

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. FEBRUARY 11, 1997

PRESENT:

Grant Sims, Chairman
Joanne Bond, Vice Chairman
Jim Galloway, Commissioner
Mike Mouliot, Commissioner
Jim Shaw, Commissioner

Judi Bailey, County Clerk
John MacIntyre, 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. It was noted on the record that the clock in the Chambers was approximately 6 minutes slow. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

97-116 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the agenda for the February 11, 1997, meeting be approved.

PUBLIC COMMENTS

Mr. Will Brown, President of the Spanish Springs Valley Ranches Property Owner's Association, as well as Mr. Dave Lewis and Mr. Hunter, SSVR residents, stated that the residents in their association are extremely upset because of the drastic increases in their taxes, especially in light of the fact that they receive little or no County services.

MINUTES

Concerning the adoption of the Board's Rules and Procedures for 1997/98, Commissioner Galloway stated that the minutes of the January 6, 1997, meeting do not reflect his understanding of the Board's desire concerning the grandfathering of certain member appointments to other Boards and Commissions. Following discussion, the County Clerk was directed to prepare a transcript of the comments made concerning that particular issue and that it, and approval of said minutes, be placed on a future agenda for further clarification.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Bond abstaining due to absence, Chairman Sims ordered that the minutes of the regular meeting of January 14, 1997, be approved.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Mouliot abstaining due to absence, Chairman Sims ordered that the minutes of the regular meeting of January 21, 1997, be approved.

97-117 AUTHORIZATION TO ADVERTISE FOR BIDS - BOWERS MANSION PARK PAVING - PUBLIC WORKS

Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Public Works Department be authorized to advertise for bids for paving of roads and parking lots at Bowers Mansion Park.

97-118 AUTHORIZATION TO PURCHASE COMPUTER - ASSESSOR

Upon recommendation of Bob McGowan, Washoe County Assessor, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the Assessor's Office be granted permission to purchase a Pentium Pro Computer with Windows 95 to run Arc/View more efficiently and test the new appraisal packages that require Windows 95. It was noted that the cost is approximately \$4,000 and that the funds are available in the Assessor's current budget.

97-119 BUDGET AMENDMENT - FY 1996/97 DAYBREAK PROGRAM - HEALTH DEPARTMENT

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the following amendments increasing the FY 1996/97 Daybreak Program budget, resulting from a donation made by General & Vascular Associates, be approved:

002-1700-17420-5802	Donations	\$1,000.00
-17420-7375	Special Awards	\$1,000.00

97-120 COURSE ENROLLMENTS

Upon recommendation of Joanne Ray, Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the following employees be granted approval to enroll in the following courses and to seek reimbursement for expenses upon satisfactory completion of the course with a grade of "B" or better.

1. Moyses Calderon, Community Outreach Specialist, Juvenile Services, for a course entitled "Counseling the Culturally Diverse" (CEP 751) at the University of Nevada, Reno.
2. Adriana L. Bain, Community Outreach Worker, Juvenile Services, for two courses entitled "Introduction to Counseling and Guidance" (CEP 600) and "Counseling the Culturally Diverse" (CEP 751) at the University of Nevada, Reno.
3. Robin Greco, Collections Analyst, for a course entitled "Advanced Conversational Spanish" at Truckee Meadows Community College.
4. Lori Mendoza, Building Inspection Technician I, for a course entitled "Computer Literacy Software" (COT 202) at Truckee Meadows Community College.

97-121 ACCEPTANCE OF COMPUTER EQUIPMENT - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the Sheriff be authorized to accept a donation from the Commissary Fund of 2 Hewlett Packard DeskJet 820Cse printers (\$499.99/each) and a Microsoft Standard Office program package (\$459.99) to be used for the Sheriff's Community Work Program.

97-122 DONATION OF FEDERAL FORFEITURE FUNDS TO THE SUN VALLEY BOY SCOUTS, TROOP #137 - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that a donation from Federal Forfeiture Funds, 15141D, of \$700.00 to the Sun Valley Boy Scouts, Troop #137, be approved.

97-123 MUTUAL AID AGREEMENT - CARSON CITY AND WASHOE COUNTY SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Mutual Aid Agreement between Washoe County (Sheriff) and Carson City (Sheriff), concerning furnishing law enforcement personnel, resources and facilities to each other as may be necessary for the good of the citizens of Washoe County and Carson City, or, in the event of such magnitude that is, or is likely to be, beyond the control of a single

party and which requires the combined efforts of both parties, be approved and Chairman Sims authorized to execute on behalf of Washoe County.

97-124 ACCEPTANCE OF DONATION - HELICOPTERS - SHERIFF

Sheriff Richard Kirkland was present and responded to questions of the Board. Upon recommendation of the Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the Sheriff be authorized to accept the donation of two South Dakota Army National Guard OH-58 (Jet Ranger) Helicopters to be used in drug suppression and law enforcement apprehension activities. It was noted that the helicopters will also be used in search and rescue missions and other related emergencies such as the recent flood and that these were obtained as part of the Sheriff's continuing participation in the DRMO (Defense Reutilization Marketing Office) program.

97-125 AUTHORIZATION FOR HELICOPTER TRANSPORTATION EXPENSE - SHERIFF

Sheriff Richard Kirkland was present and responded to questions of the Board. Upon recommendation of the Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that payment in the estimated amount of \$5,300 for two Nevada Army National Guard helicopter pilots and one mechanic to assist in the retrieval of two helicopters that have been donated to the Sheriff's Office by the Department of the Army (see: Item 97-124) be authorized.

97-126 RESOLUTION - SUPPORT OF REGIONAL PUBLIC SAFETY TRAINING CENTER - MANAGER

Upon recommendation of John MacIntyre, County Manager, who provided background information and answered questions of the Board, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and duly executed:

RESOLUTION OF SUPPORT FOR A REGIONAL PUBLIC SAFETY TRAINING CENTER ON CERTAIN STATE-OWNED LAND NEAR GALLETTI WAY, SPARKS, NEVADA

WHEREAS, The City of Reno, the City of Sparks, Washoe County and the State of Nevada Division of Forestry all agree on the need for an interagency regional public safety training center for the proper training of public safety personnel; and

WHEREAS, The Regional Planning Governing Board has recommended the establishment of an interagency regional public safety training center at an appropriate location within the Truckee Meadows; and

WHEREAS, Washoe County is desirous of being an active partner in the provision of training services for public safety personnel; and

WHEREAS, The State of Nevada owns a large parcel of land near Galletti Way in Sparks which may be available for the establishment of an interagency regional public safety training center, is centrally located with respect to potential users and would be adequate to the needs of such a center; and

WHEREAS, The Regional Planning Governing Board has recommended the same Galletti Way site as a preferred site for the establishment of a new regional public safety communications, dispatch and emergency operations center, which would be compatible with and complementary to a regional public safety training center; now, therefore, be it

RESOLVED, that the Board of Commissioners for Washoe County, Nevada, expresses its strong support for the establishment of an interagency regional public safety training center to provide training for public safety personnel; and be it further

RESOLVED, That the Washoe County Board of Commissioners urges the appropriate officials of the State of Nevada to give favorable consideration to the use of the Galletti Way site for the establishment of both an interagency regional public safety training center and a regional public safety communications and dispatch center.

John Sherman, Management Analyst, explained that staff is recommending hiring an outside attorney to bring a complaint against the Reno and Sparks Constables, reviewed background information regarding the County's audit of the Constables' revenues and expenditures, and cited several State statutes and County ordinances outlining the County's responsibilities concerning Constables and giving the Commissioners the authority to examine and audit the accounts and financial records of all officers of the County, including the Constables. He stated that both the Reno and Sparks Constables have refused to provide the auditors with bank account information and that the accuracy and reliability of the quarterly reports submitted by the Constables cannot be verified without that information.

Mr. Sherman further explained that there are two significant issues before the Board; that one is a challenge to the Board of County Commissioners' authority and responsibilities relative to the Reno and Sparks Constables' financial transactions; and that the second issue is the refusal of the Constables to provide the documentation necessary to verify the accuracy of their quarterly reports. He also stated that the compensation issue raised previously by the Sparks Constable, and which is currently being litigated, is secondary to these issues.

Commissioner Shaw inquired as to the statements in the recommendation memorandum regarding fiscal impact wherein Mr. Sherman states that the Constables would ultimately be responsible for all court costs should the County prevail in the action. Legal Counsel Madelyn Shipman stated that there is no guarantee of that as it would be decided by the court.

Sparks Constable John Langon stated that the auditors were given all the books; that he instructed his staff to assist the auditors in any way possible; and that the auditors had all the information they needed to prevail in the audit. He stated that the issue is his compensation (fees); that he believes that the money is his; that the records he is withholding is his personal bank account; and that the only way to settle this is to go to court. Constable Langon further stated that he does not think it is right for the taxpayers to keep paying for all these outside attorneys.

Upon recommendation of Mr. Sherman, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Sims ordered that staff be authorized to retain an attorney to bring a complaint against the Reno and Sparks Constables for an accounting of the revenues and expenditures of those offices; that the complaint seek payment from the Reno and Sparks Constables for all costs and attorney's fees related to the complaint; and that the accounting includes a comprehensive audit of the quarterly reports for the 1995/96 fiscal year and the first two quarters of fiscal year 1996/97.

97-128 RESOLUTION - SPECIAL ASSESSMENT DISTRICT NO. 23 (SOUTHWEST POINTE-WHITES CREEK LANE)

Robert Sader, Attorney, representing Southwest Pointe, was present and responded to questions of the Board. Chairman Sims noted that passage of this resolution does not obligate the County to create the District.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Sims authorized to execute on behalf of Washoe County:

RESOLUTION NO. 97-128

A RESOLUTION CONCERNING A WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 23 (SOUTHWEST POINTE-WHITES CREEK LANE); AUTHORIZING STAFF TO NEGOTIATE WITH THE DEVELOPERS FOR THE FORMATION OF THE DISTRICT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (the "Board") of the County of Washoe (the "County"), and State of Nevada, pursuant to the County's special assessment guidelines dated February, 1992 (the "Guidelines"), requires the submission of a petition and an application to initiate the formation of a special assessment district; and

WHEREAS, The Nell J. Redfield Trust and Southwest Pointe Partners (collectively, the "Developers") have submitted a petition and application to form an assessment district in the southwest area of the Truckee Meadows for the purpose of installing certain

domestic and nonpotable water and street improvements to serve a development known as "Southwest Pointe," including improvements in and along Whites Creek Lane (the "District"); and

WHEREAS, the Board now desires to authorize staff to begin negotiating the particulars of the financing,

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

Section 1. The Board, pursuant to the Guidelines, hereby authorizes staff to begin to negotiate the particulars of the financing with the Developers, subject to the Developers making a security deposit with the County in the form of cash, a letter of credit, surety bond, or other form of security acceptable to the County Manager or his designee in the amount of \$62,000.00, to be used to pay the costs described in the Guidelines.

Section 2. The District shall be known as Washoe County Special Assessment District No. 23 (Southwest Point-Whites Creek Lane).

Section 3. All action, proceedings, matters and things heretofore taken, had and done by the County, and the officers thereof (not inconsistent with the provisions of this resolution), concerning the District, be, and the same hereby are, ratified, approved and confirmed.

Section 4. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, without limiting the generality of the foregoing, the preparation of all further necessary contract documents, legal proceedings, and other items necessary or desirable for the acquisition of the improvements and for the completion of the District.

Section 5. Passage of this Resolution does not obligate the County to create the District, issue bonds therefor, or to give any approvals to any projects in the District or elsewhere.

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

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

97-129 LEGISLATIVE UPDATE

Mary Henderson, Public Affairs Director, stated that the Family Court bill and the Constable bill will be up for consideration Wednesday, February 12th; that she gave a presentation to the infrastructure committee on the County's proposed flood control program in conjunction with the Community Development Department; and that things are moving rather quickly in Carson City right now.

97-130 AIRPORT ACCESS - OLD PYRAMID HIGHWAY - DISTRICT ATTORNEY

6:00 p.m. This was the time set for continued consideration of the issue concerning impeded access to the airport off of Old Pyramid Highway. John MacIntyre, County Manager, reviewed background information and prior Board hearings and actions regarding this item, stating that maintaining access to this airstrip is still the basic, fundamental issue before the Board. He also reviewed the alternative actions available to the Board as outlined in a memorandum from Madelyn Shipman, Assistant District Attorney, dated November 14, 1996; and stated that the Board had previously directed that the parties enter into negotiations, facilitated by County staff, to try to resolve the issue, which discussions did occur and may still be on-going, but County staff is no longer involved. Mr. MacIntyre stated that it was, and still is, his recommendation that the Board initiate condemnation proceedings to acquire the negative easement and remove the impediment to access to the airport.

Chairman Sims asked that the Spanish Springs Pilot's Association (SSPA) representative speak first. Tom Riley, attorney, responded and advised that the status of the negotiations between the pilots and Mr. Shane is that they are still continuing and that as late as 5:00 p.m. today, he and Mr. Shane's attorney were faxing proposals back and forth. He stated that the latest offer is a new 5-year license agreement that does have provisions for airport access for the pilots, as well as access to the public lands (BLM) for the general public for outdoor recreation; and that this is very close, but the pilots want an ironclad agreement because access has been taken away from them in the past. Mr. Riley further explained that the Spanish Springs Association (SSA), the land owners and developers of the property to the east and south of the airport, do not want to see any permanent easements in this area, so they are proposing to grant the pilots a license which essentially is written permission; that the pilots are concerned that it is something that can be easily revoked; and that they fear that without the threat of condemnation, there will be no further good faith negotiations. He stated that given the history of this issue and the maneuvering by Mr. Shane to prevent access, he believes the pilot's fears are very valid. Mr. Riley stated that he agrees with the Manager's recommendation to initiate condemnation proceedings and suggested that perhaps the resolution could contain a clause to the effect that the proceedings would begin in two weeks if there is still no final negotiated agreement between the parties by then.

Chairman Sims asked what it would take to achieve permanent and secured access for the pilots. Mr. Riley responded that an agreement written in very strong terms clearly stating that this is an irrevocable license in perpetuity unless the airport closes is what he is trying to obtain for the pilots.

Chairman Sims then asked to hear from Mr. Shane's representative. Pierre Hascheff, attorney, stated that it became apparent that an agreement was not going to be reached between his client and the pilots; that they then began negotiating with the Spanish Springs Associates (SSA), with whom they have agreements for the negative covenant and fence easement, to allow an access to the airport; and that they attempted to mirror their license agreement with the one the pilots have with the SSA. Mr. Hascheff advised that it is clear in the SSA agreement that they are giving access to the pilots, with no conditions, and that they are giving access to the public lands for people who want to use the BLM property for recreational purposes. He stated that he believes they are very close to settlement and expressed grave concern that if the County initiates a condemnation process, there will be no incentive to negotiate in good faith.

Commissioner Bond asked if the agreement contains a renewal clause.

Mr. Hascheff stated that it did not at first, but that an addendum concerning extension of the license has been drafted as of late this afternoon, which he read into the record.

Steve Tackes, also representing the Shanes, stated that he is troubled by the concept that this airstrip is going to be permanent and that he was under the impression that the pilots were looking for an alternative site. He also stated that he feels they are very close to agreement; that there has been tremendous progress on this with a whole series of documents going back and forth; and urged the Board to give them a little more time before beginning the condemnation process. Mr. Tackes stated that so many things have been taken out of the agreement that it is down to a 3-page document and emphatically reiterated that he believes they are very close to agreeing.

Commissioner Galloway stated that the pilots have indicated that 5 years is not enough because they have a 20-year lease. He then asked Mr. Tackes if he sees any reason why that airport cannot operate beyond 5 years provided there were no obstacles to its access. Mr. Tackes agreed that the airport could run beyond 5 years, but listed several reasons why he does not think that is very realistic.

Commissioner Bond stated that everyone is trying to second-guess everyone else and that is why there is no resolution yet. She asked Mr. Tackes and Mr. Hascheff if they intend to end the negotiation if the Board starts the condemnation process. Both Mr. Tackes and Mr. Hascheff apologized for creating the wrong impression and offered every assurance that they, and Mr. Shane, still intend to negotiate in good faith.

Chairman Sims called on the representative for the Spanish Springs Associates. Attorney Jack Hoffman stated that the SSA is in favor of access to the airport; that it would have been ideal if the pilots and the Shanes could have reached an agreement; and

that they stand ready and willing to facilitate an agreement that would allow access.

He further stated that his client is not against condemnation, but is against putting a public road through there, as they are going through the Specific Plan process right now.

Chairman Sims then asked if there was anyone present from the BLM or from NDOT. Chuck Pope, Bureau of Land Management (BLM), read into the record and placed on file with the Clerk, a copy of a letter that the BLM sent out expressing the BLM's support of maintaining access to the airport and offering their assistance and cooperation to Washoe County to ensure public access.

John Reed, Nevada Department of Transportation, Statewide Airport Inspector and Airport Planner, displayed an aerial photograph of the Spanish Springs airport and provided some history and statistics concerning aviation in Washoe County, stating that there are approximately 437 based aircraft in the area, over 3,500 registered airmen, and over 300,000 aircraft operations in Washoe County. Mr. Reed stated that he inspected the Spanish Springs airport on October 29, 1996, on behalf of NDOT and the FAA; that he found the facilities to be acceptable and considered the airport safe for operation; and that NDOT supports the continued use of this airport and the granting of unencumbered vehicular access to the airport.

Chairman Sims then asked if there was anyone else in the audience who wished to speak.

Mark Sullivan, Spanish Springs Citizen Advisory Board, stated that the support for the airport has been overwhelming and it is very hard to swallow that one person can fight the wishes of so many people. Mr. Sullivan further stated that restricting access is high on Mr. Shane's list; that it is his belief that acquiring the property is Mr. Shane's ultimate goal citing some of the things Mr. Shane has done to keep people from using the airport; and that permanent access for the pilots and the public should be provided.

The following Washoe County residents spoke in support of maintaining public access to both the airport and the public lands:

Clyde Alexander, Pyramid Highway resident
David Williams
Rick Washer, Sun Valley resident
Charles Hancock, Reno resident, and retired BLM employee
Don Osborne, member of Washoe County Sheriff's Air Squadron
David Ruth, Pilot Instructor
Don Taberts
Tim Soderbeck
Joe DuRousseau, Pilot and Reno Fireman
Kent Herman (and for son Dan Herman)
Paul Morlang
J. Edward Parker
George Meager

These citizens expressed concern that the airport and the public lands are being landlocked by Mr. Shane; that it is Mr. Shane's intention to take over the public lands and expand the gravel pit; that the pilots do not have access to the airport; and that the public cannot get to the BLM land. Mr. Osborne, Mr. Ruth and Mr. DuRousseau, who are pilots, explained the purpose and necessity of this airport and cited safety concerns and problems that could result because of lack of access for emergency vehicles.

Mr. Taberts presented a long chronology of events and occurrences at the airport.

Paul Neuffer, SSPA, stated that the reason they are here is because their right-of-way was cancelled, because a prescriptive easement was abused, because a legal easement was abused, because a public road was blocked and because public lands are threatened by Mr. Shane, who is trying to gain control of public property. He further stated that they will negotiate, but they cannot and will not negotiate away the rights of the public; and that what they need is an agreement that cannot be cancelled by

Mr. Shane.

In rebuttal, Mr. Hascheff reiterated many of his previous comments, stated that it was always their intent to negotiate in good faith; that their new license agreement does allow access to the airport and the public lands; and that if the Spanish Springs Associates want to give the pilots a 20-year license, they will do the same.

Commissioner Galloway asked Mr. Hoffman about the ditch that was dug next to the fence. Mr. Hoffman stated that they had not contemplated that it would be "all torn up" like it was and that they let Mr. Shane know that that was not appropriate.

In response to Chairman Sims, Legal Counsel Madelyn Shipman explained the condemnation process and what would be obtained through that and outlined further options including adjudicating the Old Pyramid Road as a public road.

Following further discussion during which the Board members concurred that access to the airport, a public facility, as well as access to the public lands must be maintained, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that:

1. The following resolution be adopted and Chairman Sims authorized to execute on behalf of Washoe County;
2. The parties are encouraged to continue to negotiate in good faith and make every effort to come to an agreement that will insure public access to the airport and to the public lands before the condemnation becomes an issue before the court.
3. The parties provide a status report on the negotiations at the Board's February 25, 1997, meeting.

RESOLUTION - - - Authorizing Acquisition by Condemnation of a Portion of a Certain Fence Easement and Negative Covenant Owned by C. Patrick Shane and Linda M. Shane, Husband and Wife, Nevada Flyers, Inc., A Nevada Corporation, and Rocky Ridge, Inc., A Nevada Corporation, for the Purpose of Providing Access to Certain Bureau of Land Management (BLM) Property Leased and Used for Airport Purposes.

BE IT RESOLVED, by the Board of Washoe County Commissioners, as follows:

That the public interest and necessity require the acquisition of a portion of an easement and negative covenant, the existence of which is presently being utilized to impede access to an airport site within the County; and

That the airport provides a necessary facility within the region as an alternate landing field for private planes and as an emergency landing field in general; and

BE IT FURTHER RESOLVED that the Department of Public Works, in conjunction with the Office of District Attorney, is hereby authorized and directed:

To acquire in the name of and in behalf of the County of Washoe the following described interest in real property by the exercise of the power of eminent domain in accordance with the provisions of Chapter 37 of the Nevada Revised Statutes;

To commence and prosecute, in the name of the County of Washoe, condemnation proceedings in the proper court to condemn said interest in real property; and

To make application to said court for an order permitting the County to take possession and use of said interest in real property, as may be necessary to provide for access to the airport, and to deposit with the clerk of court a sum equal to the value of the premises sought to be condemned plus damages as appraised by County; and

To acquire a portion of an existing easement and negative covenant of record, more particularly described as follows:

That portion of the 10' fence easement and restrictive covenant easement created by Documents dated March 29, 1995 and entitled "Fence Easement and Agreement" and "Negative Covenant Limiting Access" to a width of 30'ñ, within Section 27, T.21N., R.20E., M.D.M., Washoe County, and running perpendicular to a road on the ground (approximately 15'ñ on either side of the center) as depicted on the map; an area comprised of approximately 300 square feet.

97-131 SPECIAL USE PERMIT CASE NO. SPB11-46-85 - EXTENSION - 102 RANCH SOUTH - APPEAL OF MELISSA SMITH (APN: 84-120-16 AND 84-212-05)

7:00 p.m. This was the time set to conduct a public hearing, notice of which having been mailed to affected property owners on January 30, 1997, concerning the appeal by Melissa Smith of a decision of the Washoe County Planning Commission to conditionally approve the extension of previously approved Special Use Permit Case No. SPB11-46-85 (102 Ranch South) for Lost Dutchman Construction (Jerry Helms) by allowing mining operations to continue on property located south of Interstate 80 at the Tracy/Clark Interchange, which project encompasses a ñ120-acre portion of two parcels totaling ñ206.2 acres designated General Rural (GR) in the Truckee Canyon Area Plan and situated in portions of Sections 26, 27, 28, 33, 34, and 35, T20N, R22E, MDM, Washoe County, Nevada.

Ron Kilgore, Department of Community Development, provided background information and answered questions of the Board.

Chairman Sims opened the public hearing by calling on those wishing to speak regarding this item.

Appellant Melissa Smith displayed several aerial photographs of the area that have been taken over the last few years and stated that this project has been extremely injurious and detrimental to surrounding property; that it has greatly disturbed the environment; that it has changed the course of the Truckee River; and that it will take years for the river to repair itself. She talked at length about reclamation of the land and restoration of the river and requested that the Board revoke this special use permit.

Susan Lynn, Reno resident, expressed concerns about how this project is affecting the water quality of the Truckee River and the conditions of the Negotiated Settlement; and stated that the Army Corps of Engineers and/or the Nature Conservancy is very interested in a river restoration project through this area.

Clint Thiesse, Summit Engineering, representing the applicant, responded to questions of the Board concerning their reclamation program and future plans.

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

The Board asked several questions of staff. Mr. Kilgore stated that this is an operating business and that the question is whether an additional 6 months would be harmful; and that if this were a new application for a new pit, it would be viewed very differently. In response to Commissioner Shaw, Mr. Kilgore stated that he cannot say whether the reclamation bond will be adequate; that the County has recently changed to the BLM method of figuring reclamation costs; and that what he has tried to do is make sure the reclamation plans do not conflict with what the Corps might want to do, if they do anything. A discussion ensued regarding increasing the amount of the restoration bond.

Commissioner Bond moved to deny the appeal and conditionally grant the 6-month's extension with an additional request that staff try to determine if the Army Corps of Engineers is going to do this project and that legal counsel be directed to determine whether there is anyway to address the issue of the reclamation bond.

The motion was seconded by Commissioner Mouliot who stated that he would like to see a plan concerning what the applicant is going to do if the Corps does not come forward with a project.

Commissioner Shaw requested that staff monitor this project more closely in the next 6 months.

Chairman Sims stated that if this project comes back for another extension, he will be looking at it as if it were a new, permanent operation. The Chairman then called for the vote on the motion, which was unanimous, and it was ordered that:

The appeal of Melissa Smith be denied and that a 6-month's extension of Special Use Permit Case No. SPB11-46-85 (102 Ranch South) be granted to Lost Dutchman Construction (Jerry Helms) subject to the following conditions:

CONDITIONS FOR EXTENSION OF SPECIAL USE PERMIT CASE NO. SPB11-46-85 FOR 102 RANCH SOUTH

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.

THIS PERMIT SHALL EXPIRE ON JUNE 22, 1997.

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

GENERAL CONDITIONS

1. All plans submitted for any required permit shall be in substantial compliance with the plans and documents approved and made a part of this special use permit to the satisfaction of the Community Development staff. A copy of the approved special use permit shall be attached to any application for a required permit.
2. Should water rights and/or water and sewer facilities be required, said rights and facilities shall be offered for dedication to Washoe County pursuant to Ordinance 586.
3. If water is necessary, the applicant shall execute an agreement with an appropriate water purveyor acceptable to Washoe County for water supply or shall show evidence of an ability to supply water service. A copy of said agreement or evidence must be submitted to the Utility Division and the Nevada Division of Water Resources.
4. During the period of operation, the applicant shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.
5. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.
6. If explosives are to be used, the applicant shall develop a plan for use and notification of affected property owners to the satisfaction of the applicable fire protection agency.
7. During the period of operation, the applicant shall notify the Community Development staff, any agency from which approval to operate has been received, and any other applicable agencies of any temporary, seasonal, or permanent shutdown occurrences.
8. The applicant shall submit a revised, detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon cessation of mining for each phase of the operation to the satisfaction of the

Engineering Division and the District Health Department. The Washoe-Storey Conservation District shall review the slope stabilization and the phased revegetation portion of the mining plan. Once the plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer. The Engineering Division shall annually review the financial assurance and adjust its amount as deemed appropriate by that division upon approval of the Board of County Commissioners.

9. During the period of operation, the applicant's mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.

10. The Nevada Department of Wildlife shall determine if a habitat modification permit is required and if so, the applicant shall be required to obtain said permit prior to issuance of a building permit. Requirements of this permit shall be included as part of this special use permit.

11. If the operation should cease for a period of 12 months, this special use permit shall become null and void. The applicant will be required to file a new application with the Community Development staff for appropriate review and approval.

12. During the period of operation, this special use permit shall be reviewed by the Community Development staff on an annual basis. This review shall be based upon submittal of a report by the applicant detailing compliance with the conditions of the special use permit.

13. The applicant and any successors shall direct any potential purchaser of the site and/or special use permit to meet with the Community Development staff to review the conditions of approval prior to final sale. Any subsequent purchaser shall notify the Community Development staff of the name, address, and contact person of the new purchaser.

14. The applicant shall ensure that any financial assurances required by the provisions of this special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, this special use permit shall become null and void.

15. The applicant maintain trees and other landscaping in accordance with the landscape plan approved by the Design Review Committee at its meeting of July 27, 1995. Dead and dying plants shall be promptly replaced. The Department of Community Development shall determine compliance with this condition.

16. The operation of any equipment or machinery shall be limited to the hours between 6:00 a.m. and 6:00 p.m. inclusive for the period between November 1 and March 30; for the period between April 1 and October 31, the applicant may operate on a 24 hour basis.

17. No equipment or vehicles not utilized for the on-site aggregate operation shall be stored on the property. The Department of Community Development shall determine compliance with this condition.

18. Any hazardous material shall be disposed of in accordance with District Health Department requirements at a site approved by that department.

19. All scrap and waste material shall be disposed of in a land fill approved by the District Health Department.

20. If the Nevada Department of Environmental Protection requires a discharge permit, the applicant shall obtain the permit and advise the Department of Community Development of the date on which the permit was obtained and every six months advise the department of the status of the discharge permit.

21. The applicant shall post an adequate financial assurance to the satisfaction of the County Engineer for the repair of adjacent private or public property as a result of any mining activities on the applicant's property. This financial assurance shall continue for a period of two years beyond the termination of mining activities by the applicant or their successors.

22. The applicant shall submit a revised plan establishing minimum distances from any excavation to adjacent waterways or roads. The County Engineer shall determine compliance with this condition.

97-132 SPECIAL USE PERMIT CASE NO. SPW11-43-96 - PACIFIC BELL MOBILE SERVICES - APPEAL OF RICHARD BULIS, VERDI CITIZEN ADVISORY BOARD (APN: 38-380-13)

7:00 p.m. This was the time set to conduct a public hearing, notice of which having been mailed to affected property owners on January 30, 1997, concerning the appeal by Richard Bulis, Chairman, Verdi Citizen Advisory Board, of the decision of the Washoe County Planning Commission to conditionally approve a request by Pacific Bell Mobile Services to install a 70-foot tall transmission pole and a 10-square foot equipment cabinet on a 400-square foot portion of a 45.387-acre parcel for the purpose of wireless telecommunications which would be located on the north side of Interstate 80 on a ridge east of Verdi and west of Mogul, designated General Rural (GR) and Low Density Suburban (LDS) in the Verdi Area Plan and situated in a portion of Section 15, T19N, R18E, MDM, Washoe County, Nevada.

Trevor Lloyd, Department of Community Development, presented the staff report and answered questions of the Board.

Chairman Sims opened the public hearing by calling on anyone wishing to speak concerning this matter.

Kathryn Kelly, Pacific Bell Mobile Services, provided an overview of PacBel Mobile Services and their plans for expanding into Western Nevada, as well as specific information regarding this proposed antenna. Ms. Kelly further stated that they have determined that co-location is not technologically feasible at this particular site.

Daniel Paul, Regional Engineering Manager, Pacific Bell Mobile Services, provided technical explanations in response to Board member's questions, and stated that they do co-locate whenever possible.

Chairman Sims called on the appellant to speak, but there was no response, and the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the appeal be denied and the decision of the Washoe County Planning Commission to conditionally approve Special Use Permit Case No. SPW11-43-96 for Pacific Bell Mobile Services be upheld and the permit be granted subject to the following conditions:

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

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

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

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Development Review shall be responsible for determining compliance with this condition.
2. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.

3. The applicant shall complete construction of all structures within two years from the date of approval by Washoe County.

4. 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.

5. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the development review staff to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the development review staff of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

6. The applicant shall provide recorded documentation, granted to the developer, of legal access from public right-of-way to the site.

7. The structure shall be of an earth tone color which blends with the surrounding environment.

97-133 FISCAL YEAR 1995-96 ANNUAL GROWTH MANAGEMENT REPORT - DEPARTMENT OF COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 31, 1997, for the Board to consider the recommendation of the Washoe County Planning Commission to amend the Washoe County Comprehensive Plan to incorporate the Fiscal Year 1995-96 Annual Growth Management Report, which summarizes the various growth management-related activities that have occurred since July 1, 1995, and satisfies the requirements of Nevada Revised Statutes 278.0286, 278.190 and 278.02860, and is provided to the Truckee Meadows Regional Planning Agency as the annual report for Washoe County.

Cynthia Albright, Planner, reviewed growth and population statistics displaying graphs and charts on the overhead projector and answered questions of the Board.

Chairman Sims opened the public hearing by calling on anyone wishing to speak. There being no response, the public hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution adopting the Fiscal Year 1995-96 Annual Growth Management Report be adopted; that Chairman Sims be authorized to execute on behalf of Washoe County; and that the document be submitted to the Truckee Meadows Regional Planning Agency as the annual report for the County as required by Nevada Revised Statutes Chapter 278.0286:

RESOLUTION 97-133

ADOPTING THE FISCAL YEAR 1995-96 ANNUAL GROWTH MANAGEMENT REPORT, A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.0286, Nevada Revised Statutes, specifies that the Washoe County Planning Commission shall prepare and submit a report each year indicating action taken which furthers or assists in carrying out the policies or programs contained in the Truckee Meadows Regional Plan;

WHEREAS, Section 278.190, Nevada Revised Statutes, specifies that the Washoe County Planning Commission shall annually make recommendations to the Washoe County Board of County Commissioners for the implementation of the Washoe County Comprehensive Plan;

WHEREAS, The Washoe County Planning Commission has found that the FISCAL YEAR 1995-96 ANNUAL GROWTH MANAGEMENT REPORT, a part of the Washoe County Comprehensive Plan, specifies recommendations that further the purpose of the Washoe County Comprehensive Plan and promote public interest in and understanding of the plan;

WHEREAS, The Washoe County Planning Commission has submitted the FISCAL YEAR 1995-96 ANNUAL GROWTH MANAGEMENT REPORT, a part of the Washoe County Comprehensive Plan, to the Board of County Commissioners of Washoe County, Nevada, for approval and adoption; and

WHEREAS, Public hearings on the adoption of the FISCAL YEAR 1995-96 ANNUAL GROWTH MANAGEMENT REPORT, a part of the Washoe County Comprehensive Plan, were held on February 11, 1997 by the Board of County Commissioners of Washoe County, Nevada; 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 FISCAL YEAR 1995-96 ANNUAL GROWTH MANAGEMENT REPORT, a part of the Washoe County Comprehensive Plan.

97-134 APPEAL OF DENIAL OF COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA 96-SS-2 - SPANISH HIGHLANDS - SECTION 33 RESUBMIT (APN: 89-151-18 THRU -27, -32, -33)

7:00p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 31, 1997, to consider the appeal of the applicant from the denial by the Washoe County Planning Commission of Comprehensive Plan Amendment Case No. CPA96-SS-2, a request to amend the Spanish Springs and Sun Valley Area Plans, being a part of the Washoe County Comprehensive Plan. The amendment would redesignate Assessor's Parcel Numbers 89-151-18 through 27, 32, and 33, from the land use category of General Rural (GR) to Low Density Suburban (LDS). The amendment request would allow a net change in residential development potential of up to 471 new residential dwelling units. Roadway lane designations may also be widened along Sun Valley Drive and Pyramid Highway as shown on the Streets and Highway Plans in Spanish Springs and Sun Valley planning areas. Additional administrative changes are proposed to adopt a revised Public Services and Facilities Map and the Geographic Information System (GIS) version of the Development Suitability Map. The parcels considered for the land use change are designated as "Rural" on the Truckee Meadows Regional Plan land use diagram. Therefore a Regional Plan amendment to "Suburban" will be necessary. The parcels considered for the land use change total 483 acres and are located south of Eagle Canyon Road approximately 1-1/2 miles west of the Pyramid Lake Highway. The parcels are found within the Spanish Springs Hydrographic Basin, in the S₄ and NE₄ of Section 33, T21N, R20E, MDB&M. Proof was made that due and legal notice had been given.

Catherine McCarty, Planner, presented the staff report providing background information and the results of the Washoe County Planning Commission public hearing. She noted corrections to be included in the appellant's documents and stated that the appellant has asked her to clarify that they have not been able to confirm that the old zoning on subject property was A-1. Ms. McCarty also stated that the Spanish Springs Citizen Advisory Board did encourage the applicant to come back with a different proposal for the proper densities.

Chairman Sims opened the public hearing by calling on those wishing to speak in support of this Comprehensive Plan Amendment.

Alex Flangas, attorney representing the property owners, distributed a corrected traffic impact analysis report to be inserted in the appellant's documents and exhibits. He stated that it is his opinion that the Board needs to focus on the five findings, which he cited; that the Board only has to be able to make one of those findings to overturn the denial; and that he thinks the Board could make all five findings. He then walked the Board through the exhibit called "Appellant's Documents," and stated that the feathering of densities from one-third acre to one acre parcels where the infrastructure and development suitability of the land are compatible would be a much nicer development than the current zoning; that even if they built in 10-acre parcels, that would not be compatible with the adjacent 1/3-acre parcels; that that is not a rural vision, but a mishmash; that sewer and water infrastructure are immediately adjacent to the property; that the sewer capacity is available; that the traffic studies show that this project would not change any of the Level of Service (LOS) and, in fact, some service would improve with certain mitigation's; and that what they are proposing is not a high density project. Mr. Flangas emphasized that infrastructure cannot be built based on land use designations because everyone knows and understands that the area will not be totally built out according

to those designations, but rather population will be the driving factor dictating infrastructure needs. He then answered numerous questions of the Board.

Ken Anderson, kdANDERSON Transportation Engineers, discussed the traffic studies stating that a second traffic study was done because the RTC provided a second set of numbers stating that the original numbers were based on the wrong input.

Property owners Collie Hutter and Dick Golden stated that they have held onto this land for over 20 years; that had they developed when they first acquired the property, it would have been 1-acre lots on wells and septic tanks, which they did not want to do; that over the years there have been serious questions about whether or not there was water available; and that finally everything has come together now so that they can properly build a quality development. Ms. Hutter further stated that she can not understand why they are being denied when there is so much other development going on all around them.

J. Edward Parker, Spanish Springs resident, stated although he did some consulting work for the applicants, he is not now representing the applicants. Mr. Parker stated that he was one of the authors of the Spanish Springs Area Plan; that he is wondering why no one is following or respecting the plan; and that planning staff seems to be too inflexible to adjust their projections based on the every-changing population needs.

He stated that he is appealing to the Board to uphold the Area Plan, to get the planning staff under control, to return to reasonableness in considering applications, and to approve this plan because the proposed density is lower than what the Area Plan would allow.

Dan Flanigan, who was on one of the sub-committees who created the Spanish Springs Area Plan, also spoke in favor of the project and upholding the Area Plan.

Chairman Sims then called on those wishing to speak in opposition. Jon Bell, Gloria Barrere, Kenneth Cazier, all Spanish Springs residents, and Jim Barrere, Chair of the Spanish Springs CAB, stated that the current land use designation is rural; that they want to keep it rural; and that they do not want a suburban development. They cited concerns of water and sewer service, increased traffic problems, fire and police protection, school overcrowding, visual impacts, increased density, construction of these homes on a hillside, lack of recreational amenities, etc.

Mary Hansen, Sun Valley resident, spoke in opposition voicing a concern that the project might expedite the extension of Sun Valley Boulevard for the connection between Spanish Springs and Sun Valley, however, the residents of Sun Valley are not in favor of expanding Sun Valley Boulevard to 4 lanes or increasing the traffic through Sun Valley because people can't get out of Sun Valley right now.

In rebuttal, Mr. Flangas refuted some of the comments made and reiterated some of his previous remarks; emphasizing that their proposed density is lower than that allowed in the Area Plan; that the project is not on a hillside; that the project is compatible with surrounding development; and that infrastructure is adjacent and available. He repeated that he believes the Board could make all five of the findings and the denial should be overturned. He stated that his clients have owned this property for many, many years and have been waiting for the infrastructure to catch up so that they could build a quality development; and that the people now living in Hawco are the new-comers who are worried about their view being impaired when everyone knows the only way to protect a view is to buy up the property around you.

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

Ms. McCarty then answered additional questions of the Board.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the applicant's appeal of the denial by the Washoe County Planning Commission of Comprehensive Plan Amendment Case No. CPA96-SS-2 be denied and the decision of the Washoe County Planning Commission be upheld based on the following findings:

1. The proposed amendments to the Spanish Springs and Sun Valley Area Plans are not in substantial compliance with the policies and action programs of the Comprehensive Plan. The amendments do not conform to policies POP.1.4, C.2.17, LUT.2.4, and PSF.5.4.

2. The proposed amendments to the Spanish Springs Area Plan will not provide for land uses compatible with existing and planned adjacent land uses and will adversely impact the public health, safety or welfare. LUT.1.3, LUT.1.14, LUT.2.4.

3. The proposed amendments to the Spanish Springs and Sun Valley Area Plans do not respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commission. The requested change requires the provision of "suburban" level public services that the citizens have stated a planning vision for "rural" services only.

4. The proposed amendments to the Streets & Highways Plan in the Spanish Springs and Sun Valley planning areas do not respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commission, and the amendment request does not represent a more desirable utilization of land.

5. The proposed amendment to the Spanish Springs and Sun Valley Area Plans will not promote the desired pattern for the orderly physical growth of the County or adequately 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 extension of "suburban" densities into an existing "rural" area will require more public services than envisioned for the area through the year 2015, and is inconsistent with policies POP.1.4, POP.1.5, C.2.17, LUT.1.4, and LUT.1.9.

Denial of Administrative Changes

6. The proposed administrative changes portion of the amendment to the Spanish Springs Area Plan do not appropriately identify or respond to changed conditions or further studies that have occurred since the Area Plan was adopted by the Washoe County Commission.

7. The proposed administrative changes portion of the Spanish Springs Area Plan do not promote the desired pattern for the orderly 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.

8. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Spanish Springs and Sun Valley Area Plans, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).

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

10. 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 County Commission public hearing.

COMMISSIONERS'/MANAGER'S COMMENTS

Commissioner Bond requested that a future workshop be scheduled to review the status of the recent reorganization of the planning processes.

Chairman Sims requested a report concerning the increased level of service being performed in maintaining the ditches and culverts in East Washoe Valley since the flooding.

Commissioner Mouliot asked if the Assistant District Attorney could check into establishing a County policy, or ordinance, concerning restricting upper management employees from performing consulting work for a two-year time frame after they leave County employment.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 12:00 midnight.

GRANT D. SIMS, Chairman

Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk