete Christensen, Assistant Field Manager, Bureau of Land Management (BLM), Winnemucca District, advised that Michael Stewart of Empire Farms has applied to exchange 1,021 acres of his private land in Humboldt County located within the Black Rock/High Rock National Conservation Area for 3,605 acres of public land adjacent to his farms in Washoe County that would be incorporated into his farming operation.

Mr. Stewart reviewed the wetlands project they have worked on with the BLM and stated this land exchange would facilitate that project. Donna Potter, Environmental Coordinator, Empire Farms, invited the Commissioners to visit their facilities and review their plans.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, the Board unanimously supported the proposed exchange of lands under Washoe County's jurisdiction located southeast of Empire, Nevada that would go into private ownership for the purpose of agricultural production.

**APPEARANCE – CHRIS CHRYSTAL AND JIM LITCHFIELD -
TRUCKEE RIVER WHITEWATER STEERING COMMITTEE**

Chris Chrystal, Nevada Commission on Tourism, provided an update on the Truckee River Whitewater Course project. She stated the need to diversify the local tourism-based economy is critical, and this project would benefit the growth and long-range economic stability of the region. She advised the Nevada Commission on Tourism is looking for ways to help diversify Washoe County's tourism market and has produced a Truckee River recreation plan for improving nearly 24 miles of the river from Verdi to Vista for whitewater boating and recreational use. She said no land acquisition is necessary, and the Plan works in concert with goals for flood management, public access and safety, and sustaining fish populations. The attraction would draw an estimated 100,000 river users a year to the area and showcase Washoe County as a dynamic destination for outdoor recreation and adventures. It will further revitalize the riverfront and add to the quality of life, which also helps attract new businesses to the area. Ms. Chrystal advised that the kayak slalom racing course design is nearly complete and they hope to break ground August 1, 2003. The remaining portion of the 24-mile project would be accomplished in segments through its completion in 2007. The whitewater improvements envisioned in the Plan from Verdi to Vista would cost \$6-million including \$1.5-million for the kayak course in downtown Reno. Conservative analysis estimates the project could generate an economic impact of \$1.9-million to \$4.1-million in the first full year of operation. Ms. Chrystal advised that Lt. Governor Lorraine Hunt, Chair of the Truckee River Whitewater Steering Committee, is scheduled to go to Congress this week to request Federal funding to accomplish the project, but this funding would not be forthcoming rapidly enough to meet their August 1 target to break ground for the kayak course. They need \$1.5-million to accomplish this, and, if they do not obtain funding this spring for construction contracts, the project would be delayed another year due to the narrow construction window for the Truckee River.

Jim Litchfield, Kennedy Jenks Consultants, Project Manager, stated, while the project would be designed to host special events, they are sensitive that the facilities need to be accessible by all members of the community. He advised they have worked closely with the Flood Management Coalition to identify all of the irrigation diversion structures for removal or modification. He stated the proposed modifications are sensitive to boat passage, recreational usage, and fish passage to support the Lahontan Cutthroat Trout recovery efforts.

Commissioner Galloway commented that, if there were justification for removing or modifying the irrigation diversion structures to provide flood benefit, he would support early use of flood control money because it could be reimbursed. Mr. Litchfield stated he would be enthusiastic about bringing the matter back with specific line items. Commissioner Galloway said he would like to receive that information.

Gary Schmidt, County resident, spoke in support of the project. He suggested the Board support the elimination of the Reno-Sparks Convention and Visitors Authority (RSCVA) and their entire budget go to the Nevada Commission on Tourism.

Sam Dehne, Reno resident, agreed with Mr. Schmidt's comments concerning the RSCVA. He spoke in support of the whitewater recreation project.

***3:55 p.m.** Commissioner Sferrazza arrived at the meeting.

PUBLIC COMMENTS – REOPEN

Chairman Humke reopened public comments, as a full Board was now present.

Gary Schmidt, County resident, advised he would be addressing the Board at every opportunity concerning the Board's need to address the County's reputation of abuse and obstruction regarding the rights of the public to access public records of the County. He stated he continues to request that he be placed on any agenda item on this issue as a proponent and speaker for the public and be given equal opportunity and time as County staff to address these issues.

03-141 WATER RIGHTS APPLICATION 69299 – RECOMMENDATION TO NEVADA STATE ENGINEER

Steve Bradhurst, Director, Water Resources, provided background information regarding the request for conversion from irrigation to domestic and municipal water and to change the point of diversion from Permit 64573. The point of diversion and place of use is from Washoe County for McCarran Ranch to Storey County for Tri Water and Sewer.

Commissioner Galloway noted a couple of properties north of I-80 are zoned for industrial and commercial development, and he does not know if they have their water rights. He asked if those commercial/industrial property owners knew this item was before the Board today. Commissioner Galloway stated he knows there is industrial/commercial development on the south side of the river in Storey County that has a demand for more water rights. He said Washoe County might house people that work in that area, but would not receive taxes from the industrial use in Storey County. He would not want to use a resource that would later prevent a collection of taxes on any development in that area of Washoe County, and he does not know enough about the impacts of the request to make a favorable recommendation.

Discussion was held regarding the public notice for this item, and it could not be confirmed that the proper notice was provided in accordance with State statute. County Manager Singlaub said staff could check about the noticing issue and noted the recommendation of this Board is not binding on the State Engineer's final decision. Chairman Humke said he believes the State Engineer would check the noticing requirement prior to making a decision.

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that this item be continued until the noticing issue is addressed.

Later in the meeting, County Manager Singlaub advised that staff confirmed this item was noticed in the Reno Gazette-Journal on January 24 and 31 and February 7, 2003, and the notice meets the statutory requirement.

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

Commissioner Sferrazza moved to authorize the Chairman to formally recommend approval of the Water Rights Application to the Nevada State Engineer. Commissioner Shaw seconded the motion.

Commissioner Galloway stated he could not support the motion, as he still questions that this is a good move. He suggested that, instead of endorsing the request, the Board ask the State Engineer to consider whether the conversion would leave sufficient water for property owners to develop their land on the north side of the Truckee River.

Legal Counsel Shipman stated the statute requires comment, recommendation, or endorsement by the Board. She said she believes one of the required findings the State Engineer has to make is that the request would not negatively impact the area from which the water is being taken.

Following further discussion, Commissioner Sferrazza amended his motion and moved to support Water Rights Application 69299, unless there is opposition from a property owner in Washoe County. Commissioner Shaw seconded the motion. On call for the question, the motion passed 4-1 with Commissioner Galloway voting "no."

**03-142 INTERLOCAL AGREEMENT - CITY OF SPARKS – GOVERNING
EXTRA-TERRITORIAL JURISDICTION WITHIN A SPHERE OF
INFLUENCE**

Bob Webb, Planning Manager, advised that the Sparks City Council approved this agreement yesterday. Mr. Webb provided information concerning the agreement in response to questions of the Board.

4:20 p.m. Commissioner Weber temporarily left the meeting.

Upon inquiry of Commissioner Galloway, Margaret Powell, City of Sparks Community Development, advised the agreement does not have a specific section that addresses the East Truckee Canyon. She stated that is a cooperative planning area

and, prior to the Settlement Agreement, staff members were working together to start that plan. She said it is their intention to continue the process.

Upon recommendation of Bob Webb, Planning Manager, Community Development, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Weber temporarily absent, it was ordered that an Interlocal Agreement between Washoe County and the City of Sparks governing the exercise of extra-territorial jurisdiction by the City of Sparks within a sphere of influence be approved and Chairman Humke be authorized to execute the same. It was noted the Agreement will improve customer service to property owners within a sphere of influence, clearly designate duties and responsibilities for the City of Sparks and Washoe County within a sphere of influence, and provide for an orderly transition for properties within a sphere of influence toward eventual annexation by the City of Sparks.

4:25 p.m. Commissioner Weber returned to the meeting.

03-143 **CONVERSION OF PART TIME POSITION TO FULL TIME
EQUIVALENT POSITION - COURT SERVICES**

Ron Longtin, Court Administrator and Clerk of Court for the Second Judicial District, expressed appreciation for the efforts made to seek a resolution in this matter. He stated the Day Reporting Division of the Pre-Trial Services Department requires additional resources to meet surging service demands, and their request is to reclassify an authorized half-time position for the Pre-Trial Services Division to a full-time equivalent position. He said, either the resources to meet service demands need to be provided (originally planned to be 25 clients per agent and now exceeding 66 clients per agent), or the number of clients required to report to Day Reporting needs to be limited, which would increase the demand and cost for beds and current services at the jail.

Carl Hinxman, Director of Court Services, discussed the increased caseload and staffing shortage in the Day Reporting Office. He said the office is at the point of breaking and they will have to either cut back on the people in the program, which has a direct correlation to inmates in the jail, or increase staff to keep the program running at its current levels. Mr. Hinxman advised that the supervision model has been improved and could now handle up to 50 cases per full-time equivalent (FTE) position. He responded to questions of the Board concerning State of Nevada Parole and Probation staffing ratio standards set by the legislature, the procedures conducted by the Day Reporting Office, and the types of cases and number of positions they have.

Chairman Humke stated he does not believe this is a judicial function. These persons are housed in the courts and the function should properly take place at the jail.

Commissioner Shaw said he understands the Court's need, as well as other County departments, for additional help. He could only support this request for six-

months, after which it could be reevaluated. He noted the County Manager has contacted the City of Reno regarding their providing financial assistance for these services.

Darin Conforti, Senior Systems Analyst, stated the Finance Department supports the Day Reporting Center, as they perform a necessary function and help to alleviate the jail population. However, the Finance Department wants to make sure all alternatives and information are explored to assure the most efficient allocation is being made. He said the Center has untapped resources with the vacant one-half FTE position, and there is some question about the staffing ratio.

Sam Dehne, Reno citizen, cited examples where local governments have expended large amounts of money and said he does not understand the finagling over this \$30,000 item. He said it appears this is a legitimate need.

Commissioner Galloway said the concern is that the Board does not violate the County's precedent because of the current hiring freeze. Upon inquiry of Commissioner Weber, Mr. Hinxman advised the half-time position is hard to fill and is not effective. Commissioner Shaw stated he would like the Center to try the half-time position, and if it does not work, the County could look at it again.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered the conversion of a current Court Services position, Pre-Trial Service Officer I (PCN 132) from a part-time to a full-time equivalent position be denied.

Commissioner Galloway said he would not object to considering this matter again when all the information is obtained and after there has been some experience with the half-time position.

03-144 2002 REGIONAL PLAN SETTLEMENT

Neal Cobb, County resident, spoke in support of the proposed corrections to clarify the language in the Regional Plan to attempt to protect the small gains obtained by the unincorporated residents. He said it is imperative the wording be exact so it cannot be incorrectly interpreted, and it is important to take the time needed to get the language right and protect the citizens. Upon inquiry of Commissioner Galloway, Mr. Cobb stated he is supportive of Option 3.

Commissioner Sferrazza noted that Option 3 refers to a buffer zone equivalent to 100 feet, and he thought that was to be changed to 200 feet. Commissioner Galloway said 200 feet is correct but that change was inadvertently missed. He then provided some minor language changes for Option 3. Commissioner Sferrazza said he would want to delete the section that allows one-half lots for yard matching, and Commissioner Galloway agreed.

Discussion was held concerning adjacency standards and Mr. Cobb stated everything the County agrees to needs to be set forth in detail.

Gary Feero, County resident, said he has complained from the beginning that the Regional Plan is flawed. He stated there are numerous problems with adjacency standards and other issues; and Option 3 would be a good first step, but it does not cover the concerns and needs of the citizens. He said the residents want some assurance that adjacency standards would be compatible, and there are a number of concerns that have to be worked out.

Diana Langs, Sun Valley General Improvement District, said she believes the main goal of the Regional Plan was to offer specific criteria concerning timing, phasing, and whether a property was in the cities or in the unincorporated County so there would be no surprises to the residents. She does not believe the goals were accomplished, and the County needs to go forward with specific criteria. She said she supports Option 3.

In response to Commissioner Galloway, Madelyn Shipman, Assistant District Attorney, said the Cities of Reno and Sparks are statutorily required to develop criteria for programs of annexation, and a specific provision in the Settlement Agreement (Agreement) required criteria be established and adjacent property owners be noticed concerning NRS 268.670 annexations outside the program and sphere areas of the Cities. She further said it was her understanding both Cities adopted their criteria in order to meet the Court established timeframe, the criteria was not as specific as some of the County Commissioners desired, and the Cities suggested readdressing it in the future if more specifics were recommended. She stated the Agreement did not require the Board of County Commissioners to approve the criteria. Commissioner Galloway said the Cities' adopted criteria merely indicated they would consider what the Regional Plan already requires them to consider. He stated the intent of the Agreement was to add to the Regional Plan. Commissioner Sferrazza said, at the Joint Meeting between Reno, Sparks and Washoe County, Mayor Cashell of Reno instructed his staff to work out issues with Washoe County's Planning Department; and those issues were outlined in a letter from Washoe County to the City of Reno. Adrian Freund, Director, Community Development, said Reno staff is putting together a response to the County's issues to present at the Joint Meeting concerning the program of annexation. He stated Reno has not adopted a program of annexation and is considering the County's comments.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the letter previously sent to the City of Reno be affirmed. It was acknowledged the County Commission reserves the right to object before the Court if the annexation criteria and annexation plan criteria adopted by the Cities do not sufficiently constitute an expansion of what was required in the Regional Plan and if the criteria does not meaningfully go beyond the basics that were covered in the Agreement.

5:45 p.m. The Board recessed.

6:00 p.m. The Board reconvened.

03-145 RELOCATION OF CALLAHAN RANCH ROAD – APPEAL – TENTATIVE SUBDIVISION MAP CASE NO. TM02-003 – TESSA ASSOCIATES (ESTATES AT MT. ROSE) – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed by the Department of Community Development to affected property owners on January 31, 2003 to consider the appeal of the denial by the Washoe County Planning Commission of Tentative Subdivision Map Case No. TM02-003, Estates at Mt. Rose. The request is to develop a 201-lot single-family subdivision on one parcel, with common open space as authorized in Article 608, Tentative Subdivision Maps, of the Washoe County Development Code. Lot sizes range from 14,500 square feet to 76,214 square feet, with an average lot size of 0.64 acres. The project has approximately 65 acres of common area, including 2.0 miles of pedestrian trails. The project is located immediately south, east and west of the intersection of Mt. Rose Highway and Callahan Ranch Road. The subject parcel, totaling ±376.05 acres, is designated Low Density Suburban (LDS) and General Rural (GR) in the Forest Area Plan, and is situated in Section 35, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Galena/Steamboat Area Citizens Advisory Board boundaries and Washoe County Commission District No. 2. (APN: 150-102-01)

Sharon Kvas, Planning Manager, Community Development, said the applicant had agreed to redesign the subdivision and return to the Citizen Advisory Board (CAB), residents, Planning Commission and other required agencies with a new design. She stated the current issue was how the denial by the Washoe County Planning Commission would be upheld or reconsidered. She further said the Board had three options in upholding the Planning Commission's denial. The first option would be to uphold the Planning Commission's denial, which would require the applicant to wait one year before bringing forward a new application on the property pursuant to the County's Development Code. The second option would be to uphold the Planning Commission's denial and deny the project without prejudice. Ms. Kvas said the result would entitle the applicant to work with the community, redesign the project and bring forward another project after going through the review process of the agencies involved, including Community Development and the Planning Commission. She stated under this scenario, the applicant would apply for a new application with new fees. The third option would be to remand the case back to the Washoe County Planning Commission for changes, which would be relatively minor, and the project would still be required to return to the CAB, and other agencies, but no fees would be involved.

Madelyn Shipman, Assistant District Attorney, stated she would like the applicant to indicate they are aware of the options for denial, and if they desire to continue with the public hearing.

Chairman Humke opened the public hearing by calling on anyone wishing to speak at this time.

Bill Thomas, Summit Engineering Corporation, representing Reynen & Bardis Development Co., said his clients no longer wish to proceed with the project that was acted on by the Planning Commission. He stated they would prefer not to start over in terms of history, time and energy, and did not want to wait a year. He further said his clients were not concerned about paying the fees based on the additional review that might be needed, nor were they concerned about returning to the CAB and Planning Commission. Mr. Thomas said of the three options, they would prefer a denial without prejudice. He also said they were not prepared for a public hearing on the appeal.

Ms. Shipman stated public comment should be limited to agreement or disagreement with the denial without prejudice.

In response to Commissioner Shaw, Ms. Kvas said the timeline on the revised project would involve the developer and their representatives starting over, obtaining input from the community because there were many community concerns regarding the current project, and providing a new application to Community Development. She also said the application would then be processed in a 60-day timeframe.

Chairman Humke advised the public could comment on the options of denial, and there would not be a full hearing at this time because the applicant would not be moving forward with the current proposed project.

Laura Page, Callahan Ranch resident, presented an original petition with 594 signatures against the Estates at Mt. Rose, which was placed on file with the County Clerk. She also presented a letter of intent signed by David Roundtree, representative for Reynen & Bardis, which was placed on file with the County Clerk. She said she was looking forward to working with the developers. Chairman Humke informed Ms. Page that Legal Counsel Shipman said the Board could not deal with the contents of the documents Ms. Page presented, but they would be placed on the record.

Jim Winston, local resident, said option two was reasonable, and he thought everybody was happy to work together cooperatively to design a project satisfactory to all parties that conforms to the Forest Area Plan. He was pleased Chairman Humke wanted to participate in the process.

Ms. Shipman reiterated discussion should concern only the type of denial.

Beth Honebein, Callahan Ranch resident, stated she supported the denial without prejudice. She also said she felt this process has illustrated good planning because the community came together and decided what was really important to them. She thanked Reynen & Bardis for their willingness to work with the community.

Gary Schmidt, Washoe County resident, said he supported the request of the applicant for a denial without prejudice, and he felt it was a show of good faith.

Kathy Bowling, local resident, stated she was glad to see the original plan taken off the table. She also said that Reynen & Bardis pulling the appeal at caucus was inexcusable, and the community should have been contacted the week before.

In response to Tench Page, Reno resident, Ms. Shipman and Ms. Kvas advised site compatibility and adjacency standards would be applicable to a project in that area.

Marie Agnello asked when there would be another public hearing and Chairman Humke reiterated the process previously explained. Katy Singlaub, Washoe County Manager, said it was dependent upon the developer's reworking of the plan. Ms. Shipman advised Ms. Agnello to get on the CAB mailing list and noted anyone within 300 feet of the project would be noticed in writing.

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

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the Washoe County Planning Commission's denial of Tentative Subdivision Map Case No. TM02-003 be upheld, the appeal of Tessa Associates (Estates at Mt. Rose) be denied without prejudice, and the following findings of the Washoe County Planning Commission be reaffirmed:

1. That the request does not integrate open space into the project design;
2. That the intent of the Regional Plan rejects utilizing unbuildable land as a basis for density transfer;
3. That the relocation of Callahan Ranch Road will cause a significant impact of glare on adjacent properties;
4. That the view from the Mt. Rose Highway will be impacted, in particular by the excessive cuts and fills, and is not compatible with the Scenic Corridor standards;
5. That the proposal does not include the remainder of the parcel for continuity of development;
6. That the grading adjacent to Callahan Ranch Road is excessive; and

7. That the project does not comply with policies F.1.1, F.1.1.2 and F.5.9 of the Forest Area Plan.

**03-146 APPEAL – VARIANCE CASE NO. VA02-043 – BROOKS
JOHNSON – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing mailed by the Department of Community Development to affected property owners on January 31, 2003 to consider an appeal to overturn the Washoe County Board of Adjustment's action denying the request to reduce the front yard setback from 15 feet to 0 feet to facilitate the addition of a garage with living space below, a storage area, and a covered entrance as authorized in Article 406 of the Washoe County Development Code. The project is located at 457 Jill Court (Incline Village Subdivision 2, Lot 15, Block W) approximately 100 feet west of the intersection of Tyner Way and Jill Court. The ±0.14-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Sections 9 and 16, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 125-131-15)

Chairman Humke opened the public hearing by calling on anyone wishing to speak at this time.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the public hearing on the appeal of Variance Case No. VA02-043, Brooks Johnson, be continued to March 11, 2003.

**03-147 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP02-016 –
MARY ANN FERGUSON – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed by the Department of Community Development to affected property owners on January 31, 2003 to consider a request to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change the existing land use from Parks and Recreation to General Commercial and allow the resumption of commercial uses on the former Orbit Gas Station site. The parcel considered for the land use change totals ±1.1 acres and is located at 560 Lakeshore Boulevard, the westernmost intersection of Lakeshore Boulevard and Tahoe Boulevard (SR 28) in Incline Village. The parcel is situated within the Tahoe Area Plan, in a portion of Section 17, T16N, R18E, MDM, Washoe County, Nevada. The property is within the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 125-131-15)

To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes may include: new text or policy; a revised map series with

updated parcel base and data sources related to development suitability, current assessed land use, planned land use, streets and highways, and public services and facilities; new population statistics; new references to past and future facility construction; new horizon date references and corrections to department or agencies names; and revisions to the Table of Land Uses and the Table of Approved Tentative Subdivisions.

Eva Krause, Planner, Community Development, reviewed the staff report and maps dated January 30, 2003 and placed on file with the County Clerk. She said the proposal is to change the land use from parks and recreation back to commercial, and properties abutting the property in question are zoned commercial. She stated the applicant is working with the Health Department to clean up an underground fuel leak on the site. Ms. Krause also said there is potential in the future that a service station could be reinstated, which could have an accessory auto repair, although auto repair is not an allowed use on its own at that location under the proposed zoning. She pointed out that allowed neighborhood commercial uses are the same as general commercial. She stated she discussed the case with the Incline Village General Improvement District (IVGID) and they said they are not interested in expanding their property behind the subject. Ms. Krause advised that Washoe County Parks and Recreation has indicated this is not one of the sites they are interested in acquiring. She further said approval of this Comprehensive Plan Amendment (CPA) is not a blanket approval of commercial development. She stated in order to increase any development on the site would require the acquisition of commercial floor area from the Tahoe Regional Planning Agency (TRPA) or the open market, the site would need to be brought up to current code standards, and exterior changes would be required because it is in a scenic corridor. Ms. Krause said approval of the CPA would allow the applicant to pursue commercial opportunities to redevelop the site under the existing codes. She also said it is highly unlikely the property would be redeveloped as a parks land use; and, therefore, it would remain vacant and continue to deteriorate. She stated because this CPA is in the Tahoe Area Plan, it does not have to go to the Regional Planning Commission. She further said she had talked with TRPA and the proposal is consistent with their current plans. Ms. Krause then read the Citizen Advisory Board report supporting rezoning the property to general commercial.

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

Catherine Ferguson, Mary Ann Ferguson's daughter, said her mother has owned the property since 1960 and had a commercial business on it until April 30, 2001. She stated since they closed the gas station, they have been doing remediation on the property, and it was not brought to their attention until March 29, 2002, from IVGID, that the property had been changed to parks and recreation back in 1996. She said prior to that, there was a black and white map, which showed the parcel was zoned commercial, and they never received notice of the change in zoning. Ms. Ferguson stated she met with Ms. Krause and Mike Harper, Planning Manager, Community Development, to pull archived records, and they found no notice or intent to change the land use from commercial zoning. She said it was her understanding property owners were not required

to be noticed at that time. Ms. Ferguson said they thought it was a mapping error. She further said the Assessor's Office and TRPA both list the property as commercial.

In response to Commissioner Sferrazza, Ms. Ferguson stated she does not currently know the extent of the contamination caused by the underground storage tanks, as their environmental manager is working on that. She stated they are aware they must meet County, State and Federal regulations regarding the cleanup. She further said cleanup has been complicated due to the geology of the property. Commissioner Sferrazza confirmed wherever the plume went, Ms. Ferguson would clean the contamination and she said "absolutely." She also informed the Board she is a member of the Nevada State Petroleum Fund, which is a type of insurance.

Commissioner Galloway disclosed he met with Ms. Ferguson, and she expressed to him she felt the rezoning was a mapping error.

Mr. Harper said TRPA has dictated the uses under general commercial and neighborhood commercial zoning, and, in response to Commissioner Galloway, said he did not believe the Board could consider neighborhood zoning tonight because the item was noticed as a change to general commercial.

Eugene Miller, representing Crystal Shores Villas Association, which is across the street from Orbit Gas Station, said they are the most violated by the service station. He stated the intersection in question, at Lakeshore Boulevard and State Route 28, is the western portal to Incline Village, and is predominantly a residential area. He asked the Board not to confirm the change from parks and recreation back to general commercial. Mr. Miller said the Association had objected to the presence of a gas station at that location prior to 1996 due to the way the service station was maintained. He stated the owners have not been good custodians of the property and it has continually degenerated. He further stated there were old cars laying around when the property included a car repair business. Mr. Miller said in 1999, the Association met with Commissioner Galloway concerning their objections. He also said the Association met with IVGID, who was interested in extending a park through the property in question, but IVGID would not take over the property unless it was cleaned up; and the owners were not willing to clean it up at that time. Commissioner Galloway asked Mr. Miller if the Association ever considered purchasing the property in order to convert it into a park, and Mr. Miller answered that had been discussed, but they never made an offer to purchase the property. Mr. Miller stated, in 1999, a realty organization did inquire concerning any interest in selling the property, but there was none.

Kerry Todd, Incline Village resident, said he directly overlooks the commercial property and has a few concerns, with the first being safety. He stated the property has entrances on both State Route 28 and Lakeshore Boulevard, and there is approximately one traffic accident per month due to cars trying to enter State Route 28 from Lakeshore Boulevard. Mr. Todd said his second concern is noise due to cars being stopped and trying to merge into the flow of traffic. He stated his third concern was lighting, because at one time there was a nursery operation on the property and night

security lighting shined directly into his home. Mr. Todd also said the gas station was there when he purchased his property.

Gregory Walsh, Incline Village resident, stated he was opposed to the rezoning. He specifically noted increased traffic, the hazardous intersection, and the general incompatibility with the gateway to Incline Village, especially since TRPA is dictating scenic standards.

Ruth Page, Trustee of the Flintlock Trust, which owns properties directly to the south of the subject property, said rezoning to commercial would significantly, negatively impact neighbors and all citizens and visitors who travel through the area. She stated it would result in increased traffic, it would be contrary to the area being in a designated scenic corridor, and it would decrease the value of residential property surrounding the subject parcel. Ms. Page also said the owners of the property showed a lack of responsibility and lack of sense of community when they did not begin to cleanup the contamination when it was discovered. She stated the property was purposely rezoned to parks and recreation.

Commissioner Galloway disclosed he had a lengthy conversation with Ms. Page in late January.

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

In response to Commissioner Shaw, Ms. Krause said no traffic reports had been done at this point, but if a special use permit was requested in the future, a traffic report may be requested. She stated the Nevada Department of Transportation (NDOT) was notified and said they currently had no concerns. Commissioner Galloway asked if there was any data concerning the number of traffic accidents when the gas station was open and when it was closed. Ms. Krause said there was no data, but she sent a comprehensive report to the Sheriff's Department and she felt if they had a concern, they would have informed her.

Commissioner Galloway pointed out the CAB unanimously passed the requested zone change, and he noted everyone objecting is a neighbor of the property. He further said if the property was improperly downzoned, it should be reinstated. Mr. Harper said noticing requirements in 1996 were not the same as current noticing requirements. Commissioner Galloway then stated traffic is heavy at the intersection, and it would be regardless of the zoning. He also said there is a lot of commercial zoning on that highway, and the entire highway is a scenic corridor. He stated he thought fair value ought to be general commercial.

Commissioner Sferrazza stated the owners did allow the property to deteriorate, and he would not support changing the zoning back to general commercial. He said he could support some type of zoning more compatible with the homes across the street or comparable to Tanager Realty.

In response to Commissioner Weber, Ms. Krause said the properties to the east are all general commercial zoning, and the entire block is identified by TRPA as a commercial special use area. Commissioner Weber inquired if the change to parks and recreation zoning could have been a mistake, and Mr. Harper said yes. He further said they went through 50 years of records in an attempt to determine the reason for the zoning change to parks and recreation. Mr. Harper said it is not the County's policy to zone privately owned property as parks and recreation.

Commissioner Shaw asked if the County would be taking away the Fergusons' livelihood by affirming the parks and recreation zoning. Madelyn Shipman, Assistant District Attorney, stated there is an issue designating private property as parks and recreation. She further stated under takings law, the economical and viable use of a property cannot be taken away, and by retaining the parks and recreation zoning, the property owner is denied the use of her property. Ms. Shipman stated the Board could bring back another agenda item if they felt there was some other use or designation appropriate for the property.

Chairman Humke stated he was persuaded by Mr. Harper's assessment of the zoning change, and by Counsel that this looks like a "taking."

Upon recommendation of the Washoe County Planning Commission, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Humke ordered that Comprehensive Plan Amendment Case Number CP02-016 be approved, the Resolution Adopting the Amended Tahoe Area Plan (CP02-016), a Part of the Washoe County Comprehensive Plan be adopted, and Chairman Humke be authorized to execute the same. These actions were based on the following findings:

1. The proposed amendment to the Tahoe Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the Tahoe Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Tahoe Area Plan responds to changed conditions or further studies that have occurred since the Board of County Commissioners adopted the plan, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the Tahoe Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.

5. The proposed amendment to the Tahoe Area Plan will promote the desired pattern for the orderly physical growth of the County and guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services. The requested land use change helps facilitate the development of the area for business/employment opportunities.
6. The proposed amendment to the Tahoe Area Plan is the first amendment to the Plan in 2003 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 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 266.210(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 hearing.

RESOLUTION
ADOPTING THE AMENDED TAHOE AREA PLAN (CP02-016),
A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

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

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

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse

plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the TAHOE AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the TAHOE AREA PLAN being held on February 11, 2003, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendments to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan;

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

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

03-148 SPECIAL ASSESSMENT DISTRICT NO. 32 – SPANISH SPRINGS VALLEY RANCHES ROAD

5:30 p.m. This was the time set at the Board of County Commission meeting on December 10, 2002 to continue the Public Hearing to consider the ordering of the proposed Special Assessment District No. 32 (Spanish Springs Valley Ranches Roads).

Amy Harvey, Washoe County Clerk, advised the Board she received a time-sensitive letter from Dr. Patricia Weir, which letter was placed on file. Also placed on file with the County Clerk were letters protesting and supporting the proposed project.

Chairman Humke announced the item has been continued and would not be heard at this time.

7:30 p.m. The Board recessed.

7:55 p.m. The Board reconvened.

03-149 DEVELOPMENT CODE AMENDMENT CASE NO. DC03-002 – COMMUNITY DEVELOPMENT

Adrian Freund, Director, Community Development, informed the Board their packets included three draft options concerning land use changes. He noted that

Option 2 included alternatives to reflect the Board's direction, as compiled by Community Development staff, but lacks specific findings. Option 3, he said, was a cumulative edition of Options 1 and 2 and includes more elements in detail. Mr. Freund stated this was proposed to be codified as Article 822 of the Washoe County Development Code.

Mr. Freund stated Transit Oriented Developments (TOD) and Emerging Employment Centers (EEC) within an incorporated area are not subject to cooperative planning. He then discussed the "Definitions" section of Option 3 as establishing a basis for including new items within Development Constraints Areas. He stated Development Constraints Areas are defined in the Regional Plan, but do not currently include earthquake fault and natural recharge areas. He further explained this would add to the definition in the Regional Plan, and change the earthquake fault setback from 500 feet to 50 feet, which he researched and found to be the industry standard and current local practice. Mr. Freund stated it is also important to protect natural recharge areas, which is accomplished through careful land planning and allowing transfer of density off those areas in some cases. He explained the necessity to be careful within the wording to make it clear takings would not be an issue and there would be flexibility.

Mr. Freund then discussed economic analyses and expressed a number of concerns:

1. Would they adversely affect smaller projects?
2. There is no model for the type of costing suggested in Option 3 and a model should be developed.
3. Should the analysis account for installation, maintenance and replacement of infrastructure, and what lifecycle cost would be used: 20, 40 or 50 year period?
4. Would this kind of economic evaluation be applied to purely zoning changes when a project does not accompany the rezoning request?

Mr. Freund said the last significant issue was how to bring an informed, statistical evaluation to the distribution of population that is suggested in the Regional Plan Policy 1.2.1. He stated there is no system in place to account for the incremental changes in that distribution. He then said it would be fairly easy to do an elementary analysis in a short period of time to determine the current distribution. Mr. Freund also stated it would be a difficult and long-term task to build a defensible platform for denying applications because growth is out of balance according to Policy 1.2.1. He further said as planners, staff would not feel comfortable denying applications on the basis of regional growth distribution at this point.

Gary Schmidt, Washoe County resident, said he generally supported Option 3 and a more detailed delineation of standards than has been provided by the Cities and approved by the Washoe County Planning Commission. He stated he believed the Cities, especially Reno, have not demonstrated the desire or capacity over the years to

appropriately plan for urban development in the Truckee Meadows. Mr. Schmidt said he would like every effort made for urbanization to be an orderly process and not premature. He then thanked Commissioner Galloway for his diligence and dedication in attempting to preserve some rural qualities of life in Washoe County.

Commissioner Galloway pointed out the way Option 3 is written, specifically (b) under Applicability, gives the County a resolution process, and Mr. Freund agreed. Commissioner Sferrazza said he was concerned with economic analysis because the end result might encourage density. Commissioner Galloway responded if standards are not met, the higher density designation would be removed from that piece of land or that area of the County. Mr. Freund said there are a number of issues raised concerning criteria that, over time, may require Regional Plan amendments to accomplish what is meant to be accomplished. He also stated there had been no concrete feedback from the Cities concerning Option 3.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that Option 3 be adopted, with the change from 500 feet to 50 feet under (b) of "Definitions."

Commissioner Weber thanked Commissioners Galloway and Sferrazza for their hard work and stated she appreciated all the help she received from Commissioner Galloway. Chairman Humke and Commissioner Shaw echoed the appreciation. Commissioners Galloway and Sferrazza thanked Diana Langs, Legal Counsel Shipman and staff.

Upon recommendation of Ms. Shipman, Chairman Humke noted the Board would not proceed with agenda item 16B, first reading of Development Code Amendment DC03-002, an Ordinance amending provisions relating to Washoe County Code Chapter 110, Article 822, amendments within cooperative planning areas.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that notice be given to the other parties involved in the Agreement that there is a dispute and directed staff to determine if the other entities would not object to the County requesting an extension of time from the Court to attempt to resolve differences. It was further ordered that if the other entities objected to the County requesting an extension of time, staff be directed to go to the Court with the dispute resolution process.

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Commissioner Sferrazza said the Option 3 document, "Section 3. Applicability and Definitions" (a)(i) should state "However, wherever it is agreed by majority vote of the governing boards of all three entities...."

Adrian Freund, Director, Community Development, stated the yard matching option was deleted from Option 2, and he suggested that deletion be carried forward to Option 3. Mr. Freund said staff had suggested increasing the buffer from 100 feet to 200 feet or one-half of the average minimum lot depth, and Commissioner Sferrazza said he would prefer it read "200 feet or the average minimum lot depth, whichever is greater."

Mr. Freund stated staff would go back through the document, and where the existing Washoe County Code is more stringent, ensure that is reflected here.

Commissioner Galloway said he would change the language where the document refers to the "you pick em" list to read, "in accordance with the final modified 'you pick em' list plus additional standards provided for in the Settlement Agreement." He also said where it states density cannot be transferred, natural recharge areas would be excepted or it could read, "no density transfers may be allowed from land which is otherwise undevelopable."

Mr. Freund stated the table attached to draft Option 2 concerning adjacency standards for Washoe County and the Cities of Reno and Sparks would be referenced in Option 3 when it is formatted. In response to Commissioner Galloway concerning the table, Mr. Freund said he would ensure the document reads "as may be amended from time to time by the applicable jurisdiction."

Commissioner Galloway said "by agreement of all the governing boards of all the jurisdictions" should be referenced throughout the document and Mr. Freund said he would capture that suggestion.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that Part 2, Option 3, as amended in this record of discussion, be adopted. It was further ordered that Legal Counsel be directed to review the revised final product to ensure the Board's intent has been met.

Mr. Freund clarified he did have a discussion with the City of Reno's management staff, they indicated they would be willing to support the County's request for an extension of time, but they did not say they would join the request. He stated the City of Sparks expressed a willingness to look at the document adopted by the County Commission to determine if they could support the same. The Reno staff also said between their first reading and final reading, they would be willing to sit down with the County to determine if an agreement could be reached.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that notice be given to the other parties involved in the Agreement that there is a dispute and directed staff to determine if the other entities would not object to the County requesting an extension of time from the Court to attempt to resolve differences. It was further ordered that if the

other entities objected to the County requesting an extension of time, staff be directed to go to the Court with the dispute resolution process.

Chairman Humke stated there was no action necessary on agenda item 15B, first reading of Development Code Amendment DC03-001, an Ordinance amending provisions relating to Washoe County Code Chapter 110, Article 434, site compatibility and adjacency standards.

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There being no further business to come before the Board, the meeting adjourned at 9:00 p.m.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Barbara Trow and Melissa Ayrault,
Deputy County Clerks*