

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

OCTOBER 28, 2003

PRESENT:

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

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

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

03-1170 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the agenda for the October 28, 2003 meeting be approved with following amendment: Delete Item 9C concerning the construction of the Mills B. Lane Justice Center.

***2:03 p.m.** Commissioner Sferrazza arrived at the meeting.

PUBLIC COMMENTS

Al Hesson, area resident, expressed his opposition to President Bush's administration and discussed problems relating to education, insurance, teenage pregnancy and social issues in the community.

Sam Dehne, local resident, said the "Accentuate the Positive" organization is a joke. He then sang "The Reno News Regurgitators."

MANAGER'S/COMMISSIONERS' COMMENTS

There were no comments.

03-1171 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the minutes of the regular meetings of September 9, 16 and 23, 2003 be approved.

03-1172 RESOLUTION HONORING VETERAN THOMAS J. IVERSON

Amy Harvey, County Clerk, read the Resolution honoring veteran Thomas J. Iverson.

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

WHEREAS, November 11, 1918, marked the cessation of the most destructive, sanguinary and far reaching war in human annals and resumption by the people of the United States of peaceful relations to other nations, which we hope may never again be severed, this date was marked as “Armistice Day”; and

WHEREAS, In June 1954, legislation was approved to change the name to “Veterans Day” to honor American Veterans of all wars; and

WHEREAS, Thomas J. Iverson served with the Headquarters Flight Detachment of the 173rd Airborne Brigade in Vietnam 1969 to 1970, and also served with the 2nd Infantry Division in Korea, 3rd Infantry Division in Germany and the 82nd Airborne Division in the United States; and

WHEREAS, After retiring from the U. S. Army in 1988, he became a “Veterans Advocate” and is a Volunteer Coordinator at the Veterans Administration Sierra Nevada Health Care Clinic in Reno, Nevada; and

WHEREAS, Mr. Iverson maintains a World War II Army Ambulance, which he drives in local parades; and

WHEREAS, Mr. Iverson has been awarded the Senior Crewman’s Badge, Parachute Jump Wings and 3 overseas ribbons; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners honors Mr. Iverson for his service to his country and encourages citizens in the Truckee Meadows Area to give thanks to the many men and women who have served in our armed forces.

03-1173 REAPPOINTMENT – WASHOE COUNTY BOARD OF MASSAGE EXAMINERS

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Kathleen T. Hauff be reappointed to the Washoe County Board of Massage Examiners with the term to expire on October 31, 2006.

03-1174 ACCEPTANCE OF GRANT – NEVADA OFFICE OF TRAFFIC SAFETY

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the grant in the amount of \$30,973 from the Nevada Office of Traffic Safety to conduct saturation patrols for seat belt and DUI enforcement be accepted and the Comptroller be directed to make the appropriate budget adjustments, as outlined in the agenda material dated October 13, 2003.

03-1175 RESOLUTION – REQUESTING ASSISTANCE OF ATTORNEY GENERAL IN PROSECUTION OF CERTAIN CRIMINAL MATTER – DISTRICT ATTORNEY

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same:

RESOLUTION

Requesting the Assistance of the Attorney General In the Prosecution of a Certain Criminal Matter

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently been called upon to determine whether to charge out and/or prosecute the case of State v. Ackerman; and

WHEREAS, the victim/witness in the case is related by marriage to an employee of the DA's office and the victim/witness' son is a playmate of the son of another employee of the DA's office; and

WHEREAS, the District Attorney's office is concerned that any determination made by the Office about the case, including whether to charge it out, and/or prosecute could be viewed by a reasonable person as being influenced by the above-mentioned relationships.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal case relating to State v. Ackerman.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

03-1176 RESOLUTION - DISPOSAL OF SURPLUS TRUCK TO MASON VALLEY MOSQUITO ABATEMENT DISTRICT – EQUIPMENT SERVICES

Upon recommendation of Jean Ely, General Services Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution to dispose of one used surplus 1988 light duty flatbed truck from Equipment Services to the Mason Valley Mosquito Abatement District be adopted and Chairman Humke be authorized to execute the same:

RESOLUTION

A RESOLUTION TO DISPOSE OF ASSETS BY SALE TO MASON VALLEY MOSQUITO ABATEMENT DISTRICT FROM THE WASHOE COUNTY EQUIPMENT SERVICES FUND

WHEREAS, Equipment Services was established to provide fleet services including acquisition, maintenance and disposal of fleet vehicles and equipment and to provide management and administration of related fleet services for Washoe County; and

WHEREAS, Equipment Services is disposing of certain used equipment, which is surplus to its needs, including one (1) 1988 1/2-ton GMC four wheel drive light duty truck with flatbed body; vehicle identification number 2GTDK14H1J1551688; and

WHEREAS, the Mason Valley Mosquito Abatement District in Yerington, Nevada, is in need of another vehicle to use in their mosquito abatement efforts and has expressed an interest in purchasing this vehicle from Washoe County for One Thousand Four Hundred Dollars (\$1,400.00) which is considered the fair market salvage value for this vehicle;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA, that we support the needs of the Mason Valley Mosquito Abatement District and declare:

Section 1. NRS 332.185, Section 1., empowers the Board of County Commissioners to dispose of personal property of the County provided it is determined that the property is no longer required for public use and is determined to have reached the end of its useful life.

Section 2. The above-mentioned surplus used Washoe County asset will be sold in “as is” condition to the Mason Valley Mosquito Abatement District for One Thousand Four Hundred Dollars (\$1,400.00) and the funds, upon receipt from this sale, will be deposited into the Equipment Services Fund, account 690100-509001.

Section 3. This Resolution shall be effective on passage and approval by the Board of County Commissioners.

Section 4. The County Clerk is hereby directed to distribute copies of this Resolution to the Comptroller’s Office, Finance, Purchasing and Equipment Services.

**03-1177 CORRECTION OF FACTUAL ERRORS - SECURED TAX ROLLS
- ASSESSOR**

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

Property Owner	Parcel No.	Amount	Tax Roll
Charles G. & Claudia Green	Parcel #009-780-05	[-\$97.77]	2003 Secured
Paul R. Helms & Associates Inc.	Parcel #021-621-01	[-\$101.44]	2003 Secured
James E. & Jane A. Nichols	Parcel #038-054-32	[-\$425.46]	2001 Secured
James E. & Jane A. Nichols	Parcel #038-054-32	[-\$440.31]	2002 Secured
James E. & Jane A. Nichols	Parcel #038-054-32	[-\$437.33]	2003 Secured
Phillip S. Loomis	Parcel #055-166-04	[-\$276.45]	2003 Secured
RBT-Nevada LLC	Parcel #122-211-19	[-\$54.43]	2003 Secured
James R. & Constance K. Nowlin	Parcel #125-152-08	[-\$349.23]	2003 Secured
D’Andrea Marketplace LLC	Parcel #402-020-14	[-33,027.68]	2003 Secured
Joseph M. & Mary J. Cruz	Parcel #520-171-02	[-\$63.94]	2003 Secured
Earl E. & Barbara H. Kindstrom	Parcel #524-372-13	[-\$263.03]	2001 Secured
Earl E. & Barbara H. Kindstrom	Parcel #524-372-13	[-\$261.08]	2002 Secured
Earl E. & Barbara H. Kindstrom	Parcel #524-372-13	[-\$127.09]	2003 Secured
J.E. Morros Const. & Devel. Inc.	Parcel #534-402-03	[-\$954.63]	2003 Secured

03-1178

**MEDIATION AGREEMENT – BECKWORTH/MCMULLEN
ET AL. – DISTRICT ATTORNEY**

Katy Singlaub, County Manager, advised that additional information has been provided to the Board and placed on file with the Clerk following discussion held at yesterday's Caucus meeting.

Michael Harper, Planning Manager, Community Development Department, advised that staff became aware last week of the Mediation Agreement between Washoe County, the City of Reno, The Truckee Meadows Regional Planning Agency and numerous developers and property owners concerning the Beckworth/McMullen et al. parcels of land. He stated a review of the Agreement by the Washoe County Planning Commission's Cooperative Planning Review Subcommittee brought forth several concerns, which he discussed. Mr. Harper emphasized the mediation effort was beneficial in defining the issues and the desired outcomes. He then stated that, because a collaborative process created the Reno Stead Corridor Joint Plan (RSCJP), the Subcommittee asked that staff review some alternatives with the Board. He reviewed the options outlined in the staff report dated October 27, 2003 and stated staff believes Option No. 2 is the most appropriate. Option No. 2 would be to take no action on the Mediation Agreement today and provide direction to staff prepare a resolution to initiate an amendment to the Joint Plan that would incorporate language that would reference certain provisions of the Mediation Agreement and the cooperative plan amendment submitted for Wild Stallion Estates. He noted staff is not suggesting the resolution contain language regarding an amendment of the boundaries of the Joint Plan because those boundaries are important and were developed through a collaborative process. Staff believes that any decision regarding a boundary change should be made through a public input process and not through an agreement process. Staff would also like direction to seek concurrence from the City of Reno for the initiation of this process and would endeavor to schedule the joint meetings with all bodies as quickly as possible.

Upon inquiry, Mr. Harper stated that Community Development staff believes going through the amendment process moves the effort quicker and to a satisfactory conclusion for all parties involved. He noted this process would retain the County's involvement in the Joint Plan area and expand the noticing process to all property owners within the Golden Valley area.

Commissioner Sferrazza stated he spoke with Bill Thomas, the representative for the developer, who indicated the application for the cooperative plan amendment submitted for Wild Stallion Estates contained an error, and the proposal before the City of Reno is for LLRL, which would provide one-acre lots for the buffer area. Mr. Harper noted the application proposes a zoning change to SF15 (1/3 acre-lots), and contains no reference to an LLRL zoning. Commissioner Sferrazza then stated he supported and participated in the mediation process, and he does not know how Washoe County planning staff was left out of the loop. His understanding is the Joint Plan could be amended to incorporate all the changes within the Joint Plan or amended consistent

with the Mediation Agreement to take the area out of the Joint Plan and make it subject to cooperative planning. Mr. Harper advised the resolution suggested by staff does not envision removing the property from the Joint Plan and making it a cooperative plan area, but, if directed differently by the Board, staff would provide a different resolution.

Legal Counsel Shipman explained the process to amend the joint planning area would be through meetings of the Planning Commission, the Reno City Council and the Board of County Commissioners; and the process for amending the boundaries of the joint planning area would go through the Regional Planning Commission.

Commissioner Galloway stated this issue is about what goes on the ground and he prefers the Joint Plan process, which would be retained if the Board approves Option No. 2, because it would not leave open the option to change the boundaries.

Chris McMullen, representing Beckworth/McMullen et al., reviewed the many processes they have been required to follow since their request in 1996 to amend the RSCJP in order to apply for a sphere of influence change to annex into the City of Reno. He noted amending the Corridor Plan was never an option for them, and they are in favor of the Mediation Agreement.

Bill Thomas, Summit Engineering Corporation, advised he represents the property owners and Lore Pilz, LLC, the purchaser of the properties for development. He said the application request turned into the City of Reno is for an annexation and a master plan amendment. He stated there are inconsistencies in the application, and the line on the application that indicates a proposed zoning for SF15 is an error. He advised another section of the application clearly states there would be a one-acre buffer. He apologized on behalf of Summit Engineering for making a mistake on the application and stated there was no intent to circumvent the Mediation Agreement. Mr. Thomas commented it is disappointing to get to this point after nine months where everybody is signed off except for Washoe County and find out a new process is being envisioned. He noted a lot of hearings would have to occur before the amendment is done, and the Agreement does not foreclose the public from participating.

Neal Cobb, Golden Valley Property Owners' Association, stated they have been involved throughout the mediation process and are opposed to being excluded as signatories to the Agreement. He said he has stated all along that abutting properties should contain complimentary and compatible development, and they were concerned when they saw the annexation application that proposes a blanket request for SF15. He spoke in support of Option No. 2 for amending the Joint Plan so Washoe County has some say on what would be developed.

Gary Sayer, President, Golden Valley Property Owners' Association, expressed concern that they were excluded as signatories and with the language in Section 2.10 of the Mediation Agreement. He said because of Reno's action, the Homeowners' Association and the potential developer, Lore Pilz, LCC, signed a separate agreement that takes affect upon the developer taking title to the parcels. He advised the agreement with the developer sets out one-acre buffer lots that are zoned for horses and

may not be subdivided, and they were shocked that the application proposes SF15 zoning for all parcels. He pointed out that both agreements say the parcels are subject to cooperative planning, and they support staff's recommendation to initiate an amendment to the RSCJP.

Stephen Rogers, member of the Washoe County Planning Commission, Regional Planning Commission and Cooperative Planning Subcommittee, stated he agrees with staff's recommendation for Option No. 2. He said the residents of Golden Valley negotiated in good faith to accomplish a win/win situation, and if the application for annexation contains an error concerning the proposed zoning, it creates a problem.

Commissioner Galloway said he does not favor the Mediation Agreement. He stated the County is offering a mechanism for the property owner to develop what they said they wanted to put on the ground, and he does not want to create an avenue for developing something different. He stated he supports Option No. 2 and believes that all parties that negotiated the Agreement should be signatories.

Commissioner Sferrazza stated he believes the agreement between the developer and the other parties addresses the concerns expressed by Commissioner Galloway and binds the development of the property to that set forth in the Mediation Agreement. He said he would support Option No. 2 with an amendment to delete the language "[*excluding the change in the Joint Plan boundaries*]" and a condition that the property title be transferred to the Wild Stallion Estates Joint Venture before the agreement became effective. He believes that would be consistent with the Mediation Agreement and would make the property a cooperative planning area instead of a joint planning area. Since the Mediation Agreement would have to go through the amendment process to the Joint Plan, he believes the same result could be accomplished. Commissioner Sferrazza noted a major objective of the property owners is to amend the boundary areas. He stated he believes, after reviewing the documents, staff would find the result is a final land use plan that is iron clad and would enable the County to insure that what is developed on the ground is the same as what is set forth in the Mediation Agreement. He stated he would also want the separate agreement between Wild Stallion Estates and the Golden Valley Homeowners' Association incorporated into Option No. 2 and conditioned on the final amendment being approved. He said this would insure the people of Golden Valley would have the opportunity to participate, and the agreement would be made binding. Commissioner Sferrazza said he would like to start the process consistent with what has been agreed to in the Mediation Agreement. He stated planning staff may feel more comfortable with the joint planning process versus cooperative planning, but cooperative planning is what was negotiated. Upon inquiry of Legal Counsel Shipman, Commissioner Sferrazza stated he would want the Mediation Agreement to somehow be approved prior to the amendment of the Joint Plan removing the property, but is not sure about the proper motion language to accomplish that. He asked how it could be set forth for the process to go either as a cooperative plan process or the Joint Plan process.

Commissioner Galloway stated changing the Joint Plan boundaries would not simplify anything. His understanding is the Mediation Agreement would only be

enforceable through the court, which could occur after zoning decisions were made, permits are issued, and things are put on the ground. He said this does not represent good planning, and he cannot support it. He believes it would not be appropriate for the protection of the public for Washoe County to give up the authority it has.

Mr. Harper noted that staff is suggesting that the Joint Plan process already exists and allows the Board to amend the Plan with the County retaining authority over those decisions. He said as soon as the County's authority is removed by changing the boundary, the County becomes a commenting agency.

Legal Counsel Shipman advised there was a good faith disagreement with the City of Reno as to who were the appropriate signatories. The question was how the Golden Valley homeowners became parties when they do not own the property and are not an entity that has anything to say about how things ultimately go. She said that dispute was resolved by the separate agreement between the Homeowners' Association and the developers. She then advised that Section 2.10 is a legitimate piece of the Agreement to make it clear that zoning or planning cannot be contracted and become binding on a future legislative body.

Commissioner Shaw stated he is comfortable with staff's recommendation but Commissioner Sferrazza was involved in the negotiations, this property is located in his District, and he would respect his interest and participation. Commissioners Humke and Weber agreed.

After a lengthy discussion regarding how to achieve the objectives of both the property owners, the residents of Golden Valley and the full public process, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Galloway voting "no," Chairman Humke ordered that Option No. 2, as set forth in the Community Development staff report dated October 27, 2003, be approved with an amendment, if legally or practically possible, to initiate removal of the property from the Reno Stead Corridor Joint Planning Area.

03-1179 ACCEPTANCE OF ANNUAL OPERATING REPORT AND DONATIONS – FY 2003/04 – WILBUR D. MAY CENTER - PARKS

Karen Mullen, Director, Department of Parks and Recreation, advised that Gene Sullivan, Consultant, Wilbur May Center, had to leave the meeting but wanted to express his appreciation to the County for working with the Foundation for the last 20 years. She expressed appreciation on behalf of the Parks Department to the May Foundation for their generosity and advised they have granted over \$11-million to the Center. She reviewed highlights of the Operating Report and activities of the Wilbur D. May Center during the last year.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Wilbur D. May Center Annual Operating Report dated September 2003 be accepted. It was further ordered that the donations received from the Wilber May Foundation in the amount of

\$250,000 in fiscal year 2003/04 to support the Wilbur May Center operations and improvements be accepted with gratitude.

03-1180 APPOINTMENTS – ANIMAL CONTROL BOARD – PUBLIC WORKS

Katy Singlaub, County Manager, advised the new Animal Control Board (ACB) was established to handle kennel permits and exotic animal permits, and a modification of the ACB would occur when the County takes over the animal shelter.

Tom Gadd, Public Works Director, advised the ACB is comprised of seven members, consisting of one appointee from each Commission District, one member having experience with exotic animals, and one member having experience with an incorporated society for the prevention of cruelty to animals.

Commissioner Weber stated a number of people approached her after the process for accepting applications advising they did not know about the application process and would like to be considered for appointment. She requested the Board consider delaying this item to allow further applications to be accepted.

Commissioner Sferrazza stated he was prepared to nominate Ms. Carmen-Hoke from his District but she qualifies in three categories. He said, if she were to be appointed as either the Society for the Prevention of Cruelty to Animals (SPCA) or the Exotic Animal representative, he does not have another applicant for his District.

Commissioners Galloway, Shaw, and Humke stated they were prepared to move forward with their appointments today and noted that staff has pending kennel permits. Mr. Gadd advised, if a majority of the ACB were to be appointed, staff could move forward with the pending kennel permits.

Following further discussion, the Board made the following appointments to the Animal Control Board:

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Patricia Angell Jarvi be appointed as the SPCA representative.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Linda Patricia Carmen-Hoke be appointed as Exotic Animal representative.

The Board members then made the following nominations:

Commissioner Shaw nominated Paul Bryan Davis as representative from District No. 4. Commissioner Galloway nominated Larry Jones to represent District No. 1. Chairman Humke nominated Lori Beth Salmanowitz as representative from District

No. 2. Commissioner Sferrazza advised that Nancy Bonham, who lives in his District, has requested appointment and did not understand about the application process. He said he would be willing to appoint Ms. Bonham, if possible; otherwise, he would request the appointment from his District be continued.

Mr. Gadd stated he believes the Board could appoint someone who has not submitted an application, but that would set a precedent. Commissioner Shaw said he did not believe it was fair for the Board to consider people who have not applied. Chairman Humke stated he would not like to set a precedent by appointing someone who had not submitted an application. Commissioner Sferrazza stated he would make sure an application was submitted.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered the appointment from Commissioner Weber's and Commissioner Sferrazza's Districts be continued.

Gary Schmidt, County resident, said it appears the County has no standards to determine who must apply for a kennel permit. He stated he has been referred to the congested animal map for this information, but the establishment and update of the map has no standards or process. He requested the following information: (1) The minutes and any resolutions whereby the congested animal districts on the map were originally established, (2) Any written resolution or policies by which one could request a change in the congested animal map, and (3) A copy of any and all criteria referred to or applied in determining the original congested animal map designations and any criteria applied or referred to in making changes to the map. He suggested the first task of the Animal Control Board should be to immediately address this problem.

Chairman Humke asked if any applicants to the ACB were present that wished to speak.

Dennis Sweeney, County resident, advised he currently owns a bobcat and a cougar and believes he has a unique understanding of what it takes to care for these animals. Pat Jarvi, County resident, introduced herself to the Board.

Commissioner Sferrazza commented that he intends to nominate Paul Davis to serve on the Library Board of Trustees following Vivian Freeman's resignation. He asked if there was any policy concerning someone being appointed to more than one board or commission. County Manager Singlaub and Legal Counsel Shipman said there was no policy prohibiting multiple appointments.

Commissioner Shaw said, in light of the information presented by Commissioner Sferrazza, he would withdraw his nomination of Mr. Davis and nominate Kathleen Wesley Skogsberg.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following persons be appointed to the Animal Control Board:

Larry L. Jones	Commission District No. 1 Representative
Lori Beth Salmanowitz	Commission District No. 2 Representative
Kathleen Wesley Skogsberg	Commission District No. 4 Representative

**03-1181 BILL NO. 1402 – AMENDING WCC CHAPTER 15 -
ESTABLISHING THE AUDIT COMMITTEE**

Commissioner Sferrazza requested the ordinance be amended to allow that one or two members of the Board of County Commissioners be appointed to the Audit Committee.

Bill No. 1402, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ESTABLISHING THE AUDIT COMMITTEE; PROVIDING FOR THE COMMITTEE'S MEMBERSHIP AND DUTIES; PROVIDING FOR THE WRITING, SUBMISSION, REVIEW AND APPROVAL OF AUDIT REPORTS; PROVIDING FOR THE MANNER OF AUDITING DEPARTMENTS HEADED BY ELECTED OFFICIALS; REVISING PROVISIONS RELATED TO CONTRACTED FOR AUDITS; PROVIDING FOR THE SUBMISSION OF AUDIT SCHEDULES TO THE AUDIT COMMITTEE; ESTABLISHING A PROCESS FOR AUDIT IMPLEMENTATION PLANS AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced as amended by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

**03-1182 IMPLEMENT RECOMMENDATIONS – CONTRACTS
EVALUATION AUDIT REPORT**

In response to Commissioner Sferrazza, Bill Mikawa, Manager of Internal Audit, confirmed that he does concur with the implementation plans.

Upon recommendation of Mr. Mikawa, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the plan to implement the recommendations made in the contracts evaluation audit report, which was placed on file with the Clerk, be approved.

**03-1183 AWARD OF BID – GALENA CAMP WE-CH-ME LODGE
REMODEL - BID NO. PWP-WA-2004-24 - PUBLIC WORKS**

This was the time to consider award of bid for Galena Camp We-Ch-Me Lodge Remodel for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on September 24, and October 1, 2003.

Bids were received from the following contractors:

West Coast Contractors
Building Solutions LLC
Naisbitt Construction

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Bid No. PWP-WA-2004-24 for Galena Camp We-Ch-Me Lodge Remodel for the Public Works Department be awarded to the low, responsive, responsible bidder, West Coast Contractors, in the amount of \$433,957. It was further ordered that the Chairman be authorized to execute the contract documents upon presentation.

03-1184 LIBRARY AIDE POSITIONS – LIBRARY

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the change of nine existing vacant part-time benefited Library Aide positions to the equivalent number of full-time equivalent (FTE) Library Aide 15 hours per week non-benefit positions be approved. It was further ordered that adding 1.76 FTE worth of new 15 hour per week non-benefit Library Aide positions and Schedule A, that details the specific position changes, which was placed on file with the Clerk, be approved. It was noted the estimated cost for additional staffing is \$43,384 and the net fiscal impact is a savings of \$22,785.

03-1185 ACCEPTANCE OF GRANT – OFFICE OF CRIMINAL JUSTICE ASSISTANCE – FIREARMS INVESTIGATION UNIT – SHERIFF

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that \$187,978 in grant funding from the Nevada State Office of Criminal Justice Assistance, to create a Firearms Investigation Unit, be accepted. It was further ordered that the creation of one Detective Deputy Sheriff position be authorized and Human Resources be directed to create the new Deputy Sheriff position. It was noted this award does not require any matching funds. It was also ordered that the Comptroller be directed to make the following budget adjustments:

CATEGORY	TOTAL PROJECT COSTS
Personnel	\$ 164,364
Travel	\$ 7,962
Operating	\$ 9,988

Training	\$ 644
Equipment	\$ 2,770
Contracts/Consultants	\$ 2,250
TOTAL	\$ 187,978

03-1186 ACCEPTANCE OF GRANT – NEVADA DEPARTMENT OF HUMAN SERVICES – SECOND JUDICIAL DISTRICT COURT

Upon recommendation of Ron Longtin, Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that \$32,000 in grant funding from the Nevada Department of Human Services, Welfare Division, Child Support Enforcement Program be accepted. It was further ordered that the Court Administrator be authorized to contract with Katherine Souza for continued mediation services in the District Court. It was noted this award does not require any matching funds. It was also ordered that the Comptroller be directed to make the following account changes:

Increase Revenue Account	Amount	Increase Expense Account	Amount
10104-431100	\$ 32,000	10104-710100	\$ 26,000
		10104-711210	\$ 3,000
		10104-710509	\$ 3,000

03-1187 ADOPTION OF WASHOE COUNTY VISION AND VALUES – STRATEGIC PRIORITIES

Upon recommendation of John Slaughter, Strategic Planning, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the Washoe County Vision and Values and the Board of County Commissioners' 2004-2005 Strategic Priorities, which were placed on file with the Clerk, be adopted.

03-1188 PURCHASE ORDER – CITY OF SPARKS – RECLAIMED WATER – SPANISH SPRINGS – WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that:

1. A purchase order to reimburse the City of Sparks in the amount of \$986,282 for a water pipeline to be constructed within Eagle Canyon Drive in Spanish Springs be approved and authorized.

2. AMEC Infrastructure Inc. be approved to provide construction management and inspection services in the not-to-exceed amount of \$22,870.

03-1189 REDUCE HIRING DEFERRAL PROGRAM FROM NINE MONTHS TO SIX MONTHS – FINANCE

Commissioner Galloway commented that the Board is setting the benchmark by allowing management a great deal of flexibility in these hirings and giving management a process to follow.

County Manager Katy Singlaub confirmed that management is committed to returning to the Board as fiscal conditions warrant.

Chairman Humke stated this needs to be done to show good faith with department heads, elected department heads, and other management staff so they can better program ways to serve the public.

Upon recommendation of Darin Conforti, Acting Budget Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the reduction of the duration of the hiring deferral program from nine months to six months be approved.

03-1190 STAFF REPORT – FINANCIAL FEASIBILITY ANALYSIS – NEW COUNTY AT NORTH LAKE TAHOE, NEVADA

County Manager Katy Singlaub clarified that the proposed action is not to direct staff one way or another in regard to the County's position on a county in North Lake Tahoe, but rather to bring back to the Board a draft report that the Board did contribute \$12,500 towards and to provide staff's analysis of that report.

Darin Conforti, Acting Budget Manager, reviewed the agenda memorandum dated October 16, 2003, concerning the financial feasibility analysis of a new county at North Lake Tahoe, Nevada. He stated that more work is needed before a conclusion can be reached.

Commissioner Galloway acknowledged staff for following County policy by being neutral on the issue. Staff provided the facts for the people who desire to take their case before the legislature. He said the financial facts are only one aspect of any decision that would be made as to whether to create a new county. He stated the proponents of a possible separate county did direct and frame this report and they invited Washoe County's comments. He further stated the draft study did not contain enough information on which to determine whether such a county could have revenue sufficient

to meet its expenses. He recognized that the report did highlight the need to address the impact on schools, the school district, and other factors the legislature would consider. He affirmed the impact on the rest of Washoe County would be a substantial net income loss.

Ms. Singlaub stated that staff met with people from Independent Incline last Friday to review the report. She clarified that in the press release a concern was mentioned that most large facilities would have to be subsidized by Washoe County. This reference was being made to the large capital facilities, such as adult and juvenile detention facilities and the courts that are not clearly accounted for in terms of the capital expenditures. She further clarified that the analysis stating a proposed reduction in property tax rates has subsequently been modified by the people reviewing the analysis in Incline. She stated the goal for staff is to have accurate, comprehensive information that is balanced and openly debated for the public to examine.

Commissioner Sferrazza said he was concerned that the County would be neutral on this subject because he does not remember adopting a policy as to forming a separate county. He asked staff for more details on how the assumptions were made and why the budget would not be reduced for departments that are providing services in Incline.

Mr. Conforti corrected page 8 of 8 on the staff report stating it should read a \$4.6 million loss. In response to Commissioner Sferrazza, Mr. Conforti explained staff would need to have a firmer, more comprehensive understanding of the expenditure for the new county to fully assess what the impact would be on Washoe County. He stated the Incline Village area accounts for approximately 13.5 percent of the total assessed valuation base. If a new county was formed, that assessed valuation base would go with that county; and Washoe County would lose the property tax revenue associated with that. He said Washoe County would also have certain expenditures that could be reduced, such as the specific budget for the Sheriff's Patrol station in Incline Village. The new county would then provide that function, and Washoe County would no longer incur that expenditure.

In response to Commissioner Shaw, Mr. Conforti confirmed that staff has had passing discussions with the school district and the Reno-Sparks Convention and Visitors Authority (RSCVA) in regard to a new county at North Lake Tahoe, Nevada.

Jim Nadeau, representative of Incline Village General Improvement District (IVGID), confirmed that IVGID is committed to this project and will cooperate with Washoe County to discuss, solve and work on all the issues. He stated that the ultimate decision would be with the Legislature.

Upon recommendation of John Sherman, Finance Director, and Darin Conforti, Acting Budget Manager, through Katy Singlaub, County Manager, on motion

by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the staff report reviewing the "Financial Feasibility Analysis of a New County at North Lake Tahoe, Nevada" be accepted. It was further ordered that staff be directed to distribute the staff report and meet with members of the Incline community that requested the analysis as well as other stakeholders to discuss the review made by the County.

03-1191 REPORTS/UPDATES – VARIOUS BOARDS/COMMISSIONS

Commissioner Galloway stated recent events of the Tahoe Regional Planning Agency have been updated in the *Reno Gazette-Journal* and he urged people to review the last few editions.

Chairman Humke read comments into the public record submitted by Garth Elliot, Sun Valley resident.

5:55 p.m. The Board recessed.

6:05 p.m. The Board reconvened with Chairman Humke and Commissioners Galloway and Shaw present, and Commissioners Sferrazza and Weber temporarily absent.

03-1192 PUBLIC HEARING – LAW ENFORCEMENT BLOCK GRANT – SHERIFF

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* on October 17, 2003 to consider acceptance and proposed uses of a Bureau of Justice Assistance, Local Law Enforcement Block Grant.

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

It was noted that the Sheriff's Office would utilize this grant funding to purchase a Tenprinter upgrade for the Records Section for an approximate cost of \$24,000, a wireless video camera for SWAT for an approximate cost of \$7,000, personal digital assistant (PDA) interface for Reno Justice Court for an approximate cost of \$10,431, wireless upgrade for Patrol for an approximate cost of \$46,000, and District Attorney's office for hardwire of District Court courtrooms for an approximate cost of \$10,000.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioners Sferrazza and Weber temporarily absent, Chairman Humke ordered that the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant in the amount of \$97,431, with a cash

match of \$10,826, be accepted. It was further ordered that the Comptroller be directed to make the following budget adjustments:

REVENUES:		
Organization/Account Name	Organization/Account Number	Amount
FY 2003 LLEBG/Fed'l Contributions	/431100	\$ 97,431
EXPENDITURES:		
Organization/Account Name	Organization/Account Number	Amount
FY 2003 LLEBG/Equipment < Than	/711504	\$ 7,000
FY 2003 LLEBG/Computer Software	/711504	\$ 10,000
FY 2003 LLEBG/Computer Hardware	/711504	\$ 10,431
FY 2003 LLEBG/Equipment > Than	/781004	\$ 46,000
FY 2003 LLEBG/Equipment > Than	/781004	\$ 24,000
The cash match will be paid out of funding in Sheriff Federal Forfeiture, 10065, DA Criminal Division, 106100, and DA Forfeiture, 106900.		

6:10 p.m. Commissioner Weber returned to the meeting.

03-1193 **ORDINANCE NO. 1219 – BILL NO. 1399 – AMENDING
CHAPTER 5 - DE MINIMUS USE**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 17, 2003 to consider second reading and adoption of Bill No. 1399. Proof was made that due and legal Notice had been given.

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

In response to Commissioner Galloway, County Manager Katy Singlaub clarified that there is a de minimus use policy that allows employee personal use of the internet limited to a half hour per week for County employees and that is consistent with State law. The bulletin board is a specific additional use to give County employees a place to let other employees know about charity events and things that would help to build morale. She further clarified that often employees want to notify others about things that are happening by using all employee email. With this change, employees would not be taking the productive time of every employee, but those employees who are interested could go to the bulletin board to find out more information. She acknowledged the assistance of the District Attorney's office in regard to this amendment.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that Ordinance No. 1219, Bill No. 1399, entitled, "AN

ORDINANCE AMENDING THE WASHOE COUNTY CODE TO ADD PROVISIONS TO THE DE MINIMIS USE SECTION OF THE CODE TO AUTHORIZE COUNTY OFFICERS AND EMPLOYEES TO USE A COUNTY MAINTAINED COMPUTER BULLETIN BOARD FOR CERTAIN PERSONAL USES, INCLUDING, BUT NOT LIMITED TO, ADVERTISING FOR PURCHASE OR SALE PERSONAL ITEMS, INFORMING OTHER COUNTY OFFICERS AND EMPLOYEES OF UPCOMING SOCIAL EVENTS, AND FOR SUCH OTHER PERSONAL USES AS THE COUNTY PERMITS THROUGH RULES POSTED ON THE BULLETIN BOARD WEB PAGE," be approved, adopted and published in accordance with NRS 244.100.

6:15 p.m. Commissioner Sferrazza returned to the meeting.

03-1194 **ORDINANCE NO. 1220 – BILL NO. 1400 – AMENDING CHAPTER 110 – DEVELOPMENT CODE - PERSONAL WIRELESS SERVICES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 17, 2003 to consider second reading and adoption of Bill No. 1400. Proof was made that due and legal Notice had been given.

Chairman Humke opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

In response to Commissioner Sferrazza, Michael Harper, Planning Manager, Community Development, explained that the Legislature is mandating the adoption of this bill. There were specific amendments made that required changes to the law.

Commissioner Sferrazza stated his concern about the health effect of the radio frequencies emanating from said facilities. Mr. Harper clarified this has been a Federal law since 1996, and Nevada is incorporating it into State law.

Commissioner Galloway inquired if there was any opposition by the County when this was going through the Legislature. Mr. Harper replied that wireless facilities regulations were looked at, but the end of the session was missed allowing these changes to go through without opposition. He explained that the County would have been at the Legislature opposing the idea of taking out the use permit process. This would have received major opposition, while the rest of the changes are fairly minor. Commissioner Galloway affirmed that the Board has to do what the Legislature has commanded.

Adrian Freund, Community Development Director, stated that in regard to the wireless communication facilities, staff is moving ahead to put together a complete

set of standards for evaluating those facilities, and there is a moratorium in place temporarily while the regulations are being developed. He said he was surprised by the wireless communications provision because it is somewhat of a counter-trend, as many states have now moved back to more complete local control of wireless facilities.

Commissioner Sferrazza inquired what would happen if the Board did not approve this. Mr. Harper responded that would make the County out of compliance with the State law and the County is required to follow the law. In response to Commissioner Sferrazza, Madelyn Shipman, Assistant District Attorney, explained if there was a desire to not approve certain proposed provisions, the Board could identify those provisions and subtract them from the Ordinance.

In response to Commissioner Shaw, Ms. Shipman explained that the Board could indicate to staff certain areas to re-examine to see if there are ways to change it or to provide a different method or approach. This can be done after adoption of the Ordinance and then it would be returned to the Board to be amended.

Gary Schmidt, Washoe County resident, stated that the only authority the Board has is the authority granted by the State. He acknowledged that the County may not like the State law, but it is the County's duty and obligation to obey the State law, as it is for all citizens.

Commissioner Sferrazza agreed it is the duty to obey State law unless that law violates the U.S. Constitution. He requested a procedure to allow a Commissioner to appeal a ruling of the Director of Community Development or the Director's authorized representative in this area.

In response to Commissioner Sferrazza, Mr. Harper explained that State law has restricted the County to a set of standards and certain processes. One of the processes that could be added would be the ability of the Board to appeal a decision to deny an application or to appeal the approval of an application.

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

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting "no", Chairman Humke ordered that Ordinance No. 1220, Bill No. 1400, entitled, **"AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 324, COMMUNICATION FACILITIES, BY ADDING A DEFINITION OF PERSONAL WIRELESS SERVICES, BY PERMITTING PERSONAL WIRELESS SERVICES FACILITIES ON COUNTY AND STATE OWNED STRUCTURES AND LAND, BY ELIMINATING THE REQUIREMENT FOR A SPECIAL USE PERMIT AND SUBSTITUTING REVIEW AND APPROVAL OF CERTAIN PERSONAL WIRELESS SERVICES FACILITIES BY THE DIRECTOR OF COMMUNITY DEVELOPMENT, BY FURTHER DEFINING STANDARDS FOR APPROVAL OF CERTAIN**

PERSONAL WIRELESS SERVICES FACILITIES, BY ENUMERATING THAT DENIAL OF APPLICATIONS MUST BE IN WRITING AND MUST IDENTIFY THE STANDARDS WHICH WERE NOT COMPLIED WITH, BY ENUMERATING THAT A DENIAL OF A PERSONAL WIRELESS FACILITY MAY NOT BE BASED ON THE ENVIRONMENTAL EFFECT OF RADIO FREQUENCIES EMANATING FROM SAID FACILITIES, BY ENUMERATING THE PROCEDURES FOR APPEALING THE DECISION OF DENIAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT; TO AMEND ARTICLE 604, DESIGN REQUIREMENTS, BY ADDING PROVISIONS THAT PROHIBIT CHANGES IN DENSITY, SPACE SIZE, SETBACKS, AND USES SHOULD A MANUFACTURED HOME PARK BE CONVERTED TO INDIVIDUALLY OWNED LOTS; TO AMEND ARTICLE 608, TENTATIVE SUBDIVISION MAPS BY ENUMERATING THE TYPES OF PUBLIC UTILITY EASEMENTS THAT MAY BE REQUIRED TO BE SHOWN ON A TENTATIVE SUBDIVISION MAP, AND BY PROVIDING A PROCESS THAT A SUBDIVIDER MAY REQUEST RELIEF FROM DEDICATION OF CERTAIN PUBLIC UTILITY EASEMENTS; TO AMEND ARTICLE 612, DIVISION OF LAND INTO LARGE PARCELS, BY ENUMERATING THE TYPES OF PUBLIC UTILITY EASEMENTS THAT MAY BE REQUIRED TO BE SHOWN ON A TENTATIVE SUBDIVISION MAP, AND BY PROVIDING A PROCESS THAT A SUBDIVIDER MAY REQUEST RELIEF FROM DEDICATION OF CERTAIN PUBLIC UTILITY EASEMENTS; AND OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

03-1195 ORDINANCE NO. 1221 – BILL NO. 1401 – SPECIAL ASSESSMENT DISTRICT NO. 35 – RHODES ROAD

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 17, 2003 to consider second reading and adoption of Bill No. 1401. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Ordinance No. 1221, Bill No. 1401, entitled, "**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 35 (RHODES ROAD); ORDERING A STREET PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

03-1196

**PROPOSED CHANGES - INTERNET AND INTRANET
ACCEPTABLE USE POLICY – COMMUNITY RELATIONS**

Upon recommendation of Kathy Carter, Community Relations Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the proposed changes to the County's Internet and Intranet Acceptable Use Policy be approved.

It was noted the changes are as follows:

1. Page 1, Background. Paragraph 4, final sentence. Allow any conflict over policy implementation to be decided at the county manager level.
2. Page 3, reflecting changes in the ordinance. The changes in the de minimis use Ordinance allow for the bulletin board.
3. Page 5, Prohibited Uses. 8th bullet point. Additional language will allow for future webstreaming on the internet (external) and intranet (internal).
4. Page 5, Prohibited Uses. 10th bullet point. Allow countywide coordination of website by E-Government Information Officer.

03-1197

**COMPREHENSIVE PLAN AMENDMENT CASE NO. CP03-006 –
REYEN & BARDIS - FOREST AREA PLAN – COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 17, 2003 and mailed to affected property owners by the Department of Community Development on October 15, 2003 to consider a request to amend the Forest Area Plan, being a part of the Washoe County Comprehensive Plan, to eliminate the proposed east-west collector from the Streets and Highways Plan. The amendment request would modify the Streets and Highways System Plan to eliminate a proposed collector, from east of Fawn Lane, west past Callahan Ranch Road past Goldenrod Drive, to Montreux paralleling the Mt. Rose Highway. The collector shown on the Streets and Highways Map is found within the Washoe Valley Hydrographic Basin, of Section 15 & 16, T16N, R19E, MDB&M. A Regional Plan amendment should not be required as the request involves only the Forest Area Plan Streets and Highway Map. Administrative changes to the area plan are necessary to reflect the changes requested within this application, to include a revised Streets and Highways System Plan Map. Proof was made that due and legal notice had been given.

Chairman Humke opened the public hearing and called on anyone wishing to speak.

Ben Veach, Summit Engineering, representing the applicant, stated his company was in support of the staff report.

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

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Comprehensive Plan Amendment Case No. CP03-006 be approved and Chairman Humke be authorized to execute the Resolution Adopting the Amended Forest Area Plan after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

FINDINGS:

1. The proposed amendments to the Forest Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan. The amendment conforms to policies LUT.1.1, LUT.2.23, POP.1.5.1, PSF.5.4, and F.5.1.

2. The proposed amendments to the Forest Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.

3. The proposed amendment to the Forest Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.

4. The proposed amendment to the Forest Area Plan is the second amendment to the Plan in 2003, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

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

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

7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning

Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

**03-1198 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP03-008 –
SUN MESA/LANDMARK HOMES - SUN VALLEY AREA PLAN**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 17, 2003 and mailed to affected property owners by the Department of Community Development on October 15, 2003 to consider a request to amend the Sun Valley Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 083-061-08 (± 70.3) from the land use category of Low Density Suburban (LDS), General Rural (GR), and Medium Density Suburban (MDS), to Medium Density Suburban (MDS) and Open Space (OS). Currently, ± 12.6 acres are designated General Rural, ± 25.9 acres as Low Density Suburban, and ± 31.8 acres as Medium Density Suburban. The requested changes would result in ± 69.1 acres as Medium Density Suburban and ± 1.2 acres as Open Space. The parcel is located in Sun Valley at the eastern terminus of Fifth Street, and is within the Truckee Meadows Service Area. The area is also within the Cooperative Planning Area of the cities of Reno and Sparks, and meets Goals 1.1 - 1.3 of the Regional Plan relating to the Regional Form and Development Pattern. The parcel is in the Sun Valley Citizen Advisory Board review area, and is represented by County Commission District 5. The parcel is found within the Sun Valley Hydrographic Basin, in Section 20, T20N R20E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Chairman Humke opened the public hearing and called on anyone wishing to speak.

Paul Kelly, Planner, explained that this is a request to rezone a parcel in Sun Valley. He confirmed that this has been presented to the Sun Valley Citizen Advisory Board (CAB) and there was no opposition from citizens regarding the rezoning. The Planning Commission recommended approval of this amendment.

Greg Evangelatos, Development Manager, Landmark Homes and Development, stated his complete agreement with the staff report.

Sherman Harman, Sun Valley resident, asked for an explanation of median density suburban. Mr. Kelly explained it is a residential zone limited to three dwelling units per acre.

Cynthia Albright, Stantec Consulting, stated she attended both CAB meetings and confirmed there was no opposition from citizens.

James Kinder, Sun Valley resident, requested maps to view the area. He asked to see where the streets would be cut in. He inquired about the water storage basin in the same area and what the plan was for its protection.

Commissioner Galloway clarified that this is a land use change, not a subdivision map and the things that Mr. Kinder is asking for will be determined at the subdivision map approval stage.

Ms. Albright explained that the tentative map layout is not prepared or filed with the County at this point.

Mr. Kelly clarified that during the process of the development review, staff will go before the CAB to gain input from the CAB and residents. This will happen before the Planning Commission review for the tentative map approval.

Chairman Humke directed Mr. Kinder and Mr. Harman speak to the Community Development staff so in the future they could gain access to CAB agendas through the mail or through email.

Commissioner Weber disclosed that her husband is an employee of Stantec Consulting. She stated she attended the CAB meeting and heard the presentation. It was well received by the CAB and the citizens that were present.

Having made the following findings, on motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Comprehensive Plan Amendment Case No. CP03-008 be approved and that Chairman Humke be authorized to execute the Resolution Adopting the Amended Sun Valley Area Plan after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

FINDINGS:

1. The proposed amendment to the Sun Valley Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan. The amendment conforms to policies LUT.1.1, LUT.1.3, LUT.1.4, LUT.1.14, LUT.1.15, SUN.1.1, SUN.2.1, SUN.5.4, and SUN.5.5.

2. The proposed amendment to the Sun Valley Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety, or welfare. The amendment conforms to policies LUT.1.3, LUT.1.4, LUT.1.14, and LUT.1.15.

3. The proposed amendment to the Sun Valley Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.

4. The proposed amendment to the Sun Valley Area Plan will not adversely affect the implementation of the policies and action programs of the

Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan.

5. The proposed amendment to the Sun Valley 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.

6. The proposed amendment to the Sun Valley Area Plan is the second amendment to the Plan in 2003, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

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

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

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

03-1199 DISCUSSION – 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Commissioner Galloway stated his concern about an application proceeding through the City of Reno with an admitted error, due to the fact that the Reno-Stead Corridor Joint Plan would need to be amended to allow the proposed development.

Adrian Freund, Community Development Director, said he received a request earlier today from the City of Reno asking to schedule Wild Stallion Estates and the cooperative planning application for the December 4, 2003 Reno Planning Commission meeting. He stated his response to Reno was clear that until the boundaries of the Joint Plan area are amended, there is no ability for a cooperative planning application of that nature to go forward. The settlement agreement is very clear and distinct on those areas that remain in joint planning and those areas that are under cooperative planning.

In response to Commissioner Shaw, Mr. Freund agreed that he would present updates as needed. He explained that staff does not want to impede applicants but is concerned that staff might be placed in a position of having to appeal a decision by

the City because it conflicts with the settlement agreement and with the Joint Plan amendment. He confirmed that staff would urge the City to cooperate with the County in terms of the joint City-County Planning Commission meeting.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that staff and legal counsel be directed to file any necessary protest to preserve the integrity of the Joint Plan until such time as it can be amended. It was further ordered that staff be directed to present both alternatives at the joint City-County Planning Commission meeting that will be scheduled.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 6:50 p.m.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Barbara Trow and Lori A. Rowe
Deputy County Clerks*