

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. NOVEMBER 18, 1997

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman
Sue Camp, Commissioner
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Judi Bailey, County Clerk
John MacIntyre, County Manager
Rusty Nash, Deputy District Attorney (until 9:30 a.m.)
Madelyn Shipman, Legal Counsel (arr. at 9:30 a.m.)

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:

97-1134 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the agenda for the November 18, 1997, meeting be approved with the following amendments: Item 15 is being continued to December 9, 1997, at the request of Mr. Allen Rock, and Item 18, a proposed ordinance concerning southeast Truckee Meadows Specific Plan Area drainage impact fees, has been removed from the agenda.

PUBLIC COMMENTS

David Farside, Sparks resident, expressed concern regarding the Reno-Sparks Convention and Visitors' Authority (RSCVA) and his contention that the way they are using room tax funds for advertising is in violation of the Nevada Revised Statutes. He stated that he has not been able to get answers to his questions from the RSCVA; that he has asked the City of Sparks to get involved; and that he is now requesting the Commission also become involved to make the RSCVA accountable.

David Strongin and Richard Mudgett, Incline Village residents, distributed copies of statutes pertaining to county fair and recreation boards and general improvement districts and stated their belief that the RSCVA and IVGID (Incline Village General Improvement District) are both in violation of the laws regarding the use of tax dollars to advertise private businesses. Mr. Mudgett also discussed the public records laws and stated that they cannot find certain records and have not been allowed to inspect records at IVGID. He also presented a copy of a form that IVGID requires people to fill out when requesting information and stated that he believes that is also illegal. These gentlemen urged the Board to enforce the statutes.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the minutes of the regular meetings of October 21 and 28, 1997, be approved.

97-1135 PROCLAMATION - 100-MILLION CITIFARE RIDES CELEBRATION

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following

proclamation be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

P R O C L A M A T I O N

WHEREAS, RTC/Citifare has been providing public transportation service to the residents and visitors of the Reno/Sparks area since 1978; and

WHEREAS, RTC/Citifare annual ridership has grown from 307,980 riders in 1979 to over 7.7 million rides provided in 1997; and

WHEREAS, RTC/Citifare service has increased from nine buses and three routes in 1979 to 63 buses operating 22 routes in 1997; and

WHEREAS, RTC/Citifare is vital to the quality of life and economic well-being of the citizens of the Reno/Sparks area; and

WHEREAS, Workers, schoolchildren, senior citizens, people with disabilities, and those unable to afford an automobile use public transportation to gain access to jobs, schools, medical facilities, and other fundamental services; and

WHEREAS, RTC/Citifare is expected to provide its 100-Millionth Ride between December 1 and December 17, 1997; now, therefore, be it

RESOLVED THAT THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, proclaims December 1 through December 17, 1997, as the "100-Million Citifare Rides Celebration" and calls upon all citizens to participate in RTC/Citifare's 17-day celebration of 100-Million Rides provided to our community; and further recognizes the enhanced quality of life our community enjoys due to reduced traffic congestion and air pollution due to the public transportation services provided by the Regional Transportation Commission and Citifare bus service.

97-1136 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 12 sexual assault victims in an amount totaling \$4,508.15 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated November 3, 1997, and placed on file with the Clerk.

97-1137 RESOLUTION - ESTABLISH STABILIZATION FUND (003)

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution establishing the Stabilization Fund (003) as a special revenue fund of Washoe County be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

RESOLUTION

A RESOLUTION CREATING THE STABILIZATION FUND (FUND 003)

WHEREAS, the Nevada State Legislature has authorized the creation of a fund to stabilize the operation of local government; and

WHEREAS, the resources and disbursements relative to the stabilization fund needs to be separated from other County financial activity; and

WHEREAS, the County will periodically budget for and fund from the general resources of the County the transfers or allocations to create a reserve to stabilize County operations; and

WHEREAS, the money in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the County in the general fund;

WHEREAS, the money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the shortfall in anticipated revenue in the general fund; and

WHEREAS, the balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the County in the general fund.

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

Section 1. That the Stabilization Fund, Fund 003, is hereby created as a special revenue fund subject to the Local Government Budget Act contained in NRS 354.

Section 2. That the County Comptroller is hereby directed to establish said fund on the official books and records of Washoe County for the purposes of accounting for the stabilization transfers and allocations and the expenditures and disbursements from the fund.

Section 3. Interest earnings on the resources in the fund will be allocated to the General Fund of the County.

Section 4. This Resolution shall be effective on passage and approval.

Section 5. The County Clerk is hereby directed to distribute executed copies of the Resolution to the Department of Taxation, the Comptroller and the Finance Division within 30 days.

97-1138 UNBUDGETED CAPITAL OUTLAY - HIGH SPEED FIBER, CABLETRON PORTS, ETC. - MANAGEMENT INFORMATION SERVICES & WATER RESOURCES

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that an unbudgeted capital outlay for the Management Information Services and Water Resources Departments for the installation of high speed fiber, Cabletron ports and related appurtenances, at a cost of \$8,099.00, be approved.

97-1139 MEDIUM TERM FINANCING - FLEET HEAVY EQUIPMENT - APPROVAL FROM DEPARTMENT OF TAXATION

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the Board acknowledge receipt from the Department of Taxation of approval of the medium-term financing for the lease/purchase of fleet heavy equipment.

97-1140 ACCEPTANCE OF DONATION FROM EMPIRE DISTRIBUTING TO THE D.A.R.E. PROGRAM - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that acceptance of a \$500.00 donation from Empire Distributing to be used for the D.A.R.E. Program be authorized.

97-1141 RESOLUTION - ADOPTING AMENDED SUN VALLEY AREA PLAN - COMPREHENSIVE PLAN AMENDMENT CASE CPA97-SUN-1 - COMMUNITY DEVELOPMENT

Upon recommendation of Cynthia Albright, Planner, Department of Community Development, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution, adopting the amended Sun Valley Area Plan based on the finding of conformance with the Truckee Meadows Regional Plan, be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

RESOLUTION

ADOPTING THE AMENDED SUN VALLEY AREA PLAN (CPA97-SUN-1) A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

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

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

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SUN VALLEY AREA PLAN, was held on May 21, 1991, with the most recent amendment to the SUN VALLEY AREA PLAN being held on June 10, 1997, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the SUN VALLEY AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SUN VALLEY AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SUN VALLEY AREA PLAN being held on September 24, 1997, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

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

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

97-1142 WATER RIGHTS DEED - SCHAFFER - WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding the Schaffer Parcel Map, APN 049-351-24:

1. The Water Rights Deed for 0.89 acre feet of surface water rights being a portion of Claim 86, between Clifford J. Schaffer and Kiyo Schaffer, Grantors, and Washoe County, Grantee, be approved and Chairman Bond be authorized to execute;
2. The Water Sale Agreement between Sierra Pacific Power Company and Washoe County be approved and Chairman Bond be authorized to execute; and
3. The Utility Services Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

97-1143 WATER RIGHTS DEED - HOME CANYON ENTERPRISES

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding Home Canyon Enterprises dedication of water rights in support of their Map of Division of Large Parcels creating three new parcels within the Warm Springs Hydrographic Basin, currently a part of APN 077-260-05:

1. The Water Rights Deed for 7.50 acre feet of water rights being a portion of Permit 56929, between Home Canyon Enterprises, as Grantor, and Washoe County, as Grantee, be approved and Chairman Bond be authorized to execute;
2. The Utility Services Manager be directed to record the Water Rights Deed with the County Recorder.

97-1144 WATER RIGHTS DEED - RESOURCE APPLICATION & DEVELOPMENT, LTD - SOUTH RENO UNITED METHODIST CHURCH

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding dedication of water rights on behalf of the South Reno United Methodist Church, Inc., in support of a day care and church meeting facilities within the South Truckee Meadows, APN 049-440-18:

1. The Water Rights Deed for 3.92 acre feet of water rights being a portion of Permit 16955, Certificate 5056, between Resource Application & Development, Ltd., a Nevada limited liability company, as Grantor, and Washoe County, as Grantee, be approved and Chairman Bond be authorized to execute;
2. The Utility Services Manager be directed to record the Water Rights Deed with the County Recorder.

97-1145 BUDGET AMENDMENT - FY 1997/1998 MATERNAL AND CHILD HEALTH PROGRAM - HEALTH

Upon recommendation of Jim Begbie, Acting District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that an amendment to the District Health Department Fiscal Year 1997/1998 Maternal and Child Health Program budget in the amount of \$114,195 be approved and the following account transactions be authorized:

Account Number	Description	Amount of Increase
002-1700-1705G8-5608	Services to Other Agencies	\$114,195.00
002-1700-1705G8-7001	Base Salaries	\$ 53,134.00
-7042	Group Insurance	4,029.00
-7043	Dependent Insurance	3,120.00
-7046	Workman's Compensation	381.00
-7047	Unemployment Compensation	75.00
-7048	Retirement	9,963.00

-7050	Medicare	770.00
-7140	Professional Services	25,540.00
-7205	Minor Furniture	3,000.00
-7213	Books & Subscriptions	1,100.00
-7230	Educational Supplies	500.00
-7250	Office Supplies	500.00
-7261	Postage	1,200.00
-7307	Auto Expense	1,323.00
-7322	Copy Machine	500.00
-7357	Printing	2,700.00
-7382	Telephone	5,058.00
-7620	Travel	1,302.00
	Total Expenses	\$114,195.00

97-1146 RESOLUTION - INTERFUND LOAN GENERAL FUND TO SPECIAL ASSESSMENT DISTRICT FUND - CALLE DE LA PLATA (SAD #25)

Chairman Bond noted that there was considerable discussion concerning this item at the Caucus meeting. Commissioner Galloway reiterated that the Board has requested that they be kept informed, by way of memorandum, regarding the costs of this project that are not covered by this \$508,000.

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution authorizing an interfund loan in an amount not to exceed \$508,000 to be transferred as needed from the General Fund to the Special Assessment District Fund be adopted and that Chairman Bond be authorized to execute. It was further ordered that the following transfer of appropriation authority be acknowledged and that the Comptroller be directed to post the necessary journal entries to properly account for the transactions and track the activities of the assessment districts:

DECREASE			INCREASE		
SAD #22	St. James Water Improvements		SAD #25	Calle De La Plata	
Account	093-9322-7880	\$508,000.00	Account	093-9325-7880	\$508,000.00

RESOLUTION

A RESOLUTION AUTHORIZING INTERFUND LOAN - GENERAL FUND (001) TO SPECIAL ASSESSMENT DISTRICT FUND (093)

WHEREAS, the General Fund of the County (Fund 001) has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$508,000; and

WHEREAS, the Special Assessment District Fund (Fund 093) was established to account for the construction activities of the Special Assessment Districts; and

WHEREAS, the Special Assessment District Fund has been designated as the fund to account for the design and construction of the Calle De La Plata road construction project and the fund is in need of a short-term cash loan to cover interim financing requirements associated with the completion of the construction; and

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

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

Section 1. The County Comptroller is hereby directed to transfer in amounts as needed, up to \$508,000 from the General Fund (001) to the Special Assessment District Fund (093) to cover construction costs.

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

GENERAL FUND	DEBIT AMOUNT	CREDIT AMOUNT
Due from SAD Fund (Acct. 001-0000-1389)	\$508,000.00	
Cash (Acct. 001-0000-1001)		\$508,000.00
SPECIAL ASSESSMENT DISTRICT FUND	DEBIT AMOUNT	CREDIT AMOUNT
Cash (Acct. 093-0000-1001)	\$508,000.00	
Due to General Fund (Acct. 093-0000-2601)		\$508,000.00

Section 3. This interfund loan will not augment the appropriation authority within the Special Assessment District Fund. Appropriation authority within the Special Assessment District Fund will be transferred to provide expenditure authority.

Section 4. The term of this interfund loan shall be twelve calendar months, commencing on November 25, 1997, to be repaid within that term.

Section 5. There shall be interest on this interfund loan at an annual rate of 6.0%.

Section 6. This Resolution shall be effective on passage and approval.

Section 7. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller and the Finance Division within 30 days.

97-1147 AWARD OF BID - PRINTING OF 1998-99 TAX ASSESSMENT LIST - BID NO. 2042-98 - ASSESSOR

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 7, 1997, for printing of the 1998-99 Tax Assessment List for the Washoe County Assessor. Proof was made that due and legal Notice had been given.

Only one bid, a copy of which was placed on file with the Clerk, was received from Sierra Nevada Press and their bid represents that they meet all the criteria of NRS 244.330(1), which requires the public printing of this type be placed with a bona fide commercial printing establishment within the county and have agreed to meet the delivery schedule requested by the distributor, Reno Newspapers.

North Lake Tahoe Bonanza, Reno Newspapers, Inc., and Sparks Tribune submitted "no-bid" responses.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Bid No. 2042-98 for printing of the 1998-99 Tax Assessment List for the Washoe County Assessor be awarded to the lowest responsive and responsible bidder meeting specifications, terms and conditions, Sierra Nevada Press, in the amount of \$373.77 per page for an estimated 111 pages, for a total cost of \$41,488.47 based on one distribution of the list.

97-1148 AWARD OF BID - MEDIUM SECURITY JAIL EXPANSION - PUBLIC WORKS

This was the time to consider award of bid, Notice to Contractors for receipt of sealed bids having been published in the Reno Gazette-Journal on September 18 and 25, and October 2, 1997, and in the Daily Sparks Tribune on September 25, 1997, for the Medium Security Jail Expansion Project on behalf of the Public Works Department.

Proof was made that due and legal Notice had been given.

Following is a summary of the bids received:

CONTRACTOR:	BASE BID:
American General Development	\$8,168,700.00
Clark & Sullivan Constructors	\$9,638,000.00

Q & D Construction	\$9,510,000.00
Roche Constructors	\$9,464,700.00
United Construction	\$8,997,500.00
Krump Construction	\$9,538,000.00

John MacIntyre, County Manager, noted that there was considerable discussion on this at the Caucus meeting regarding the withdrawal by American General Development of their bid and the recommended rejection of the bid submitted by Q & D Construction because it was received after the deadline for submittal.

In response to questions at Caucus, Dave Roundtree, Public Works Director, reported that the site preparation work was bid separately; that the sub-bid for fencing is approximately \$578,000 and the paving is approximately \$66,000; and that Q & D Construction was notified that staff would be recommending rejection of their bid.

Upon recommendation of Mr. Roundtree, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that:

1. American General Development be allowed to withdraw their bid proposal;
2. The bid by Q & D Construction be rejected as being untimely in its submittal;
3. The base bid only be awarded to the low responsive, responsible bidder, United Construction Company, in the amount of \$8,997,500; and
4. Chairman Bond be authorized to execute the contract when presented.

97-1149 REFUND OF FEES - VARIANCE CASE NO. V8-44-97 - RICK AND JUDY GLASSEY - COMMUNITY DEVELOPMENT

Upon recommendation of the Washoe County Board of Adjustment and Department of Community Development staff, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Rick and Judy Glassey be refunded a total of \$264.00 for Variance Case No. V8-44-97 due to miscommunication between the applicant and the County.

97-1150 AUTHORIZATION TO EXECUTE REVENUE GENERATING CONTRACTS AND AMENDMENTS - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Social Services Department, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the Director of the Department of Social Services be authorized to enter into revenue generating agreements if the Board previously approved the revenues in the Department budget.

97-1151 AGREEMENTS - MAXIMUS, INC. - REVENUE MAXIMIZATION - STATE OF NEVADA - TITLE IV-E & TITLE XIX - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Social Services Department, on motion by Commissioner Galloway, seconded by Commissioner

Mouliot, which motion duly carried, it was ordered that an agreement between Washoe County and Maximus, Inc., concerning revenue maximization consultation and assistance, effective from the date signed to November 1, 1999, be approved and Chairman Bond be authorized to execute on behalf of Washoe County. It was further ordered that the Director of the Department of Social Services be authorized to execute agreements with the State of Nevada to enable the Department to obtain revenues from two federal programs, Title IV-E (foster care) and Title XIX (Medicaid), which the State administers.

97-1152 INTERSTATE AGREEMENT - SIERRA COUNTY CALIFORNIA - CROSS DESIGNATION OF LAW ENFORCEMENT OFFICERS - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Interstate Agreement for Cross Designation of Law Enforcement Officers between Washoe County and the Sierra County, California, Sheriff's Office concerning maximum efficiency in cooperative law enforcement operations be approved and Chairman Bond authorized to execute.

97-1153 AGREEMENT - EXTENSION OF TIME FOR WATER CONSERVATION AGREEMENT AND UNAPPROPRIATED WATER AGREEMENT - WATER RESOURCES

Steve Walker, Water Management Planner, updated the Board concerning approval of this agreement by the other entities, noting that the City of Sparks, the Pyramid Lake Paiute Tribe, and the Regional Water Planning Commission have all formally approved the agreement and that the item is on the Reno City Council's consent agenda for their November 18, 1997, meeting. He discussed the importance of approving this agreement, which extends the time for completion of the water conservation and unappropriated water agreements, so that the Negotiated Settlement can move forward and outlined possible problems that could occur if this is not approved.

Bill Isaeff, City of Sparks Deputy City Manager, advised that the Washoe County Water Conservation District has approved the agreement and that Sierra Pacific Power Company has indicated their willingness to sign, which means that four of the six signatories have approved this extension agreement and urged the Board to approve. He stated that although there is a lot of work still to be done to conclude the EIS/EIR process, he feels they are very close on the Truckee River Operating Agreement (TROA) and emphasized how critical the agreements on water conservation and unappropriated water are to the Negotiated Settlement.

Janet Carson, Sierra Pacific Power Company, explained why Sierra supports the extension agreement and the importance of solving the water problems regarding the need for more storage on the Truckee River and the water rights problems associated with recent actions by the Fallon farmers.

In response to Commissioner Galloway, a discussion commenced concerning compliance with and enforcement of the water conservation ordinances. Concern was expressed regarding being locked into a particular conservation agreement for a length of time and Mr. Isaeff pointed out that the ordinances and the agreement can be amended as long as all of the parties agree.

Upon recommendation of Mr. Walker, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion carried unanimously, it was ordered that an Agreement for Extension of Time for the Water Conservation Agreement and Unappropriated Water Agreement be approved and that Chairman Bond be authorized to execute on behalf of Washoe County.

(continued from July 22, 1997)

Pursuant to questions at Caucus, John MacIntyre, County Manager, advised that the values for agricultural land are set by the State and those are the values used by the Assessor's office.

Commissioner Galloway stated that while he does sympathize with the taxpayer he does not believe the Board can change the system and that everyone has to live by the same rules.

Commissioner Mouliot disagreed stating that these people applied for the agricultural deferment in 1975 thinking that it would cover the whole ranch and that he feels the County has an obligation to advise people when they are paying more than they should be. Commissioner Shaw agreed and stated that he believes the Quilici family acted in good faith.

Commissioner Mouliot moved that a refund be granted to the Quilici Ranch for the parcels the ranch leases from the Southern Pacific Transportation Company. The motion was seconded by Commissioner Shaw. Upon call for the vote, the motion failed with Commissioner Galloway voting "no."

Madelyn Shipman, Assistant District Attorney, explained that the failure of the motion for refund results in the Board upholding the District Attorney's decision denying the request for refund of taxes. She also stated that an agricultural deferment can only be obtained by a property owner; and that in this case, the railroad would have to have been the one that applied for the deferment.

Ed Graham of the Quilici Family Ranch stated that the County has "sucked" \$36,000 out of them because of an error made by the Assessor's office; that he has been trying for over a year to get this straightened out; and that all he gets at the Assessor's office is the "run-around."

Commissioner Galloway asked if the Assessor had comparable properties if that would have affected the amount of the tax and whether or not Mr. Graham would have had to pay the tax. Mr. Graham stated that the particular property in question cannot be used for anything but agriculture.

Ms. Shipman stated that the issue is whether an agricultural deferment should have been granted on this property and a refund granted accordingly; that only the property owner can obtain such deferment; that the deferment was never requested for these parcels prior to 1996; and that that is the basis for the District Attorney's decision that the request should be denied. She further stated that she is now also hearing an issue being raised as to how those three parcels have been valued by the Assessor's office; and advised that that is not an issue for this Board as value issues are decided by the Board of Equalization.

In response to Commissioner Mouliot, Mr. Graham advised that these parcels are valued differently than the remainder of the ranch. He also contended that when the Assessor periodically physically inspected and appraised the property, they should have been advised that there was no deferment on those parcels not owned by the ranch.

Commissioner Galloway stated that he would change his vote based on the input from Mr. Graham. On motion by Commissioner Shaw, seconded

by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the vote on the motion be reconsidered. On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion carried unanimously, it was ordered that a refund of taxes be granted in accordance with an agricultural deferment being applied to Assessor's Parcels Nos. 038-200-06, 038-242-03 and 038-250-06 for fiscal years 1993/94, 1994/95 and 1995/96.

97-1155 CORRECTION OF FACTUAL ERRORS - 1997/98 & 1996/97 SECURED TAX ROLLS

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk.

It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Bond be authorized to execute on behalf of the Commission.

Sierra Pacific Power Company	Parcel No. 020-255-21	(97/98 Secured)
Sierra Pacific Power Company	Parcel No. 020-255-21	(96/97 Secured)
Sierra Nevada College	Parcel No. 127-040-08	(97/98 Secured)
Sierra Nevada College	Parcel No. 129-280-20	(97/98 Secured)
Sierra Pacific Power Company	Parcel No. 002-040-42	(97/98 Secured)
Sierra Pacific Power Company	Parcel No. 012-014-09	(97/98 Secured)
Sierra Pacific Power Company	Parcel No. 035-261-06	(97/98 Secured)
Sierra Pacific Power Company	Parcel No. 038-800-06	(97/98 Secured)
Sierra Pacific Power Company	Parcel No. 082-455-30	(97/98 Secured)
Sierra Pacific Power Company	Parcel No. 082-455-44	(97/98 Secured)
Michael E. Mardian	Parcel No. 216-031-02	(97/98 Secured)

97-1156 APPOINTMENT - WASHOE COUNTY PARKS AND RECREATION DIRECTOR

Upon recommendation of John MacIntyre, County Manager, on motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Karen Mullen be appointed as Washoe County Parks and Recreation Director effective November 18, 1997, at a salary of \$69,867.20.

97-1157 DEVELOPMENT OF WATER CONSERVATION ORDINANCES - REGIONAL WATER PLAN CONFORMANCE PROCEDURES - DIRECTION TO STAFF

Steve Walker, Water Management Planner, reported that it is mandated by NRS 540A.230(4), which statute he reviewed, that the Board develop an ordinance granting decision making authority concerning conformance of classes of proposed facilities to the Regional Water Planning

Commission (RWPC) staff with appeal procedures. He stated that such an ordinance would be less onerous to applicants and would make it easier to deal with the smaller water conformance issues at staff level. Mr. Walker also reported that the RWPC is further requesting that the Board develop ordinances specific to the "base case" conservation program to increase indoor water conservation and save energy. He stated that the recommendations include reducing hot water lines from 3/4" to 1/2," requiring pressure reducing valves if water pressure is above 60 PSI, retaining runoff on site where soils permit; and that all of these ordinances would be developed by staff, reviewed and approved by the RWPC, and then would go through the normal ordinance process for adoption by the County Commission.

Commissioner Galloway expressed concern about whether or not it would take forever to fill a bathtub with a 1/2" line. Commissioner Camp stated she would also question that; and further, that she does not believe 60 PSI is too much; and that she would have trouble watering her yard if the pressure was under 60 PSI.

Mr. Walker stated that they will be doing technical analyses of all of the recommendations and ideas before incorporating them into ordinances and would be glad to provide progress reports to the Board. He stated that it will probably be at least 90 days before anything is actually written up.

Commissioner Galloway expressed a desire that the conformance ordinance clearly spell out what kinds of projects can be decided by staff and what developments have to go to higher levels. Mr. Walker stated that that is their intent.

Madelyn Shipman, Assistant District Attorney, asked if the Cities of Reno and Sparks will be drafting similar ordinances. Mr. Walker responded that the RWPC has sent letters to the Public Works Directors of those entities and that the goal is that all three entities adopt the same ordinances.

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that staff from the District Attorney's office and the Water Resources Department be directed to develop ordinances specific to the "Base Case" water conservation plan as approved in the Regional Water Management Plan and to develop the ordinance specified in Nevada Revised Statute 540A.230, Section 4, specific to conformance of classes of proposed facilities and procedures for applicant appeals of decisions made by staff or Regional Water Planning Commission.

97-1158 SPECIAL ASSESSMENT DISTRICT NO. 21 - COLD SPRINGS WASTEWATER - ACCEPTANCE OF FACILITIES - WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that:

1. the Sewage Treatment Plant and Disposal Site Subproject and the West Interception (Roston) Subproject included in Special Assessment District No. 21, Cold Springs Wastewater, be accepted;
2. the Quitclaim Deed from Roston Company, LLC and Cold Springs 2000 to Washoe County for the improvements be accepted and Chairman Bond be authorized to execute on behalf of Washoe County; and

3. the Manager of the Utility Services Division be directed to record the Quitclaim Deed with the County Recorder's Office.

It was noted that the Cold Springs Sewage Treatment Plant and the West Interception improvements were constructed by the developers in accordance with prior agreements; that the improvements were funded by assessment bonds; and that construction of the facilities has been completed and is acceptable.

97-1159 SPECIAL ASSESSMENT DISTRICT NO. 21 - COLD SPRINGS WASTEWATER - ACCEPTANCE OF AFFIDAVITS OF WAIVER AND CONSENT - ROSTON COMPANY - PEAVINE VIEW ESTATES UNITS 1, 2, 3, & 4

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that two Affidavits of Waiver and Consent, signed by the Roston Company to redistribute the SAD 21 (Cold Springs Wastewater) assessments for Peavine View Estates Units 1, 2, 3, and 4 be accepted by the Board.

97-1160 RESOLUTION AND TRANSFER OF FUNDS - NEVADA LAND CONSERVANCY (WASHOE PARKS FOUNDATION) - REGIONAL OPEN SPACE PLAN - COMMUNITY DEVELOPMENT DEPARTMENT

John Hester, Director, Department of Community Development, reported that the criteria the Board previously requested as a condition of providing funding to a land trust established as a private, non-profit organization have been met (see Item 97-870, August 19, 1997). He also outlined the "Measures of Success" which clarify the objectives the County has set for the Conservancy and introduced Alicia Reban, who has been named Executive Director of the Nevada Land Conservancy (formerly the Washoe Parks Foundation).

Commissioner Mouliot expressed his strong desire that areas all over the entire County be pursued for preservation of open space and not just in the southwest.

Mr. Hester agreed that it is extremely important that the open space be equitable around the whole county and stated that he will take that back to the group as a success measurement.

Following further discussion, upon recommendation of Mr. Hester, on motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, it was ordered that:

1. the following resolution be adopted and Chairman Bond be authorized to execute;
2. the Director of the Department of Community Development be authorized to transfer \$69,700 from the Department carryover and budget funds to the Nevada Land Conservancy (a.k.a. Washoe Parks Foundation); and
3. the Director of the Parks and Recreation Department and/or the Director of the Department of Community Development be authorized to make available space in County facilities for Nevada Land Conservancy offices if that is determined to be a desirable and effective use of County facilities.

RESOLUTION--AUTHORIZING GRANT OF PUBLIC MONEY TO THE NEVADA LAND CONSERVANCY (AKA WASHOE PARKS FOUNDATION)

Whereas, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selective purpose; and

Whereas, the Board of Commissioners of Washoe County has determined that granting of funds to the Nevada Land Conservancy (a.k.a. Washoe Parks Foundation) will provide a substantial benefit to the inhabitants of Washoe County; now, therefore be it

Resolved by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Nevada Land Conservancy (a.k.a. Washoe Parks Foundation), a private, nonprofit organization, a grant for fiscal year 1997-1998 in the amount of \$69,700; and
2. The Board hereby grants to the Nevada Land Conservancy (a.k.a. Washoe Parks Foundation) the use of County facilities for location of Conservancy offices should the Director of the Parks and Recreation Department and/or the Director of the Department of Community Development determine that that is a desirable and effective use of County facilities.

97-1161 WORKING DRAFT - COMMUNITY SERVICE CENTER PLAN - DEPARTMENT OF COMMUNITY DEVELOPMENT

Romany Woodbeck, Department of Community Development Planner, conducted an overhead presentation of the proposed Community Service Center Plan identifying nine different communities, services to be provided at the various satellite locations, which would be tailored to meet the needs of the particular community, and the locations of the service centers.

Chairman Bond expressed concern that the Health Department is planning to close their Sun Valley WIC clinic and possibly move it to Golden Valley because she feels the Sun Valley people need those services more and there is no bus from Sun Valley to Golden Valley. Commissioner Mouliot stated that Golden Valley is not the proper area for a service center to serve the North Valleys residents and that the Stead area would be a much better location.

Commissioner Shaw suggested investigating a partnership with the school district to utilize the schools as the community centers rather than investing in separate facilities. Ms. Woodbeck stated that in many ways the schools are already becoming the community service centers because the children are there, the parents are there before and after school, there are many before and after school activities and meetings, there are already some joint libraries in some of the schools, etc.

A discussion ensued regarding the magnitude of this proposal and Board members concurred that it would be better to concentrate on one area at a time. John Hester, Director, Department of Community Development, stated that he would like to see the planning process continued for the whole county with the goal being to at least have a plan that outlines where services would go when they are implemented in order to avoid situations such as the one that now exists in Sun Valley where county services are currently being provided in four different locations.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman

Bond ordered that staff be directed to continue the overall planning process for the Community Service Center Plan; that staff focus on the Sun Valley and North Valleys areas; and that the location of the North Valleys service center be changed to the Stead area.

97-1162 ACCEPT GRANT/AUTHORIZE EXPENDITURES - NEVADA DIVISION OF ENVIRONMENTAL PROTECTION - CONSERVATION ELEMENT OF THE COMPREHENSIVE PLAN

Catherine McCarthy, Planner, Department of Community Development, provided background information concerning the update to the Conservation Element of the Comprehensive Plan and stated that regular progress reports will be presented to the Board.

Upon recommendation of John Hester, Director, Department of Community Development, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that:

1. the grant offer of the Nevada Division of Environmental Protection to assist in the preparation of the Conservation Element of the Comprehensive Plan be accepted and the Chairman be authorized to sign the agreement on behalf of the County;
2. a capital expense for the purchase of a computer and software to perform the tasks outlined in the work plan be authorized;
3. the creation of an intermittent hourly position (Public Service Intern) be authorized in the Department of Community Development for one year at a cost of approximately \$16,000; and
4. the Comptroller be directed to make the following adjustments in the budget for the Department of Community Development:

REVENUE EXPENDITURES

01-11573G-4301 \$20,000 01-11573G-7001 \$26,600

01-11573G-7398 4,500

Decrease 01-11541-7140 \$26,100 01-11573G-7829 5,000

\$46,100 \$46,100

97-1163 ORGANIZATIONAL EFFECTIVENESS COMMITTEE - EXPAND MEMBERSHIP & APPOINTMENTS/REAPPOINTMENTS

Upon recommendation of John Slaughter, Strategic Planning Manager, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that:

1. The number of at-large members to the Organizational Effectiveness Committee be expanded from three to five at-large members;
2. Bob Bricca be reappointed, effective immediately, and Howard Putnam be reappointed, effective January 1, 1998, as at-large members to the Organizational Effectiveness Committee, with terms to expire December 31, 1999; and

3. Stephanie Kruse and Mike Reed be appointed as at-large members to the Organizational Effectiveness Committee, with terms to expire December 31, 2000.

* * * * *

11:30 a.m On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the Board recess to a closed personnel session for the purpose of discussing negotiations with Employee Organizations and that the Board reconvene in regular session in the Chambers at 4:30 p.m., at which time they will consider the duly noticed Addendum to the agenda, Item 26, request for emergency funding for the jail.

* * * * *

4:30 p.m. The Board reconvened with all present as in the morning session.

97-1164 REQUEST FOR EMERGENCY INMATE FUNDING - SHERIFF

This item is an Addendum to today's agenda.

Richard Kirkland, Washoe County Sheriff, gave an overhead presentation concerning jail operations, staffing, population projections, alternative inmate programs and overtime issues. The Sheriff advised that the Criminal Justice Advisory Committee had discussed alternatives concerning the overcrowding problem at the jail all of which had been unanimously denied with the exception of the recommendation that the Sheriff request additional funding for housing the increased number of inmates over the Constitutional limitation of 900 inmates.

Sheriff Kirkland further advised that the Reno City Council recently voted to re-open the Morrill Street Fire Station as a sub-facility and to provide approximately \$100,000 towards reconstruction; and that if the facility were open at this time he could immediately move 35 inmates to the facility under reduced supervision. Commissioner Camp stated that she had recently toured the facility on Morrill which in her opinion, will require considerable work before becoming operable.

Sheriff Kirkland further explained that he is pursuing the possibility of a non-supervised inmate work farm located in the Gerlach area or other rural County locations; and that he supports a work farm approach where the inmates would grow their own food and learn animal husbandry. The Sheriff further explained that the large jail population is due in part to inmates awaiting trial and tougher domestic violence laws enacted during the last legislative session.

Commissioner Mouliot stressed the importance of formulating a short-term plan and a good viable long-term plan in lieu of constructing additional structures at the Parr facility.

In response to Chairman Bond's inquiry, Gary Goelitz, Administrative Analyst, stated that the Finance Department could bring this matter back to the Board in December with alternative solutions, information regarding holding fees, and impacts of the fire station facility relating to overtime. Mr. Goelitz further explained that one of the issues the Sheriff cannot control and suffers consequences for, is the abnormal length of time it takes the County to get individuals to trial which approximates seven months from arrest to sentencing; that other counties have

re-engineered their court process to take two months; that this is a large problem in District Court as well as Justice Court; and that he would be desirous of re-engineering the County's court procedures to expedite people to trial, get them out of the County jail and into the State prison system where they belong.

Sheriff Kirkland stated that the District Court Judges have elected not to utilize video arraignment which has been in place for approximately two years and is being used by Justice Court. He explained that as a result, this will force him to request an additional \$200,000 to \$300,000 for a full-time transportation bus and team of deputies to transport people from Parr Boulevard to District Court for arraignments and return them back to the jail.

Richard Gammick, District Attorney, spoke to accomplishments within his office as well as the District Court specifically Court Services, Drug Court and the Early Case Release Program and tougher Domestic Violence laws. Mr. Gammick advised that arraignment time has been cut in half; that it had been averaging 30 days and is currently on a 15-day cycle; that the time for filing cases has been reduced; that the entire Court has a checks and balances system between Court Services, the Sheriff's Department and his office to ensure that they are not letting individuals out of jail who belong there and ensuring that they are releasing people who should not be there. Mr. Gammick stated that Domestic Violence cases are going to trial in Justice Court in 5 to 6 days which is creating a problem for his office as they are having a difficult time serving subpoenas and getting victims and witnesses into Court, but that they are complying with Court settings. Mr. Gammick stated that with regard to District Court, there are an inordinate amount of continuances being set in District Court trials; that he will be approaching the District Courts to investigate why this is occurring; and that he would urge the Sheriff not to "close the front door nor open the back door" of the jail in an effort to limit endangerment to the citizens of Washoe County.

Chief Dotson, City of Sparks Police Department, stated that the Sheriff and the District Attorney had depicted an accurate analysis of what is presently occurring. He stated that the City of Sparks is a 13% contributor to the jail; that he is a member of the Criminal Justice Advisory Committee; that it is of utmost importance to find a short-term and long-term solution to the overcrowding problem; and that he fully supports the work farm approach for those prisoners that would qualify for this type of a minimum security facility.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the Finance Department investigate alternatives for short-term and long-term solutions to the overcrowding issue at the jail; and that this matter be brought back to the Board in December.

Mr. Goelitz added that the Sheriff's Office has worked very diligently at balancing its budget and has reduced overtime expenditures in the first quarter of this fiscal year versus the first quarter of last fiscal year.

97-1165 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-F-01[A] (ADMINISTRATIVE CHANGES)

5:00 p.m. This was the time set in a Continuation of Public Hearing from October 28, 1997 Item No. [97-1109], to consider the Washoe County Planning Commission's recommendation to approve the administrative changes on the land use map to redesignate federal lands not slated for disposal shown on the Open Space Plan from General Rural (GR) to Open Space (OS). The following parcels are proposed to be designated Open Space (OS): Assessor Parcel Numbers 041-030-02, 03, 04 05 and 09; Assessor Parcel Number 046-041-06; Assessor Parcel Number 046-051-07; Assessor Parcel Numbers 046-060-12, 13 and 22; Assessor Parcel Number 047-150-01; Assessor Parcel Numbers 048-010-01, 02, 03, 05, 06, 08, 10,

11, 12, 13, 14, 15 and 16; Assessor Parcel Numbers 048-020-01, 02, 03, 04, 07, 09, 11, 12, 14 and 15; Assessor Parcel Numbers 048-030-01, 02, 03, 04, 05, 07, 10, 11, 12 and 13; Assessor Parcel Numbers 048-041-04, 05, 06, 07, 08, 10, 11 and 12; Assessor Parcel Number 048-042-02; Assessor Parcel Numbers 048-061-01 and 03; Assessor Parcel Number 048-062-03; Assessor Parcel Number 048-112-08; Assessor Parcel Number 048-120-20 and 21; Assessor Parcel Number 055-010-01, 02, 03, 04, 05, 07, 08, 09, 12, 19, 20, 23, 24, 25, 38, 39, 40, 41, 43, 45 and 46; Assessor Parcel Number 055-110-01 and 02; Assessor Parcel Number 055-180-05; Assessor Parcel Numbers 055-301-12 and 13; Assessor Parcel Numbers 049-010-01, 02, 03, 14, 15, 16 and 19; Assessor Parcel Number 126-010-54; Assessor Parcel Numbers 126-020-02 and 03; Assessor Parcel Numbers 130-010-05, 06 and 07 and to consider Assessor Parcel Number 047-150-03 held in public ownership and slated for disposal by the United States Forest Service. Additionally, administrative changes on the Public Services and Facilities Plan are proposed to remove public trails under the authority of Washoe County Park and Recreation plan. Additional administrative changes are proposed to reintroduce the entire Forest Area Plan geographic information system map series to reflect the new department name and logo and any necessary changes as required by approval of all or any portion of the proposed amendment as well as appropriate text changes, including the revised table of land use acreage's to match the approved map changes. All the parcels under consideration are designated as "Suburban" on the Truckee Meadows Regional Plan land use diagram, therefore a Regional Plan amendment should not be required.

Sharon Kvas, Department of Community Development, gave a staff presentation regarding the recommendation for administrative changes to the Comprehensive Plan Amendment and answered questions of the Board. She explained that one parcel approximating 80 acres and slated for disposal by the U.S. Forest Service has been requested to remain open space by the Mt. Rose/Geiger Grade Citizens Advisory Board; and that staff is working with the Forest Service to maintain the land for this purpose.

Ms. Kvas advised that an error had been made on an existing land use map released in error which incorrectly coded a significant number of parcels as "undeveloped" advising that the error had been rectified. She then displayed a correct land use map for the Board's review.

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

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Comprehensive Plan Amendment Case No. CPA97-F-01[A] (Administrative Changes) be approved based on the following findings:

FINDINGS:

1. The proposed amendment to the Forest Area Plan demonstrates adequate future infrastructure capacity to serve the additional projected demand for the requested Open Space land use designation (Mandatory Finding: WCDC Section 110.208.45).
2. The proposed amendment to the Forest Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan. The amendment conforms to policies F.1.1, F.5.3, F6.6, F.6.7, LUT.1.14.
3. The proposed amendment to the Forest Area Plan will provide for land uses compatible with existing and planned land uses to the north, south, east and west of the subject site, F.1.1, F.4.4., F.5.3, and LUT.1.14, and will not adversely impact the public health, safety or welfare.
4. The proposed amendment to the Forest Area Plan will not adversely affect the implementation of the policies and action programs of the

Conservation Element or the Population Element of the Washoe County Comprehensive Plan. The redesignation of parcels from General Rural (GR) to Open Space (OS) will reduce the population of the plan area.

5. The proposed amendment to the Forest Area Plan will 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. The re-designation of the General Rural (GR) parcels to Open Space (OS) will implement the Conservation element and protect the scenic resources of the plan area.

6. The proposed amendment to the Forest Area Plan is the first amendment to the Plan in 1997, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

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

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

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

97-1166 APPEAL OF COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-F-01 [B] (GARY SCHMIDT)

5:00 p.m. This was the time set in a continuation of Public Hearing from October 28, 1997 [97-1109] to consider the appeal of the decision of the Planning Commission that denied a request to amend the Forest Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment requested re-designation of Assessor's Parcel Number 48-070-10 from the land use category of Medium Density Suburban (MDS: max 3 dwellings per acre) and General Rural (GR) to Tourist Commercial (TC) and to redesignate Assessor's Parcel Number 048-081-03 from Medium Density Suburban (MDS: max 3 dwellings per acre) to General Commercial (GC). The amendment request would allow a net increase in tourist/general commercial development potential of up to 6 acres.

Assessor's Parcel Number 48-070-10 is located north of Mt. Rose Highway and is currently developed as the Tannenbaum Ski Area. Assessor's Parcel Number 048-081-03 is situated on the south side of Mt. Rose Highway immediately adjacent and south of the Reindeer Lodge. The properties are approximately 2.5 miles southwest of Galena Forest Estates. The parcels are found within the Pleasant Valley Hydrographic Basin, in Section 17, T17N, R19E, MDM, Washoe County, Nevada.

Sharon Kvas, Department of Community Development, reviewed a staff report and history of both properties advising that the one-acre parcel located adjacent to the Reindeer Lodge (048-081-03) has been utilized for barbecue and picnic facilities, a snowmobile course, stables and a parking lot in connection with the Reindeer Lodge operation and has been an integral part of that operation for over 40 years; and that the second parcel (048-070-10) consisting of five acres located across the street from the Reindeer Lodge consisting of a parking lot in a state of

disrepair, a lodge and accessory buildings, previously known as the Tannenbaum Ski Resort had unanimously been denied by the Planning Commission based on findings, in particular, that the amendment was not in substantial compliance with the policies of the Forest Area Plan, water issues, and the granting of usage by right in lieu of a special use permit.

Ms. Kvas then discussed infrastructure issues and policies contained within the Forest Area Plan advising that this request has been heard by the Southwest Truckee Meadows Citizens Advisory Board and the Mt. Rose/Geiger Grade Citizens Advisory Board stating that the Mt. Rose CAB felt very strongly that the Mt. Rose Highway is a scenic highway that should not have an additional commercial development; that the five-acre parcel proposed to be tourist/commercial is used as "dump" for old snowmobiles, trailers, pipes and is very unsightly; and that the residents are content with the zoning as it currently exists. She stated that the Southwest Truckee Meadows CAB who heard this issue after the Planning Commission meeting, had been attended by 25 citizens who were opposed to the proposed zone change citing that the commercial development is not compatible with the existing residential development; that a commercial development would increase safety hazards; and that the existing site is an eyesore.

Ms. Kvas further stated that after she performed a technical evaluation of the one-acre parcel, she had recommended to the Planning Commission that this parcel used historically as part of the Reindeer Lodge be re-designated to General Commercial explaining that it had been previously zoned C-2 (unlimited general commercial); and that is currently zoned MDS as a result of re-zoning that took place in 1993 which in essence eliminated an existing commercial zoning and is the reason for her recommendation. She advised with regard to the five-acre parcel, when the re-designation took place, Tannenbaum was no longer being used as a ski resort, however, MDS does allow ski resorts with a special use permit as well as several commercial uses allowed with a special use permit; and that it was previously zoned C-1 (limited commercial) which meant that any commercial use established on that property had to go through the discretionary special use permit process.

Gary Schmidt, appellant, reviewed history of the zoning and land use on the Mt. Rose Highway and scenic corridor as it relates to the two parcels and answered questions of the Board. He displayed a 1953 zoning map stating that the zoning on the one-acre parcel and the five-acre parcel had been C-2 and C-1 respectively; that zoning was initiated in 1953; that prior to that time there was free zoning; and that it was apparently the County's intention in 1953 to designate this area commercial to serve the highway and mountain travelers in the Mt. Rose area.

Mr. Schmidt stated that his request to change the zoning on the one-acre parcel back to general commercial is supported by the Planning Department; that with regard to the Tannenbaum property, the ski area was opened in 1960 under C-1 zoning; that it had been an outdoor recreational ski resort with food and beverage sales in the lodge; that Tannenbaum closed in 1980 and throughout that time period he continued to use it for outdoor recreational purposes including snowmobiling, horseback riding and picnicking under a rental agreement negotiated from 1987 through 1989; that he purchased the property in 1989 after having discussions with the County regarding their plans for a new Development Code and Regional Plans; that he attended many hearings during this period and was told that every use such as outdoor recreational would be grandfathered in; that they indicated this would occur in 1992 and until that time he could use the C-1 zoning; and that on that premise he purchased the property, applied to build a mini-market, motel/chalet and a 6,000 square foot garage to house his snowplow equipment, service trucks and snowmobiles, which he has been attempting to do since 1990.

In conclusion, Mr. Schmidt stated that his application stands on the present legal, moral and social side of the land use issue in regard to the Mt. Rose Highway, the scenic corridor and the preservation of same as it relates to these two parcels; and that the question before the Board is to

decide which land use designation will be of greatest benefit to the general public and the community at large and the preservation of the scenic resource of the Mt. Rose Highway.

Gary Pakele, attorney representing the appellant, discussed land use issues and Comprehensive Plan Amendment policies stating that the Planning Commission denied both amendments without reasoned consideration of the land use policies and issues for both parcels; that in his opinion both parcels are incompatible for residential use and completely compatible for commercial use. He reiterated that Mr. Schmidt applied to construct a 6,000-square-foot service garage to house his snow removal equipment that he utilizes in the winter to contract for snow removal to help individuals get to and from their homes and render the mountain safer for those who are in need of traversing it in the winter. He further explained that Mr. Schmidt has installed three fire hydrants on the Reindeer property costing in excess of \$15,000; that he has made electrical improvements in excess of \$20,000; that he has replaced all aging propane room heaters with modern electric oil flameless heaters; and that he has replaced all room windows with double-paned thermal energy saving glass. In conclusion, Mr. Pakele stated that there are several residents that have criticized the Reindeer Lodge as they do not like the appearance of Mr. Schmidt's equipment from the road, however, they do not realize that his commercial holdings which have been improperly downzoned, have deprived him of his property rights to construct a proper service and storage facility on his five-acre parcel.

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

The following individuals spoke in support of the request citing issues concerning the preservation of commercial zoning to allow for emergency services on the Mt. Rose Highway, the preservation of Mr. Schmidt's collectibles, and to aid in the elimination of additional residential units in the area:

- Douglas Bayles
- Jeff Colton
- Mary Bartell
- Chris Hansen
- Ana Warner

The following individuals spoke in opposition to the request citing issues of commercial zoning being incompatible, infrastructure issues, the Reindeer Lodge being an eyesore which violates the spirit of the Mt. Rose Scenic Corridor, and the parcels in question being located on the most dangerous curve on the mountain.

- Lynn Mundt
- Bob Schmid
- Matthew Gillespie
- John Taylor

Several petitions and letters were placed on file with the Clerk in support and in opposition to the request.

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

Discussion ensued by the Board and Ms. Kvas responded to questions regarding infrastructure issues, scenic corridor standards and zoning designations explaining that, if these requests are granted and the properties were to be designated Tourist Commercial and General Commercial, Mr. Schmidt could build on the properties without any conditions imposed by the Board as long as any project brought forth was an allowed use; and that a special use permit would not be required for the vast majority of permissible uses under Tourist Commercial.

Ms. Kvas explained that if Mr. Schmidt does not receive Tourist Commercial designation on his five-acre parcel, that he could still apply to construct a 6,000 square foot building under the transition period which has been extended and includes an additional thirteen months to come forth with a project under the site review transition through the Planning Commission.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the appeal of Gary Schmidt from the Washoe County Planning Commission's recommendation for denial of Comprehensive Plan Amendment Case No. CPA97-F-01 [B] (Parcel No. 048-081-03 located adjacent to the Reindeer Lodge), be upheld based on the following findings:

FINDINGS:

1. That the continual commercial use of the property for over 30 years constitutes a vested interest, and the re-designation of the parcel allows the continued utilization of the property as a component of the established commercial venture, the Reindeer Lodge.
2. The proposed amendment to the Forest Area Plan demonstrates adequate future infrastructure capacity to serve the additional projected demand for the requested general Commercial, Tourist Commercial and/or Open Space land use designation (Mandatory Finding: WCDL Section 110.208.45)
3. The proposed amendment to the Forest Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan. The amendment conform to policies F.1.1, F.4.4, F.4.5, F.5.3, F.6.1, F.6.2, LUT.1.3, LUT.1.4 and LUT.1.14.
4. The proposed amendment to the Forest Area Plan will provide for land uses compatible with existing and planned land uses to the north, south, east and west of the subject site, F.1.1, F.4.4, F.4.5, F.5.3, F.6.1, F.6.2, LUT.1.3, LUT.1.14, and will not adversely impact the public health, safety or welfare.
5. The proposed amendment to the Forest Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan. The redesignation of parcels from Medium Density Suburban (MDS) to General Commercial (GC) and Tourist Commercial (TC) will reduce the population of the plan area.
6. The proposed amendment to the Forest Area Plan will 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 for funds for public services. The re-designation of the General Rural (GR) parcels to Open (OS) will implement the Conservation element and protect the scenic resources of the plan area.

7. The proposed amendment to the Forest Area Plan is the first amendment to the Plan in 1997, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

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

9. The Washoe County Planning 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. On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the appeal of Gary Schmidt concerning Comprehensive Plan Amendment Case No. CPA97-F-01 [B] (Parcel No. 048-070-10 (the Tannenbaum property) be denied based on the following findings:

FINDINGS:

- 1. That the designation assigned to the property is consistent with the prior use of the property, as a ski resort.
- 2. That the applicant has an additional 13 months in which to submit a project to the Planning Commission to utilize the pre-1993 zoning district and that process is appropriate to assure that impacts of the project could be mitigated by conditions of approval.
- 3. That the proposed amendment is not in substantial compliance with the policies and action programs of the Comprehensive Plan and the Forest Area Plan policies F.1.1, F.4.4 and F.4.5.
- 4. That the proposed amendment would result in land uses which are incompatible with (existing or planned) adjacent land uses, and would adversely impact the public health, safety or welfare.
- 5. The proposed amendments to the Forest Area Plan do not respond to changed conditions or further studies that have occurred since the Plan was adopted by the Board of County Commissioners, and the amendment request does not represent a more desirable utilization of land.
- 6. The proposed amendment will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
- 7. The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
- 8. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Forest Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).

9. The Washoe 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.

COMMUNICATIONS AND REPORTS

The following reports were received, duly noted, and placed on file with the Clerk.

97-1167 Reports - Quarterly (July, August, September, 1997)

- A. Constable, Reno
- B. Constable, Gerlach
- C. Constable, Sparks
- D. County Clerk/Court Clerk
- E. Justice Court, Verdi
- F. Justice Court, Gerlach
- G. Grand View Terrace GID

97-1168 Reports - Quarterly (June, July, August, 1997)

- A. Washoe County School District

97-1169 Reports - Annual Financial Statements (June 30, 1997)

- A. Grand View Terrace
- B. Carson Water Conservancy District
- C. Sun Valley Water and Sanitation District

97-1170 Reports - Monthly (September, 1997)

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Social Services
- E. Treasurer

There being no further business to come before the Board, the meeting adjourned at 7:45 p.m.

JOANNE BOND, CHAIRMAN
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk