

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

NOVEMBER 9, 2004

PRESENT:

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

04-1123 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the agenda for the November 9, 2004 meeting be approved.

04-1124 PUBLIC COMMENTS

Robert Cameron, Washoe County resident, commented on the transfer station on Mt. Rose Highway and the lack of attention being given to the Mt. Rose Highway scenic corridor.

David Gaskill, North Valleys resident, submitted minutes from the September 9, 2003 Board of County Commissioners meeting where Item 03-1019, Ordinance Number 1214, Amending Chapter 50, Off-Road Vehicles, was adopted. He spoke concerning off-road vehicle courses, and he requested an agenda item to discuss the Development Code as it relates to off-road vehicles.

Sam Dehne, Reno resident, spoke about the injustice of the proceedings during his lawsuit, as the jurors were unable to hear the entire case.

Al Hesson, local resident, challenged the moral values of President Bush towards children without food, seniors without medicine, and the war in Iraq.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Humke commented on the election, questionable registrations, and the number of voting machines at polling places in Washoe County. He commended Dan Burk, Registrar of Voters, and his staff for their efforts during the election.

Commissioner Galloway asked why, at a recent West Truckee Meadows Citizen Advisory Board (CAB) meeting, an abandonment of easement was on the agenda and there was no staff report or staff representation. He also asked if an abandonment of easement could be heard at the CAB level.

Commissioner Weber remarked she had been at a well-attended Verdi CAB meeting where it was commented that the County was not doing anything to protect the roads in Mogul. She requested the District Attorney's Office send a letter to the City of Reno from herself asking them to look at development in the Mogul area, and to restate the County's perspective that there should not be access through Mogul. She requested this be an agenda item for the December 14, 2004 meeting.

Commissioner Sferrazza affirmed Mr. Burk did an excellent job with the election. He commented on citizens having to wait hours to vote, and he added the Board and staff should look at solutions to decrease the lines.

Chairman Shaw thanked staff members Michelle Pochè, Assistant County Manager, Melanie Foster, Legal Counsel, John Helzer, Legal Counsel, and Bob Webb, Planning Manager, who conducted a meeting last Thursday to address concerns of Warm Springs residents.

County Manager Katy Singlaub declared there would be an election debriefing scheduled to discuss recommendations and implementation plans for the future. Ms. Singlaub thanked Chairman Shaw for his work benefiting Washoe County.

2:32 p.m. Commissioner Humke temporarily left the meeting.

04-1125 PROCLAMATION – CANSTRUCTION WEEK

Doris Phelps, Food Bank of Northern Nevada, Development and Marketing Director, thanked the Commissioners for the Proclamation. She invited the Board and the public to attend the CANSTRUCTION event on November 18 and 19, 2004 being held at the Atlantis Casino Resort.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Humke temporarily absent, it

was ordered that the following Proclamation be adopted and Chairman Shaw be authorized to execute the same:

PROCLAMATION

WHEREAS, It is estimated there are approximately 30 million people in the United States who are in need of food; and

WHEREAS, It is estimated that nearly 200,000 people in the State of Nevada are in need of food assistance; and

WHEREAS, It is estimated that in Washoe County 3,000 children go to bed hungry each night; and

WHEREAS, The Society of Design Administration (SDA), an affiliate of the American Institute of Architects (AIA), is sponsoring a nationally coordinated event called CANstruction to gather food for the hungry; and

WHEREAS, The firms in the design industry, including architects, engineers and contractors, will engage in friendly public competition to obtain this food by constructing projects using only canned and packaged foods; and

WHEREAS, Following the competition, the food will be given to the Food Bank of Northern Nevada of Washoe County for distribution to the hungry in the State of Nevada; now, therefore, be it

PROCLAIMED, That the Washoe County Board of Commissioners do hereby proclaim the week of November 15th through the 19th, 2004, as CANstruction Week in Northern Nevada.

2:35 p.m. Commissioner Humke returned to the meeting.

04-1126 PROCLAMATION – ADOPTION MONTH – NOVEMBER 2004

Patty Neely, Social Services, expressed her appreciation for the Proclamation, and she invited everyone to attend the Adoption Fair on November 13, 2004 at the Hidden Valley County Club.

Mike Capello, Social Services Director, thanked the Board for their continued support of Social Service programs and the children in Washoe County. He explained the Adoption Day events that would be held on November 19 and 20, 2004.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Shaw be authorized to execute the same:

**PROCLAMATION BY WASHOE COUNTY
DECLARING NOVEMBER 2004 AS
NATIONAL ADOPTION MONTH
AND NOVEMBER 20, 2004 AS ADOPTION DAY**

WHEREAS, every year, tens of thousands of American families answer the call to adopt a child.

WHEREAS, during November, National Adoption Month, we recognize Washoe County's and the State of Nevada's adoptive and foster families. We also commit to helping all of our children, including those waiting in foster care, find safe, permanent, and loving homes.

WHEREAS, on November 20, 2004, Washoe County will celebrate National Adoption Day by finalizing 36 adoptions of children from foster care. On this day and all this month, we honor families that have opened their hearts and homes to a child.

WHEREAS, the number of children who are adopted has increased in recent years. Still, thousands of children in our country — many with special needs — continue to wait in foster care for an adoptive family.

WHEREAS, we are taking important steps to make adoption more commonplace and to protect the well-being of our children. We have eased the financial burden of adoption by nearly doubling the maximum adoption tax credit. We expanded the Promoting Safe and Stable Families Program, which encourages adoption at the local level and supports adoptive families with services that ease a child's transition into a new family and helps to strengthen the family. The Department of Health and Human Services provides incentives to states that increase the number of children adopted from state-supervised foster care.

BE IT RESOLVED, that the Washoe County Board of Commissioners, honors all the dedicated families who adoption children by proclaiming November as National Adoption Month and November 20, 2004 as Adoption Day in Washoe County, Nevada.

**04-1127 PRESENTATION – 2004 EXEMPLARY SYSTEMS IN
GOVERNMENT HONORABLE MENTION AWARD**

County Manager Katy Singlaub explained the Geographic Information Systems (GIS) Department received the 2004 Exemplary Systems in Government Honorable Mention Award for the County's outstanding map warehouse that was constructed by County staff.

Chairman Shaw acknowledged the GIS staff for earning the national award, which he presented to Tom Lo and Steve Clement representing the GIS staff.

04-1128

CASH AND JUROR FEE DONATIONS – SOCIAL SERVICES

Commissioner Galloway acknowledged the following cash and juror fee donations and recognized the donors in attendance. He explained all of the funds were donated in support of Kids Kottage and Foster Care through Social Services. Commissioner Galloway noted the \$500 CASA donation had been omitted from the list of donations. He invited those in attendance to address the Board, and several came forward to express their pleasure in giving to the programs through Social Services.

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following cash donations in the amount of \$20,420.40 and juror fee donations in the amount of \$2,680 be accepted with the gratitude of the Board:

- \$ 2,500.00 Anthem Blue Cross Blue Shield (Cash Donation)
- \$ 1,000.00 Diane Wozniak on behalf of her father, Adam Wozniak (Cash Donation)
- \$ 965.40 United Way of Northern Nevada (Cash Donation)
- \$ 355.00 A and H Insurance Inc. (Cash Donation)
- \$ 300.00 Atlas Contractors Inc. (Cash Donation)
- \$ 300.00 Washoe Building Supply through Builders Association Charity (Cash Donation)
- \$10,000.00 Reynen & Bardis Communities (Cash Donation)
- \$ 500.00 Dan Mills Construction Nevada, Inc. (Cash Donation)
- \$ 500.00 Ryder Homes of Nevada, Inc. (Cash Donation)
- \$ 500.00 Hidden Valley Home Owners Assoc. (Cash Donation)
- \$ 1,000.00 Altmann Ott Homes through Builders Association Charity (Cash Donation)
- \$ 2,500.00 Barker Coleman Construction, LLC (Cash Donation)
- \$ 2,680.00 (Juror Fee Donations)
- \$ 500.00 CASA (Cash Donation)

It was further ordered that the Finance Department be directed to make the following budget adjustments for fiscal year 2004/05:

Cost Object/Account	Title	Amount of Increase
20026-484000	General Donations	\$ 4,820.40
20095-484000	Foster Care Donations	\$15,600.00
20224-484000	Juror Donations	\$ 2,680.00
20026-710300	General Donations/Operating Supplies	\$ 4,820.40
20095-710500	Foster Care Donations/Other Expense	\$15,600.00
20224-710500	Juror Donations/Other Expense	\$ 2,680.00

**VOTE CANVASS – NOVEMBER 2, 2004 GENERAL ELECTION -
REGISTRAR OF VOTERS**

Pursuant to NRS 293.387, Dan Burk, Registrar of Voters, presented the abstract of the votes cast for all candidates and questions in all of the precincts in Washoe County in the General Election conducted on Tuesday, November 2, 2004 and certified the same to be true and correct as certified by the Accuracy Certification Board pursuant to NRS 293B.390 for canvass. Duly executed Submission of Abstract and Certificate of Accuracy Certification Board were placed on file with the Clerk.

Mr. Burk reviewed the statistics and results of the 2004 General Election and answered questions of the Board. He commented on the first time use of audio voting, provisional balloting, two languages offered on the ballots, and the new voting machines.

Mr. Burk thanked the Board, Washoe County employees, temporary hires, and the many volunteers who made the election process a success. He acknowledged his staff by name and noted the years of service for each employee.

The Board commended Mr. Burk and his staff for their proficiency in conducting the General Election.

After conducting the canvass, the Board declared the abstract, as presented, to be a true vote cast; and, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the members present execute the Certification of the Official Canvass for the 2004 General Election, as presented. It was further ordered that the Clerk be directed to enter upon the record of the Board an abstract of the results, which shall contain the number of votes cast for each candidate and question, and that the Registrar of Voters submit a certified copy of the abstract to the Secretary of State.

[abstract set forth in full in the permanent minutes]

04-1130 **MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of September 14 and 21, 2004 be approved.

04-1131 **INCREASE COMPENSATION – ELECTION CERTIFICATION BOARD MEMBERS – REGISTRAR OF VOTERS**

Sam Dehne, local resident, voiced his support of the increase in the daily compensation rate for the Election Certification Board members, but questioned where the money would come from.

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the increase in the daily rate of compensation from \$85 to \$150 for Election Certification Board members be approved retroactive to the 2004 Primary Election.

04-1132 **ACCEPTANCE OF GRANT – EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Upon recommendation of Aaron Kenneston, Emergency Manager Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the 2005 Emergency Management Performance Grant (EMPG) in the amount of \$81,932.41 from the State of Nevada, Division of Emergency Management be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments to bring the budget in alignment with the final award:

Account Number	Description	Amount of Decrease
10005-431100	Federal Revenue	(\$4,690.59)
10005-701100	Base Salaries	(\$4,690.59)

It was noted that the 100 percent County match requirement in the amount of \$81,932.41 associated with the grant had been budgeted in the existing fiscal year 2004/05 budget.

04-1133 **RESIGNATION – APPOINTMENT - WARM SPRINGS CITIZEN ADVISORY BOARD – COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the resignation of Laurie York as an at-large representative on the Warm Springs Citizen Advisory Board

be accepted, and John Glatthar be appointed to fill the vacancy with a term expiring in June 30, 2005.

**04-1134 SAFETY COMMITTEE APPOINTMENTS – RISK
MANAGEMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Bill Berrum, Treasurer, and John Balentine, Purchasing and Contracts Administrator, be appointed to the Washoe County Safety Committee with terms expiring November 1, 2006.

**04-1135 RESOLUTIONS – GRANT PROGRAM CONTRACT -
AFFORDABLE HOUSING RESOURCE COUNCIL - SILVER
STATE FAIR HOUSING**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Grant Program Contract with the Affordable Housing Resource Council in the amount of \$13,925 (with \$5,000 coming from the City of Reno and \$8,925 from the County) be approved and Chairman Shaw be authorized to execute the same. It was further ordered that the following Resolution be adopted, and Chairman Shaw be authorized to execute the same:

RESOLUTION - Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that \$8,925 in funding is needed to assist in providing services to encourage a clean community; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Affordable Housing Resource Council, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2004 - 2005 in the amount of \$8,925 (Community Support).
2. The purpose of the grant is to provide technical assistance and capacity building services to community organizations and

developers of affordable housing in Washoe County, which will provide a substantial benefit to the inhabitants of the county.

It was further ordered that the following Resolution concerning support of Silver State Fair Housing be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION - Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that \$4,465 in funding is needed to assist in providing services to encourage a clean community; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Silver State Fair Housing, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2004 - 2005 in the amount of \$4,465 (Community Support).
2. The purpose of the grant is to provide informational materials and education to increase community awareness of housing discrimination, Fair Housing Act protections, and fair housing rights and responsibilities, which will provide a substantial benefit to the inhabitants of the county.

04-1136 **COMMUNITY SUPPORT GRANT – INCLINE VILLAGE
CHILDREN’S CABINET CLINIC**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the increase of the Community Support grant from \$17,855 to \$50,000 for the Incline Village Children's Cabinet Clinic for the fiscal year 2004/05 budget be approved. It was noted that this was a one-time increase of grant funding for the current year.

04-1137 RELEASE OF ACCOUNT – SEWER HOOK UP FEES – WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the release of the Money Market Account #54003548, guaranteeing the payment of sewer hook up fees for Sky Ranch North Unit 2C, be approved.

04-1138 ACCEPT LISTED FACILITIES – UTILITY SERVICES DIVISION - WATER RESOURCES

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the following developer-built water, sewer and reclaimed facilities dedicated to Washoe County be accepted:

<u>Water Facilities</u>	<u>DWR No.</u>	<u>Value</u>
1. Arrow Creek Clubhouse Expansion	66673473	\$ 16,250.42
2. Arrow Creek Unit 26	66673348	\$429,434.41
3. Bear Creek	66673271	\$ 75,486.93
4. Creekside S. Meadows Medical Center	66673523	\$ 53,296.19
5. Damonte Ranch Village 12B	66673535	\$ 90,473.16
6. Damonte Ranch Village 13B	66673536	\$206,538.90
7. Damonte Ranch Village 14A	66673470	\$161,446.63
8. Double Diamond 6 Village 28B	66673509	\$107,232.57
9. Double Diamond Ranch 19B	66673266	\$137,020.87
10. Double Diamond Village 23	66673467	\$209,259.22
11. Double Diamond Village 7	66673450	\$165,240.64
12. Double Diamond Village Fleur De Lis 26B, Phase 2	66673521	\$108,291.46
13. Double Diamond Village Fleur De Lis 26A	66673256	\$150,770.23
14. Eagle Canyon 4A & 4B	66419305	\$394,060.00
15. Pebble Creek	366673531	\$320,611.41
16. Reno Sparks Indian Colony	66419300	\$385,586.93
17. Technology Office Building	66673460	\$ 22,087.71
18. TNT South Meadows	66673510	\$ 5,442.43
19. Washoe Health Diagnostic & Treatment	66673401	\$ 55,281.70
WATER TOTAL		<u>\$3,093,811.81</u>

<u>Sewer Facilities</u>	<u>DWR No.</u>	<u>Value</u>
1. Arrow Creek Clubhouse Expansion	66673473	\$ 20,202.09
2. Arrow Creek Unit 2	666673348	\$420,299.47
3. Bear Creek	66673271	\$ 50,940.87
4. Eagle Canyon 4A & 4B	66498305	\$375,128.53

5. Peavine View Estates 9	66498313	\$122,434.40
6. Pebble Creek 3	66673531	\$204,755.77
SEWER TOTAL		<u>\$1,193,761.13</u>

<u>Reclaimed Water Facilities</u>	<u>DWR No.</u>	<u>Value</u>
1. Bishop Manogue High School	66457374	\$ 62,348.04
2. South Valleys Sports Complex	66678002	\$ 15,753.09
3. Technology Office Building	66673460	\$ 1,217.98
RECLAIMED TOTAL		<u>\$ 79,319.11</u>

TOTAL VALUE **\$4,366,892.05**

04-1139 **AMENDMENT – FINANCIAL SOLUTIONS CONSULTING GROUP, INC. – SPANISH SPRINGS VALLEY SEPTIC-TO-SEWER CONVERSION – WATER RESOURCES**

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the amendments to the Financial Solutions Consulting Group, Inc. (FCSG) agreement and the related purchase order in the amount of \$8,000, concerning financial consulting services relative to the Spanish Springs Valley septic-to-sewer conversion and wastewater treatment facility, be approved and Chairman Shaw be authorized to execute the same.

04-1140 **ADDENDUM TO INTERLOCAL AGREEMENT – UNIVERSITY OF NEVADA, RENO – AMERICANS WITH DISABILITIES ACT CONSULTING ISSUES – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that an addendum to the Interlocal Agreement for the Provision of Professional Services between Washoe County and the University of Nevada, Reno, concerning Americans with Disabilities Act (ADA), be approved and Chairman Shaw be authorized to execute the same.

04-1141 **AGREEMENT – CINCINNATI MUSEUM CENTER - SPRING EXHIBIT – WILBUR D. MAY MUSEUM - PARKS**

Upon recommendation of Kristy Lide, Recreation Specialist III, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that an agreement between Washoe County and Cincinnati Museum Center, concerning the 2005 spring exhibit entitled, "Beakman's World on Tour" for the Wilbur D. May Museum in

the amount of \$45,000, be approved and Chairman Shaw be authorized to execute the same.

04-1142 LEASE AGREEMENT – MMK PROPERTIES – WAREHOUSE SPACE – MOSQUITO CONTROL PRODUCTS – PUBLIC WORKS

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that a 17-month lease agreement between Washoe County and MMK Properties, concerning additional warehouse space (Unit No. 20) to store mosquito control products for the District Health Department Vector-Borne Diseases Program from December 1, 2004 through April 30, 2006, be approved and Chairman Shaw be authorized to execute the same. It was further ordered that the Comptroller be directed to make the following budget adjustments:

Department	Account Number	Amount of Increase/(Decrease)
District Health	172100-710600	(\$5,810)
Public Works	161100-710300	\$5,250
Facility Management Division	161300-711010	\$ 560

04-1143 INTERLOCAL CONTRACT – PUBLIC AGENCIES – FORENSIC SCIENCE DIVISION – DNA TESTING – SHERIFF

Upon recommendation of Will McHardy, Forensic Science Division Captain, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Interlocal Contract between the Washoe County Sheriff's Office Forensic Science Division and the State of Nevada, Department of Public Safety, Division of Parole and Probation, concerning DNA testing, be approved and Chairman Shaw be authorized to execute the same. It was noted the Interlocal Contract would provide an estimated income of \$5,000 per year for the Forensic Science Division.

04-1144 CORRECTION OF FACTUAL AND CLERICAL ERRORS – ASSESSOR

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

PROPERTY OWNER	PARCEL NO.	AMOUNT	ROLL
BGU Associates LLC	003-683-04	[-\$567.93]	2004 Secured
Kelly Rae	011-255-12	[-\$77.06]	2004 Secured

PROPERTY OWNER	PARCEL NO.	AMOUNT	ROLL
Barry C. O'Sullivan TR	013-111-01	[-\$21.36]	2002 Secured
Barry C. O'Sullivan TR	013-111-01	[-\$21.14]	2003 Secured
Barry C. O'Sullivan TR	013-111-01	[-\$21.41]	2004 Secured
Ji L. Rao, et al	019-431-13	[-\$2,259.11]	2004 Secured
Scannell Properties #32 LLC, Lessee	021-071-41	[-\$6,891.54]	2004 Secured
Verdi Springs LLC	038-060-08	[-\$924.85]	2004 Secured
North Valleys Development Co. LTD	080-021-16	[-\$18,115.63]	2004 Secured
John J. Wu ETTR	123-260-05	[-\$867.53]	2004 Secured
Agnieszka M. Winkler TR	123-260-07	[-\$524.78]	2004 Secured
Arthur & Sandra Antony III	123-260-10	[-\$343.50]	2004 Secured
J. Robert & Carole K. Anderson	123-260-11	[-\$554.69]	2004 Secured
James P. & Marilyn Beresford	123-260-12	[-\$201.20]	2004 Secured
Robert A. Madsen TR	520-181-08	[-\$175.55]	2002 Secured
Robert A. Madsen TR	520-181-08	[-\$177.33]	2003 Secured
Robert A. Madsen TR	520-181-08	[-\$179.56]	2004 Secured

**04-1145 ALTURAS POWER LINE MITIGATION FUND – ACCOUNTING
ADJUSTMENTS - PUBLIC WORKS – PARKS**

County Manager Katy Singlaub commented that all of the Alturas Power Line Mitigation funds have been allocated and appropriated to approved projects. She stated the required accounting to administer each of those projects individually through the Mitigation Fund is a burdensome bureaucracy, and the County could better utilize that time focusing on dispersing the funds. She said the County would continue to individually account for projects and separately record them in the audit reports.

Commissioner Sferrazza inquired if any of the projects were not constructed or if there were surplus funds, would the projects come back to be redistributed through the Alturas Power Line Mitigation guidelines. Ms. Singlaub confirmed that to be true.

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that:

1. Staff be directed to move all cash and appropriation authority remaining in the Alturas Power Line Mitigation Fund to the following previously approved project accounts:
 - i) All cash remaining in the Cold Springs area be moved to the Parks Department Infrastructure Preservation account to be used for the Cold Springs Recreation Center. There is approximately \$2,300 remaining in that sub-fund.

- ii) All cash remaining in the Silver Knolls area be moved to the Public Works Construction Fund project established for the Silver Knolls Fire Station. There is approximately \$564,000 remaining in the sub-fund.
 - iii) All cash remaining in the Stead Anderson area be moved to the Parks Department Infrastructure Preservation Account to be used for the previously approved North Valley Skate Parks Complex. There is approximately \$43,300 remaining in that sub-fund.
 - iv) All cash remaining in the Grandview Terrace area be moved to the Parks Department Infrastructure Preservation Account to be used for the Black Springs Community Building. There is approximately \$4,300 remaining in that sub-fund.
 - v) All cash remaining in the Lemmon Valley area be moved to the Public Works Construction Fund project account established for the previously approved Swan Lake Nature Study and Lemmon Valley trail system. There is approximately \$247,000 remaining in that sub-fund.
 - vi) All cash remaining in the Golden Valley area be moved to the Public Works Construction Fund to be used for the previously approved paving of roads in Golden Valley. There is approximately \$159,800 remaining in that sub-fund.
2. Staff be directed to make the necessary accounting adjustments required to move all cash and appropriation authority out of the Alturas Power Line Mitigation Fund and close the fund and to not accrue interest income on the balance of those accounts.
 3. The project managers be directed to complete any necessary change orders to reflect the new accounts within the Public Works Construction Fund and the General Fund Parks Department Fund and provide periodic project status reports to the Board.

04-1146 AGREEMENT – SHAW ENGINEERING – PHASE I PLEASANT VALLEY INTERCEPTOR – WATER RESOURCES

Upon recommendation of Thomas Kelly, Senior Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Professional Services Agreement between Washoe County and Shaw Engineering in the amount of \$293,000, concerning the design of the Phase I Pleasant Valley Interceptor, be approved and Chairman Shaw be authorized to execute the same.

04-1147 AGREEMENT – ST. JAMES VILLAGE – WORLD PROPERTIES, INC. – SEWER INTERCEPTOR EXTENSION – WATER RESOURCES

Upon recommendation of Steve Bradhurst, Water Resources Director, and Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Sewer Interceptor Extension Agreement between Washoe County and St. James's Village, Inc. and World Properties, Inc., concerning the extension of a sewer interceptor to serve existing St. James properties and future development in Pleasant Valley, be approved and Chairman Shaw be authorized to execute the same.

04-1148 HIDDEN VALLEY WATER SYSTEM FACILITY PLAN UPDATE – WATER RESOURCES

Upon recommendation of Rick Warner, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that:

1. The “Hidden Valley Water System Facility Plan Update, October 2004” report be accepted.
2. The recommendation to construct a water treatment facility at Washoe County’s Longley Lane property be approved.
3. The Engineering Consultant Contract between Washoe County and ECO:LOGIC Consulting Engineers in the amount of \$1,167,000, concerning final design services for a drinking water treatment facility, water transmissions mains and pump stations, be approved and Chairman Shaw be authorized to execute same.

04-1149 RESOLUTION – SAD NO. 29 – MT. ROSE SEWER PHASE I – WATER RESOURCES

Upon recommendation of Jerry McKnight, Finance and Customer Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute the same:

Resolution No. 04-1149

A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ESTABLISHING THE RATE OF INTEREST PAYABLE ON DEFERRED INSTALLMENTS OF ASSESSMENTS IN THE DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE COUNTY CONCERNING THE DISTRICT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as amended, and the general laws of the State of Nevada; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has heretofore, pursuant to the requisite preliminary proceedings, created the Washoe County, Nevada Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) (the "District") for the purpose of acquiring, constructing, improving and equipping sanitary sewer facilities (the "Project") and has provided that the cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has by an ordinance (the "Assessment Ordinance") heretofore passed and adopted levied assessments against the assessable lots, tracts and parcels of land benefited by the Project; and

WHEREAS, the Assessment Ordinance provided that said unpaid assessments shall be payable in installments of principal and interest, with interest in all cases on the unpaid and deferred installments of principal from the effective date of the Assessment Ordinance at rate or rates which shall not exceed by more than one percent (1 %) the highest rate of interest on the Bonds (as hereinafter defined) (the effective rate on which shall not exceed by more than three percent (3%) the "Index of Twenty Bonds" most recently published in The Bond Buyer before the negotiated offer for the sale of the Bonds was accepted); and

WHEREAS, the Board adopted an ordinance (the "Bond Ordinance") authorizing the issuance and sale of the Washoe County, Nevada Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) Local Improvement Bonds, Series 2004 ("Bonds") at the interest rate and other terms set forth in the Certificate of the Finance Director (as defined therein), and the highest interest rate on the Bonds, as authorized and provided by such ordinance and Certificate, is 4.55% per annum; and

WHEREAS, the Assessment Ordinance provided that the Board may by ordinance or resolution adjust the 2% delinquency penalty and 3% prepayment penalty provided therein.

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

Section 1. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers of the County (not inconsistent with the provisions of this resolution) concerning the District including, but not limited to, the improvement and acquisition of the Project, the performing of all prerequisites to the levying of special assessments, the fixing of the assessment lien against the property in the District, and the issuance and sale of the Bonds for the District, are ratified, approved and confirmed.

Section 2. The Board has determined and does hereby determine that the interest rate on the unpaid and deferred installments of assessments for the District shall be 5.55% per annum from the effective date of the Assessment Ordinance for the District.

Section 3. The County Clerk is hereby directed to deliver to the County Treasurer of the County a notice that such unpaid and deferred installments of assessments for the District shall bear interest at such rate. The County Treasurer hereby is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all assessments made and levied for the Project, the installments thereof, all interest thereon at such rate, and the penalties accrued, at the time and in the manner specified in the Assessment Ordinance, and to cause such moneys to be deposited into the Bond Fund created by the Bond Ordinance (except as otherwise provided in the Bond Ordinance).

Section 4. Section 5 of the Assessment Ordinance provides that the Board may by resolution adjust the 3% prepayment penalty. The Board hereby determines to adjust the prepayment provision to provide that the owner of any property assessed and not in default as to any installment or payment may (at the option of such owner) at any time prior to the next succeeding assessment interest payment date, pay the whole installment amount or any portion of unpaid principal together with interest accruing thereon to the next assessment interest payment date, without penalty.

Section 5. The officers of the County are directed to take all action necessary to effectuate the provisions of this resolution.

Section 6. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution or part thereof, heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. This resolution shall be in full force and effect from and after its adoption.

04-1150 U.S. EPA GRANT AGREEMENT – HEPPNER SUBDIVISION – WATER RESOURCES

In response to questions at Caucus, County Manager Katy Singlaub stated this is a voluntary program for people to connect to the community water system, except where well-deepening permits have been denied. She stated connection hookup fees fund the part of the project not funded by federal grants. Ms. Singlaub said the County has been working for several months with Lemmon Valley residents to move this project forward, and there is a meeting scheduled for January 19, 2005 to review this plan with Lemmon Valley residents.

In response to Commissioner Galloway, Ms. Singlaub said the hookup fee is \$6,850 per connection.

Commissioner Weber and Chairman Shaw thanked Steve Bradhurst, Water Resources Director, and his staff for their work on this project.

Upon recommendation of John Nelson, Licensed Engineer, and Paul Orphan, Engineering Manager, through Mr. Bradhurst, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the U.S. Environmental Protection Agency (EPA) Grant Agreement No. XP-96909501, concerning funding for the replacement of private water supply wells with a community public water supply to enhance recharge of local ground water in Lemmon Valley known as the Heppner Subdivision, be approved. It was further ordered that the Department of Water Resources Director be authorized to execute the same. It was noted that the project cost associated with this grant is \$1,753,273, with EPA funding \$964,300 and with a match of \$788,973.

3:25 p.m. The Board recessed.

4:15 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Weber reported on the Board of Equalization workshop that took place on November 4, 2004 and the Verdi and North Valley Citizen Advisory Board meetings. She said there would be a 9:00 a.m. Saturday morning Coffee and

Conversation with your Commissioner meeting at the North Valley Regional Sports Complex, which will be held regularly on the third Saturday of the month starting in January. Commissioner Weber said a Neighborhood Watch meeting at 10:00 a.m followed this month's meeting.

Commissioner Galloway remarked that he attended the Reno City Council meeting where local businesses were acknowledged for their work to beautify areas of downtown Reno. He voiced his disappointment that no ice rink would be available for the public this winter.

Commissioner Humke said the Nevada Department of Transportation community workshop scheduled for this evening at the Pleasant Valley School to discuss short-, medium-, and long-term solutions to the traffic problems on Highway 395. He said the Regional Transportation Commission (RTC) would present the 2030 Transportation Plan on November 18, 2004 at 6:00 p.m. Commissioner Humke said because of this meeting he would miss the dinner honoring the retirement of NACO Executive Director, Robert Hadfield. He said he was in attendance, along with Congressman Gibbons and an administrator of the Federal Transportation Department when a substantial check was passed to assist the community and RTC in getting the City Centers up and running, and starting the bus rapid transit system that is planned to run from the University of Nevada Reno to the Meadowood Mall.

Chairman Shaw commented on his attendance at the Board of Health meeting at Bartley Ranch on November 4, 2004. He said the District Health Department has announced the availability of additional flu vaccine for those who fall into one of the risk categories.

In response to questions from Commissioner Weber's meeting in Gerlach, County Manager Katy Singlaub confirmed that 60 doses of flu vaccine were made available to the physician in Gerlach. She said the Water Tower Park is being worked on, and requirements for a heli-pad in Gerlach are being investigated.

4:40 p.m. Commissioner Sferrazza returned to the meeting.

04-1151 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Adrian Freund, Community Development Director, provided an update on the conformance review for the St. James development that would be before the Regional Planning Commission at their next meeting. He stated the Regional Planning Governing Board meeting would be on November 18, 2004. Mr. Freund said he would have an update at the next meeting about the City of Reno Annexation Program mediation schedule. After discussion about the meeting date, Mr. Freund said he would verify the date.

4:45 p.m. The Board recessed.

5:30 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

04-1152 **ORDINANCE NO. 1254 - BILL NO. 1432 – AMENDING WCC
CHAPTER 80 – ELIMINATING DEPUTY OF PUBLIC WORKS
POSITION**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 29, 2004, to consider second reading and adoption of Bill No. 1432. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Shaw ordered that Ordinance No. 1254, Bill No. 1432, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ELIMINATING THE POSITION OF DEPUTY DIRECTOR OF PUBLIC WORKS,**" be approved, adopted and published in accordance with NRS 244.100.

5:40 p.m. Commissioner Sferrazza returned to the meeting.

04-1153 **COMPREHENSIVE PLAN AMENDMENT CASE NO.CP04-012 –
MONTE ROSA LLC**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette Journal* on October 29, 2004 and mailed to affected property owners on October 28, 2004, to consider a request to amend and re-designate Assessor's Parcel Numbers 049-401-34, 049-401-35 (formerly known as 049-401-15, and 049-401-16) & 049-401-30 from the land use categories of General Commercial (GC), Low Density Suburban (LDS) and General Rural (GR) to Medium Density Suburban (MDS) and General Rural (GR). The subject parcels, totaling ±71.88 acres are located on the north side of Mt. Rose Highway (SR-431), just east of Thomas Creek Road. The subject parcels are within the Truckee Meadows Hydrographic Basin, within Section 30, T18N, R20E, MDB&M. The subject parcels are within the City of Reno Area of Interest of the Truckee Meadows Regional Plan, within the Truckee Meadows Service Area (TMSA), and a portion within the Development Constraints Area (DCA), but outside the Rural Development Area (RDA). Administrative changes to the Area Plan are necessary to reflect a revised Table of Land Uses. Proof was made that due and Legal Notice had been given.

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, including a revised map series with updated parcel base and revisions to the Table of Land Uses.

Sandra Dutton, Community Development Planner, described the requested amendment and provided background information as detailed in the agenda memorandum dated October 20, 2004. She stated there was no opposition to the Comprehensive Plan Amendment at the Planning Commission meeting on September 7, 2004.

Commissioner Galloway asked if the City of Reno had any objections to the project, since it concerns their area of interest. Ms. Dutton responded the City was given a copy of the application for review and had no objections.

Commissioner Humke said, pursuant to a petition received from the Galena Country Estates Homeowners Association (HOA), which was placed on file with the Clerk, there were issues regarding the project's adverse impacts on the neighborhood. In response to Commissioner Humke, Karen Mullen, Regional Parks and Open Space Director, stated the citizens have concerns with the operation and maintenance of White's Creek Park. Staff would like to approach the Board during the first meeting in January to discuss options regarding this issue since it brings into account valid reasons concerning the adjacent development. She also said additional items listed in the petition, such as open space drainage, adjacencies to the park, and open fencing, could be handled with conditions on the development.

Commissioner Humke stated the HOA, as stated in the developer's agreement, is responsible for partial maintenance of the park. This is a relatively small HOA consisting of approximately 140 members, and they have concerns that maintenance would increase with a higher volume of visitors. He also said since the entrance to the park is located off Mt. Rose highway, visitors drive through the streets of the subdivision, adding to their concerns.

Andrew Durling, Wood Rodgers Inc., representing the developer, said most of the issues raised in the petition are on the tentative maps. He said there are measures the planners have to comply with to stay within code. Mr. Durling said their staff would meet with the HOA and the Citizens Advisory Board to discuss the issues. Chairman Shaw said the major concerns apparently are the park itself and the maintenance for the area. Mr. Durling responded that is being discussed with the developer determining the logistics of the maintenance issue.

Don Verhoef, Vice-Chairman Board of Directors, Galena Country Estates Homeowners Association, said along with the maintenance of the park, another concern is traffic in the area. He stated the Association would like to see additional stop signs and four-way stops implemented. As it stands now, cars sometimes travel too quickly through the area creating a safety hazard for children playing.

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

Commissioner Galloway asked Ms. Dutton if concerns not addressed in the tentative map approval could be appealed. Ms. Dutton replied it could be appealed within the time frame allowed.

Having made the following findings, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Comprehensive Plan Amendment Case No. CP04-012 be approved. It was further ordered that the Chairman be authorized to execute the Resolution after the determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

1. The proposed amendments to the Southwest Truckee Meadows Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendments to the Southwest Truckee Meadows 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 amendments to the Southwest Truckee Meadows 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.
4. The proposed amendments to the Southwest Truckee Meadows Area Plan will promote the desired pattern for the physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
5. The proposed amendments to the Southwest Truckee Meadows Area Plan are the first amendment to the Southwest Truckee Meadows Area Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. That the Planning Commission has reviewed the required regional findings in Article 822 of the Development Code for conformance with the Regional Plan, including Section 822.25, findings for Regional Form and Pattern; Section 822.30, findings for Housing; Section 822.35, findings for Concurrency, Timing and Phasing of Infrastructure; Section 822.40, findings for Public Service Levels and Fiscal Effect: and
7. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County

Planning Commission and to the information received during the public hearing.

04-1154 APPEAL CASE NUMBER AX04-011 – SPECIAL USE PERMIT
CASE NO. SB04-016 – JAMES AND PETA ROSS

5:30 p.m. This was the time set in a Notice of Public Hearing mailed on October 28, 2004 to affected property owners on Appeal Case Number AX04-011 to consider the appeal of Special Use Permit No. SB04-016 by James and Peta Ross of the Board of Adjustment's decision on Special Use Permit Case No. SB04-016, which imposed a condition of approval for the location of a detached accessory dwelling, as authorized in Section 110.306.25 of the Washoe County Development Code with the issuance of a Special Use Permit. The project is located at 1185 Paddock Lane, approximately 1½ miles southwest of the intersection of Rhodes Road and US Highway 395. The ±9.77-acre parcel is designated High Density Rural (HDR) in the South Valleys Area Plan, and is situated in a portion of Section 9, T17N, R20E, MDM, Washoe County, Nevada. The property is located in the Galena/Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 017-372-30)

Chairman Shaw opened the public hearing by calling on anyone wishing to speak for or against the appeal.

Sandra Dutton, Community Development Planner, provided the background of the appeal and showed a map of the proposed project, which was placed on file with the Clerk. Ms. Dutton remarked the Special Use Permit was approved by the Board of Adjustment on September 7, 2004 with seven conditions. However, due to concerns raised by neighborhood residents as to the placement and possible visual impact created by the new dwelling, the Board of Adjustment imposed an additional condition that the detached accessory dwelling must be sited within 100 feet of the main dwelling. The Board of Adjustment determined that a detached accessory dwelling should be within a reasonable distance of the main residence. It is the imposition of this condition which the applicant is appealing.

Commissioner Galloway inquired if this parcel could be subdivided. Ms. Dutton responded under the current zoning it could be. Sharon Kvas, Planning Manager, described it could be divided into three, two and a half acre parcels.

Paul Taggart, attorney for appellant, reviewed a map, which was placed on file with the Clerk. He stated it was not appropriate or legal to place a restriction that auxiliary dwellings be 100 feet from a main house.

Richard Wood, Architect, said he was the original architect and designed the applicants' home. If requirements only permit building within 100 feet of the main house, it would destroy the effect of having an estate as in Mr. Ross's master plan. He said the design was to build the accessory dwelling at a practical, comfortable distance

along a pathway leading to the main house, while preserving an existing surface irrigated field.

Frank DeSoto, neighbor, stated Mr. Ross approached him to inform and discuss the plans for the detached accessory dwelling, and he is speaking here today in support of the project.

Mr. Taggart said there are parameters on restrictions being placed on the development of a property. It is not allowable for a County to restrict the development of a property without specific reasons. He said there has to be a basis for the condition that is true and supported in law. The code has specific requirements for auxiliary dwellings and those requirements have been fulfilled. Mr. Taggart stated an item raised before the Board of Adjustment included the view, which should not justify a 100-foot limitation. He also said under Nevada law there is not an enforceable right of view; and in this County, those are dealt with by setbacks, which have been met. He stated another concern raised by the neighbors involved the water requirements of the property. Mr. Taggart replied the applicants intend to comply with State laws on water for the two homes. He said a disagreement between neighbors should not be a justification for determining the use of the property. The project was reviewed and approved by the Architectural Review Committee and the Citizen Advisory Board and recommended for approval by staff.

Jeanne Karadanis, neighbor, presented photos, which were placed on file with the Clerk, showing the view from her driveway and the Ross's property as it exists now. She said the new dwelling would be approximately 600 feet from the main house; and she felt the character of the neighborhood, single-family residences on large parcels, could be placed in jeopardy. Recently, Mr. Ross installed a sign, which read "Wanted Pig Farmer;" however, Ms. Karadanis said there are no pigs on the property and no pig farmers in the vicinity. She said the water table is diminishing; and, if the house is built far from the main dwelling, another well would have to be drilled, which would be close to her existing well. She felt this unit would negatively impact property values in the area and urged the Board to agree with the Board of Adjustment to have Mr. and Mrs. Ross build the detached accessory dwelling near the general vicinity of the main home. In response to Commissioner Humke, Ms. Karadanis said she had never been approached by Mr. Ross about building this structure as Mr. DeSoto had. She stated she does not have a problem with the building of the additional home; however, she does not want it in her front yard. Commissioner Humke asked if Mr. Ross ever raised pigs, and Ms. Karadanis replied he had not.

Chairman Shaw asked Ms. Karadanis if the new dwelling would be accessible from the main road leading to the applicants' property; and she replied access to the new structure would be from the cul-de-sac by her home, not the street located near the main house.

Mr. Taggart reiterated previous comments saying the Board's decision should not be based upon a dispute between neighbors. He said many of the statements

heard are not true. Mr. and Mrs. Ross intend for the dwelling to be an in-law home, not a rental.

Commissioner Humke asked Mr. Wood if there are any other possible locations on the property where the new dwelling could be placed. Mr. Wood responded Mr. Ross felt this was a comfortable location since it is not flood irrigated and has a separate driveway adding convenience for the in-laws. He said the existing pasture, as depicted on the map, is irrigated and the chosen location for the new dwelling is on a higher piece of land. Mr. Wood said it would be possible to place the new dwelling on another location of the property; however, he is at the discretion of the property owner.

Commissioner Weber stated Mr. and Mrs. Ross should be able to have their guesthouse; however, there are others living within the neighborhood who should be considered, and she is concerned that people are not being good neighbors.

Chairman Shaw asked Ms. Karadanis if other neighbors in the area have the same concerns. Ms. Karadanis replied other neighbors are also concerned and have had similar problems with Mr. Ross.

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

Commissioner Galloway questioned staff if the condition imposed by the Board of Adjustment had been imposed before. Ms. Dutton responded this condition had never been imposed. Commissioner Galloway then asked Melanie Foster, Legal Counsel, if there would be any implications due to the new restriction. Ms. Foster replied the Board has the authority to impose reasonable conditions based upon the facts presented. Ms. Foster stated there is nothing in the code addressing the physical distance between the main dwelling and the accessory dwelling.

Commissioner Humke asked Ms. Foster if the distance could be changed, since 100 feet is fairly restrictive. Ms. Foster said it could if that is the desire of the Board, but it would be necessary to tie it to the factual situation with a tailored condition alleviating concerns about impinging on the neighbor's enjoyment of their property. Commissioner Humke asked Ms. Dutton if the estimated distance between the main house and the new dwelling was approximately 500 feet. Ms. Dutton replied that was correct. He speculated whether a compromise could be reached possibly allowing 250-300 feet.

Chairman Shaw asked Ms. Dutton if the reason the Board of Adjustment imposed Condition No. 8 was based on hardship for the neighbors. Ms. Dutton replied the Board felt if it was a true accessory structure, it should be more accessible to the main house.

Commissioner Sferrazza questioned if a no-build distance from the neighbor's house would accomplish the same conclusion instead of arbitrarily stating the

new dwelling has to be a certain footage from the main house. Mr. Taggart responded having it located on an existing cul-de-sac is cost efficient; otherwise an additional road would have to be built for an entrance. He stated the setback of 30 feet from the front and 15 feet from the side is the footage legally required. Commissioner Sferrazza reminded Mr. Taggart this is a Special Use Permit for an accessory building, and the Board has the discretion of imposing reasonable conditions.

In response to Commissioner Sferrazza, Ms. Karadanis replied if there were anyway to compromise with Mr. and Mrs. Ross, she would be willing. Commissioner Sferrazza asked her what would be an acceptable distance from her house. Ms. Karadanis replied she does not know the exact distance; however, if the house was located to the left or anywhere on the property instead of the mouth of the cul-de-sac, that would be acceptable.

Commissioner Weber offered a suggestion of a distance between 150 and 200 feet away from the property line with a range of footage to adjust.

Commissioner Humke stated he wanted to give the applicant the full use of his property, within reason, and suggested other sites for the location of the accessory dwelling by giving distances and directions from the cul-de-sac and the corner property line, rather than the main home, and having Ms. Dutton and Ms. Kvas draw lines on the map. Other Board members offered ideas to refine the Commissioner's suggestion resulting in defined "no-build" areas to lessen the impact on the neighboring properties.

Based on the following findings:

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

5. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
6. That Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission from the Washoe County Board of Adjustment, and the information received during the Washoe County Commission public hearing,

on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Appeal Case No. AX04-011, by James and Peta Ross of Condition No. 8 imposed by the Board of Adjustment in approving Special Use Permit Case No. SB04-016, be partially granted by modification of said condition in accordance with the map delineating the “no-build” zones incorporated herein by reference and that the Special Use Permit be approved subject to the following conditions:

CONDITIONS FOR SPECIAL USE PERMIT CASE NUMBER SB04-016 JAMES AND PETA ROSS

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

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

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

THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

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

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

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall obtain and maintain a valid building permit for the construction of the addition within two (2) years from the date of approval by Washoe County Board of Adjustment. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
5. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

ENGINEERING

6. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, site drainage, erosion control, slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on site and not allowed onto adjacent property. The Engineering Division shall determine compliance with this condition.
7. The new detached dwelling shall match the color(s) and building materials of the existing residence. The Department of Community Development shall determine compliance with this condition.
8. The detached accessory dwelling shall not be sited within the two "no-build" zones designated by the Board of County Commissioners and drawn on an exhibit entitled "Overall Site Plan," which was placed on file with the County Clerk. The "no-build" zones are areas defined by: 1. A line extending at a 45-degree angle from the intersection of the west and north property lines and extending 200 feet from the edge of the cul-de-sac along that line, and then along the arc described by the end of that line to the west property line, and 2. Along the same 45-degree angle line extending 100 feet from the edge of the cul-de-sac along that line, and then along the arc described by the end of that 100-foot line to the north property line, both as generally depicted in the attached Exhibit.

04-1155 **APPEAL CASE NUMBER AX04-010 – ADMINISTRATIVE PERMIT AP04-003 – RONALD AND FRANCEY DENNIS**

5:30 p.m. This was the time set for continuation of Appeal Case Number AX04-010 to consider the appeal by Ronald and Francey Dennis of the Board of Adjustment's decision, which denied, without prejudice, the applicants' request to legalize the previous construction of two amateur radio towers, one being 138 feet in height and one being 100 feet in height, with attached array, as authorized in Section 110.324.35 of the Washoe County Development Code with the issuance of an Administrative Permit. The project is located approximately 500 feet north of the intersection of Indian and Wigwam, in the Golden Valley area and is addressed as 9275 Wigwam. The ±5-acre parcel is designated Low Density Suburban (LDS) in the North Valleys Area Plan, and is situated in a portion of Section 11, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 3. (APN: 552-040-46)

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that Appeal Case Number AX04-010 be continued and affected property owners be re-noticed.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 7:28 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lori Rowe, Deputy County Clerk
Stacy Gonzales, Deputy County Clerk*