

# WARM SPRINGS CITIZEN ADVISORY BOARD



## DRAFT

Minutes of the special meeting of the Warm Springs Citizen Advisory Board held January 3, 2011 at the Truckee Meadows Fire Station #29, Ironwood Road, Warm Springs, Nevada.

1. **CALL TO ORDER** – The meeting was called to order at 6:33 p.m. by Robert White, Chair.
2. **MEMBERS PRESENT** – Larry Chesney, At-Large, Hugh Ezzell, At-Large, Secretary, Jeanne Herman, At-Large, (Joann Phillips, At-Large Alternate sat in for Hugh Ezzell until Mr. Ezell arrived at 7:08 p.m.), Robert White, At-Large, Chair, and Jeff Wiggins, At-Large, V. Chair.
3. **APPROVAL OF AGENDA FOR THE MEETING OF JANUARY 3, 2011** – Joann Phillips moved to approve the January 3, 2011 meeting agenda as posted with the following corrections: Item 6. Community Forum should be February 7, 2011 and the location is Fire Station #29 and move forward with the meeting. Larry Chesney seconded the motion. The motion carried unanimously

### Comments and Concerns

- Sharon Spencer presented written comments and read them into the record. A copy of the written comments will be attached to the written minutes and available for public review. Ms. Spencer listed reasons why discussion of the Warm Springs hydrographic basin must not be discussed by this CAB. Ms. Spencer stated that the word “request” needs to be struck from all agendas regarding this issue because this was an “agreement” made to Palomino Valley property owners over 18 months ago and has gone well beyond the request state. Agreement should be reflected in the minutes as well. Ms. Spencer noted that the agenda refers to the meeting location as Truckee Meadows Fire Station #229, which is incorrect. Ms. Spencer stated that item #12. A. should read, Americans with Disability Act. Ms. Spencer added that until restoration of our Agricultural Property Rights via GRA, this needs to be a standing agenda item.
  - Gary Schmidt stated for the record that there are some individuals at Washoe County that try to set, dictate and restrict CAB agendas. Mr. Schmidt stated that there is nothing in state law or county regulations that disallow you to set your own agenda. Mr. Schmidt stated that the District Attorney would be the only one who could dictate to you what you could or could not put on your agenda.
  - Sharon Spencer stated for the record to read the By-Laws. Ms. Spencer stated that she has never seen an agenda that dictates what is going to happen during a meeting.
4. **APPROVAL OF THE MINUTES OF THE MEETING HELD ON NOVEMBER 9, 2010** – Joann Phillips moved to approve the minutes of the November 9, 2010 meeting as amended. Larry Chesney seconded the motion. The motion carried unanimously. Correct Joann Phillips and add Sharon Spencer's statement under item #13. A. for the record.

### Comments and Concerns

- Sharon Spencer asked that the following statement made by Bill Whitney be included in the written record: Item #13. A. Old Business, ...which is in regards to notification of Palomino Valley property owners regarding GRA restoration, and I said notification has been via the RGJ newspaper 4 weeks running. Bill said: We [Washoe County] did things horribly wrong back then so we need to do it right *this time*”.
  - Ms. Spencer stated that the use of the word resident to describe CAB attendees who speak is in error due to the complex legal meaning of the word. The only acceptable word to use is property owners, which provides the only valid term for providing continuity in our ongoing process and discussions. Ms. Spencer stated that every speaker needs to be asked if they are a resident.
5. **Reaffirmation of Election of Chair** – Jeff Wiggins introduced this agenda item. At their July 6, 2010 meeting, the Warm Springs Citizen Advisory Board (WSCAB) elected Robert White as Chair for the 2010-2011 term of office. Because Mr. White was not present at the meeting, his election was subject to his acknowledgement. Although Mr. White indicated by e-mail to staff that he would be willing to serve as the Chair, the WSCAB will take action to reaffirm Mr. White's election on July 6 as the Chair for the 2010-2011 term of office. This item was rescheduled from the November 9, 2010 meeting. **MOTION:** Jeff Wiggins moved to confirm the election of Robert White as Chair for the 2010-2011 term of office. Larry Chesney seconded the motion. The motion carried unanimously.

### Comments and Concerns

- Gary Schmidt, resident and property owner somewhere stated that he thinks that you (Mr. White) does an excellent job under the circumstances.
- 6.\* **UPDATES/ANNOUNCEMENTS/CORRESPONDENCE** – (CAB files and correspondence which are part of the public record are on file in the Washoe County Department of Community Development and are available for public review. Written correspondence and testimony will be included in the public record when a request is made to make the document a part of the public record and when a copy is provided to the CAB Chair, who forwards the document to the County. Copies of correspondence should be on file in the Washoe County Department of Community Development and are available for public review).

- Robert White announced that there will be reduced cost dump days on January 8, and 9, 2011.
- Mr. White announced that the next community forum will be held on February 7, 2011 at Fire Station #29 in Warm Springs.

**7.\* WASHOE COUNTY SHERIFF'S DEPARTMENT** – Sergeant Len Ilijana, Washoe County Sheriff's Department was available to report on public safety issues including recent calls for service. Sgt. Ilijana reported that the property owner declined to make a report on a vandalism incident. Sgt. Ilijana reported that there is a Deputy assigned to the Warm Springs planning area that is available subject to other calls for service. There have not been any crime reports taken in the Warm Springs area over the past month.

**8.\* RENO FIRE PROTECTION AND SAFETY ISSUES** – A representative of the Reno Fire Department was not available to present a report on fire safety.

**9.\* COUNTY COMMISSIONER/COUNTY LIAISON UPDATES:**

**A.** Commissioner Robert Larkin was not present to provide an update on County issues.

**B.** Lorrie Adams, County Liaison for Districts 4 and 5, is available to answer your questions and concerns. Please feel free to contact her at [ladams@washoecounty.us](mailto:ladams@washoecounty.us) (775) 328-2720. To sign up to receive email updates from the County, visit [www.washoecounty.us/cmail](http://www.washoecounty.us/cmail). Copies of the monthly updates were available for review and monthly updates on County issues in your area are available online at [www.washoecounty.us/cab](http://www.washoecounty.us/cab) (follow the link to your CAB).

**10. COMMUNITY FORUM UPDATE - Update on Community Forum Held on December 6, 2010** – Discussion was held regarding topics presented during the December 6, 2010 Community Forum. **MOTION:** Hugh Ezzell moved to recommend that the Department of Community Development urge the District Attorney to move forward with his opinion by the February 7, 2011 community forum. The motion died without a second. **MOTION:** Larry Chesney moved to recommend that staff proceed with the review of the General Rural Residential (GRR) to General Rural Agricultural (GRA) status for the restoration of the A-7 land uses to be called GRA and have the opinion from the District Attorney and staff available by the February 7, 2011 community forum. Jeanne Herman seconded the motion. The motion carried unanimously.

**Comments and Concerns**

- Katherine Snedigar, inhabitant of Palomino Valley, Washoe County, introduced herself and provided written information including: Second Reading of Palomino Valley Area Designation and Land Uses dated January 3, 2011, Impact Statement for Palomino Valley, pages 6274-2 - 6275 – 6276 and 6277 of Article 6: A-1 First Agricultural Districts and page 6283 Article 12: A-7 Third Rural Conservation Agricultural District to be included in the written record and available for review at the Department of Community Development. Ms. Snedigar stated that the following; "We the Palomino Valley property owners, have an affirmative consensus to restore the land uses, in the area designation of General Rural Agricultural to the original A-7 land uses allow and permitted."
- Dan Herman, property owner, introduced himself and asked for information on the impact to property owners that would result from the change back to A-7 land use designation.
- Robert White advised Mr. Herman that information is available on the Washoe County web-site and updated information would be sent out area wide to property owners.
- In response to Mr. Herman's question, Sharon Spencer stated that should he want to retain the GRR designation that water in his well would be subject to acquisition by Washoe County. The effort is to restore the A-7 and to get our agricultural rights. Ms. Spencer stated that the public has been notification that has been done and that no one has stated opposition to the restoration.
- Joann Phillips stated that it was discussed that the terminology should state that the change is a restoration to the A-7 designation.
- Jeff Wiggins stated that the District Attorney needs to have a written opinion available for review during the February 7, 2011 community forum.
- George Boyce stated that if the land use designation was good prior to the change, then why does the District Attorney have to get involved. All the community is asking for is a restoration to the previous A-7 designation.
- Bill Whitney, Washoe County Community Development stated that the District Attorney is involved in order to protect property owner's rights from any negative impact from the GRR designation to restoration of A-7. Mr. Whitney stated that he is glad that there is clarity in the impact statement for Palomino Valley.
- Tom Pratt stated that he was a CAB member when the A-7 land use designation was being reviewed and the General Rural Residential (GRR) was initiated. Mr. Pratt stated that letters were sent to all property owners advising them of the potential for the land use change. Mr. Pratt asked if all of the resident and non-resident property owners would be notified, by mail, regarding this current effort.
- Concerns were raised that Washoe County does not have funding for mailing notification.
- Sharon Spencer stated for the record that this is the last meeting she will attend if the CAB no longer meets in this building.
- Hugh Ezzell stated that he has been a property owner since 1988 and Washoe County has never lost his address for his tax bill. Mr. Ezzell asked that there be an affidavit produced certifying that the notice was mailed to property owners pertaining to the land use designation from A-7 to GRR. Mr. Ezzell stated that when he

purchased his property that the A-7 land use was desirable and he wants that land use designation back. Mr. Ezzell stated that he would like an affidavit confirming that the notification was mailed to property owners prior to the change of the land use designation from A-7 to GRR.

- Bill Whitney stated that this sounds like a legal matter and that he is here to help the community move forward with the land use designation restoration.
- Larry Chesney stated that the community is at the threshold to move forward with the land use restoration and it is time for civility and reach agreement.
- Gary Schmidt stated that he supports property rights and as far as legal notice, there is a statute of limitations for participation in the land use change and Mr. Schmidt urged the community to move forward with the restoration process and citizens need to hold Washoe County to its word in wanting to protect property owner's rights. Mr. Schmidt urged citizens to retain the land uses in GRR and also restore the land uses for A-7 which takes precedence over the GRR designation.
- Discussion was held whether agricultural and residential land uses can be compatible.
- Katherine Snedigar stated for the record that A-7 will provide more allowable uses than are allowed in the GRR designation and GRR requires special use permits for many improvements that are allowed uses in the A-7 designation.

**11.\*PUBLIC COMMENT** - Comment heard under this item will be limited to items not on this agenda and will also be limited to three minutes per person. This three-minute rule shall also apply to public testimony given during an agenda item, and that testimony shall be limited to the subject of the agenda items. Comments are to be made to the CAB as a whole. The CAB follows NRS 241.035 and includes written remarks as part of the public record only when such remarks are read into the record and a copy is provided for inclusion as part of the record.

- Larry Chesney stated concern regarding the effort to consolidate county and city services. Mr. Chesney asked if this issue can be discussed during the March WSCAB meeting.
- Katherine Snedigar stated that fire protection rates increased when the fire services were consolidated.
- Gary Schmidt, four decade resident of Washoe County stated opposition to consolidation of the entities and even consolidation of services. Mr. Schmidt stated that there is a rumor that if the county and city consolidates, that current elected officials could run again and change the term limits clock. Mr. Schmidt stated that there are 400 to 425 thousand residents and the county commission will now increase to seven commissioners. Redistricting should commence now for the 2012 election. Mr. Schmidt stated concern regarding elected officials salaries. Mr. Schmidt stated that he served on the Board of Equalization and property taxes were reduced by about 50%. Mr. Schmidt stated that there is no cost to appeal your property taxes prior and submit your appeal application prior to January 15, 2011. Property values are assessed on July one.
- Robert White asked for further public comment and hearing none, closed this agenda item.

**12. NEW BUSINESS – Time limits for these items will be limited to: 10 minutes for presenters, 15 minutes for public testimony, and 10 minutes for Board discussion.** (Staff contact listed on items for Community Development may not be in attendance but can be contacted with code and policy questions.)

**A. Americans with Disabilities Act (ADA)-compliance complaint on the Truckee Meadows Fire Station #29 –** Robert White reported that a private individual issued a complaint regarding non-compliance of Fire Station #29 with ADA requirements. Mr. White stated that he has left a message for Dan Burke requesting information on how voting will be handled whether at the fire station #29 or another location. Some locations under consideration would be the Bureau of Land Management fire station, the GID building or make improvements to fire station #29. **MOTION:** Hugh Ezzell moved to recommend to the Board of County Commissioners to direct staff to research and evaluate suitable local meeting location options and funding grants to improve fire station #29 to ADA compliance and to meet at the Lazy 5 Library meeting room only should a suitable local location not be found, or until such time that a suitable location is found in the Warm Springs area. The WSCAB also authorizes Robert White to research a suitable permanent location. Joann Phillips asked that the WSCAB meet at the Lazy 5 Library for the March 7, 2011 meeting at 6:30 p.m. All suggestions for meeting locations should be directed to Robert White. Jeff Wiggins added that the motion needs to include looking at a Bureau of Land Management Fire Station, the equestrian center and the airport for a local permanent meeting location. Mr. Wiggins added that the Board of County Commissioners also direct staff to see if Parks and Recreation funds can be used to improve Fire Station #29 to ADA compliance. Mr. Ezzell agreed with the recommendations. Larry Chesney seconded the motion. The motion carried unanimously.

#### **Comments and Concerns**

- Robert White stated that the fire station is a county building and the CAB can no longer meet here unless and until the facility is brought up to ADA specifications. The District Attorney will have to make the decisions regarding how to handle the official complaint.
- Sharon Spencer stated that travel to the meeting location to Spanish Springs would be too costly.
- Katherine Snedigar made a complaint that she is an American with a disability and relocating the CAB meeting would be a hardship to her.
- Gary Schmidt urged the CAB not to leave finding a suitable location up to staff.

- Joann Phillips offered to be at the Lazy 5 library prior to 6:00 p.m. to let WSCAB members and attendees into the building.
- It was suggested that anyone interested in carpooling should meet at Fire Station #29 by 6:00 p.m.

**B. Create standing item for Palomino Valley General Improvement District Updates:** Discussion was held to place a standing item on the Warm Springs CAB agenda that would allow informational updates from the Palomino Valley General Improvement District (PVGID) to be discussed. The Warm Springs CAB Chair may designate a Warm Springs CAB member to act as “liaison” to the PVGID to ensure information sharing occurs on a regular basis. **MOTION:** Jeff Wiggins moved to place a standing agenda item for the PVGID and to request that a WSCAB standing item be placed on the PVGID agenda to improve community relationships. Hugh Ezzell seconded the motion. The motion carried unanimously.

**Comments and Concerns**

- Jeff Wiggins suggested that members of the WSCAB rotate attending PVGID meetings.

**13. OLD BUSINESS – Time limits for these items will be limited to: 10 minutes for presenters, 15 minutes for public testimony, and 10 minutes for Board discussion.**

**A.\* Warm Springs Area Plan Update** – Grace Sannazzaro and Bill Whitney, Department of Community Development were available to continue the discussion on updating the Warm Springs Area Plan, a part of the Washoe County Comprehensive Plan. Mr. Whitney provided copies of the Warm Springs Water Resources Proposal discussed the Warm Springs Water Resources Proposal dated January 3, 2011. Robert White asked that the rough draft be available on-line by the February 7, 2011 and the goal is to have the GRA finalized for the March meeting and adoption at the May WSCAB meeting. (This item was for information only and the CAB took no action.)

**Comments and Concerns**

- Tom Pratt stated concern regarding the ‘takings’ of private water rights by Washoe County and that the state did not buy-off on the 3,000 acre feet safe yield until recently. Mr. Pratt added that good water seems to be available below 150 feet.
- Mr. Whitney stated that Washoe County is working to keep sustainable perennial yield in the Warm Springs basin in balance and the Department of Water Resources will be analyzing additional data. Mr. Whitney stated that he thinks that the state should continue to be pushed on the issue.
- Hugh Ezzell stated concern regarding water quantity as well as water quality that may be a result of climate changes.
- Concerns were raised that Washoe County does not like ‘Agricultural Land Use’.
- Sharon Spencer stated for the record that she spoke with Jason King on who stated that there is no way that Washoe County would pull off this kind of takings.
- Robert White stated that whatever method is used to analyze the annual recharge that the State of Nevada sign-off that the method is a sound science.

**14.\*CHAIRMAN/BOARD MEMBER ITEMS** (This item is limited to announcements of topics/issues posed for future workshops/agendas).

- The next WSCAB meeting will be held at the Lazy 5 Library at 7100 Pyramid Lake Hwy in Spanish Springs at the regular 6:30 p.m. time. Car pooling will be available at 6:00 p.m. at the Fire Station #29
- **Next Agenda Items:** Consolidation of Services, update on ADA compliant meeting locations, PVGID agenda item, Warm Springs Area Plan final review and possible action on the GRA land use and restoration of the A-7 designation.

**15. ADJOURNMENT** – Jeff Wiggins moved to adjourn the meeting at 9:33 p.m. Larry Chesney seconded the motion. The motion carried unanimously.

Respectfully submitted by: Allayne Donnelly-Everett, Recording Secretary