

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

AUGUST 24, 2004

PRESENT:

Jim Shaw, Chairman
Jim Galloway, Commissioner
David Humke, Commissioner
Pete Sferrazza, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

ABSENT:

Bonnie Weber, Vice Chairman

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

04-893 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the agenda for the August 24, 2004, meeting be approved with the following changes: **Delete** Item 6F (1) Water Rights Deed for Comstock Large Animal Hospital.

04-894 PUBLIC COMMENTS

Robin Palmer, local resident, said she is unable to attend every County Commissioner meeting and would like the meeting minutes posted on the County web page in a timelier manner.

Guy Felton, publisher of NorthernNevadaNetwork.com, criticized Chairman Shaw regarding time restraints that were placed on citizens speaking during the Ballardini Ranch issue.

Al Hesson, Reno resident, spoke out on John Kerry and George W. Bush's military backgrounds and the lack of Bush's military service.

Sam Dehne, local resident, endorsed his CD-Rom, voiced his opinion against the *Reno Gazette Journal* concerning their editorial on the First Amendment, and how he felt they were incorrectly informing the community.

Gary Schmidt, Washoe resident, Board of Equalization (BOE) member, would like public workshops held on administrative issues after the BOE hearings next year. He was informed that was an agenda item for today's meeting.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Sferrazza would like an update on the Animal Control Shelter. He also requested a status report on the ArrowCreek dedications to the County.

Commissioner Galloway announced that the Incline Village Citizens Advisory Board would meet the first Wednesday of the month, regarding the Community Plan update and asked if staff would inform Tahoe Regional Planning Agency (TRPA) of the upcoming meeting. Also, Commissioner Galloway has received complaints on nuisances involving entertainment or event noise, which has become an issue in some districts. He stated that there are Day/Night Standards in the Development Code and requested staff to see what other communities have done for peak limitations.

Chairman Shaw announced that early voting for the upcoming Primary Election would now be available at the County Libraries and they will be using the new touch screens. Times and locations are available on the County web site. Early voting ends on Friday, September 3, 2004.

04-895 MINUTES

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the minutes of the regular meetings of June 8 and June 15, 2004, be approved.

04-896 RECLASSIFICATION OF POSITIONS – HUMAN RESOURCES

Upon recommendation of Joanne Ray, Human Resources Director, through John Berkich, Assistant County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the following reclassifications and abolished job classes be approved.

Reclassification of Existing Positions:

Department	Current Position	Pay Grade	Recommended Job Class	Pay Grade
Juvenile Services	House Parent	J	Youth Advisor II	K
Water Resources	Engineering Technician I	E	Office Assistant II	E
WINnet	IT Systems Developer II	N (O)	Business Systems Analyst	N

Information Technology	IT Support Specialist	H	IT Developer series*	
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*as evaluated by the Job Evaluation Committee and assigned to appropriate pay grade.

Abolished Job Classes:

Job Class Title	Pay Grade
House Parent	J
Engineering Technician II	H
Engineering Technician I	E

04-897 APPOINTMENT – E-911 EMERGENCY RESPONSE ADVISORY COMMITTEE – JOHN SLAUGHTER – MANAGER

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that John Slaughter, Management Services Director, be appointed to the E-911 Emergency Response Advisory Committee.

04-898 BOARD OF COUNTY COMMISSIONERS – REFRESHMENT PER DIEM RATE – MANAGER

Upon recommendation of Julie Skow, Administrative Assistant II, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the expenditure of the existing per diem rate for provision of lunch for participants during fiscal year 2004/05 Board retreats and the expenditure of the existing per diem rate for meals during Board of County Commissioners meetings which extend, or are anticipated to extend, for an afternoon-evening meeting beyond 6:30 p.m. or for a daytime meeting beyond 1 p.m. for fiscal year 2004/05 be approved.

04-899 NORTHERN AREA MANAGERS ROUNDTABLE MEETINGS – REFRESHMENT PER DIEM RATE - MANAGER

Upon recommendation of Julie Skow, Administrative Assistant II, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the existing per diem rate for the provision of meals for participants during fiscal year 2004/05 Northern Area Managers Roundtable Meetings be approved.

**04-900 ORGANIZATIONAL EFFECTIVENESS COMMITTEE
MEETINGS – REFRESHMENT PER DIEM RATE - MANAGER**

Upon recommendation of Julie Skow, Administrative Assistant II, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the existing per diem rate for provisions of meals for participants during fiscal year 2004/05 Organizational Effectiveness Committee Meetings be approved.

**04-901 LEASE AGREEMENT - YOUNG MEN’S CHRISTIAN
ASSOCIATION OF THE SIERRA – COLD SPRINGS
COMMUNITY CENTER - PUBLIC WORKS**

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that a 12-month agreement between Washoe County and the Young Men’s Christian Association of the Sierra, concerning use of the Cold Springs Community Center, retroactive from July 5, 2004 through June 30, 2005 in the amount of \$1,300.00 per month to be paid to Washoe County Parks Department, be approved and Chairman Shaw be authorized to execute the same.

04-902 FACILITY USE POLICY WAIVER – PUBLIC WORKS

Upon recommendation of Mike Turner, Facility Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the Facility Use Policy be revised to authorize the Public Works Director to approve waiver requests to serve alcohol in County facilities. The specific changes are:

From: Prohibited Activities, (b) Alcohol. The serving of alcohol is prohibited unless waived by the Board of County Commissioners.

To: Prohibited Activities (b) Alcohol. The serving of alcohol is prohibited unless waived by the Public Works Director.

And

From: Waiver. If alcohol is to be served or consumed as part of the proposed event, a waiver of (b) must be sought and obtained from the Board of County Commissioners prior to the event. A waiver request should be in the form of a letter from the applicant to the Board, copied to the General Services Department, wherein the proposed event and the role of the alcohol is described. Any request for waiver must be submitted to the

County Manager's Office at least four weeks prior to the scheduled event to assure the ability of the Board to review the matter at a scheduled meeting.

To: Waiver. If alcohol is to be served or consumed as part of the proposed event, a waiver of (b) must be sought and obtained from the Public Works Director. A waiver request should be in the form of a letter from the applicant to the Public Works Director, wherein the proposed event and the role of alcohol is described. Applicants are encouraged to submit their application as soon as possible to assure adequate time for approval.

04-903 AGREEMENT - BLACK EAGLE CONSULTING, INC – TESTING AND INSPECTION SERVICES FOR REGIONAL ANIMAL SERVICES CENTER - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that an agreement between Washoe County and Black Eagle Consulting, Inc., concerning Testing and Inspection Services for the Regional Animal Services Center in the amount of \$93,400.00, be approved and Chairman Shaw be authorized to execute the same.

04-904 LEASE AGREEMENT - AMERICAN HONDA MOTOR COMPANY INCORPORATED - UTILIZE PERSONAL WATERCRAFT - SHERIFF

Upon recommendation of Lieutenant Gregg Lubbe, Incline Substation Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that a Lease Agreement between Washoe County and American Honda Motor Company, Incorporated, concerning the use of personal watercraft in the amount of \$1.00 per 12 month term, be approved and Chairman Shaw be authorized to execute the same.

04-905 PROFESSIONAL SERVICES AGREEMENT - PATRICK DOLAN – PERSONNEL/LABOR ISSUES -SHERIFF

Upon recommendation of Dianne Nicholson, Under Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that an agreement between Washoe County and Patrick Dolan, concerning representing the Sheriff's office in certain labor matters in the amount of \$73,440.00, be approved and Chairman Shaw be authorized to execute the same.

04-906

RESOLUTION – 2005 WESTERN STATES POLICE AND FIRE GAMES – SHERIFF

Sam Dehne, Reno resident, spoke in favor of the 2005 Western States Police and Fire Games. With the large crowd that will be expected, his concern is that it doesn't turn into another "Street Vibrations".

Upon recommendation of James Lopey, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the following resolution supporting the 2005 Western States Police and Fire Games, be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION

IN SUPPORT OF THE 2005 WESTERN STATES POLICE AND FIRE GAMES

WHEREAS, Washoe County will be one of the local governments that are hosting and providing facilities for the Western States Police and Fire Games, July 23-30, 2005; and

WHEREAS, The games will involve more than 55 different sporting events in venues throughout the entire region and will mark the first time these games have been held in the State of Nevada; and

WHEREAS, The Western States Police and Fire Games exist to celebrate the daily public safety efforts of police officers and firefighters throughout the United States and promote friendship, physical fitness, athletic competition, and a camaraderie among them; and

WHEREAS, An anticipated 10,000 competitors will bring their families, friends, and co-workers to the games from throughout California, Washington, Oregon, Arizona, Utah, Hawaii, Alaska, Colorado, Montana, Idaho, and other states; and

WHEREAS, Washoe County acknowledges and appreciates the partnership of the law enforcement and fire protection agencies of the region, neighboring cities and communities, the Reno-Sparks Convention and Visitors Authority, and area businesses in hosting the 2005 Western States Police and Fire Games and encourages the coordination with the various entities to provide facilities for the Western States Police and Fire Games; and

WHEREAS, Washoe County welcomes the opportunity to host the 2005 Western States Police and Fire Games in "The Biggest Little City in the World", and, now, therefore, be it

RESOLVED, That the Chairman and the County Board of Commissioners do hereby support the 2005 Western States Police and Fire Games and extend an invitation to businesses and the partnering communities to provide the support and facilities necessary to ensure a successful and memorable 2005 Western States Police and Fire Games.

04-907 FIRST AMENDMENT – WATER USE AGREEMENT – PIONEER MEADOWS LLC - WATER RESOURCES

Upon recommendation of Vahid Behmaram, Water Rights Supervisor and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the First Amendment to the June 19, 2001 Water Use Agreement between Washoe County and Pioneer Meadows, LLC, a Nevada Limited Liability Company, concerning allowing Pioneer Meadows to utilize groundwater rights for one year from the date the State Engineer approves the temporary de-watering permits as part of Pioneer Meadows construction of their development within the Spanish Springs area, be approved and Chairman Shaw be authorized to execute the same. It was noted that Washoe County will receive \$15,000 annually for the use of 200 acre-feet of water rights.

04-908 REFUND – SPECIAL ASSESSMENT DISTRICT 15 – BALANCE OF DEPOSIT – WATER RESOURCES

Upon recommendation of Jerry McKnight, Finance and Customer Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that the refund of the balance posted for the formation of Special Assessment District Number 15 (Lawton Verdi Sewer Interceptor), in the amount of \$38,557.46, plus interest earnings on the deposit, be approved.

04-909 RESOLUTIONS – SPECIAL ASSESSMENT DISTRICT NUMBER 29 (MT. ROSE SEWER PHASE I) – WATER RESOURCES

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

RESOLUTION NO. 04-909

A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); DETERMINING THE

COST TO BE ASSESSED AND RATIFYING THE ASSESSMENT ROLL; RATIFYING THE ACTION PREVIOUSLY TAKEN; PROVIDING FOR RELATED MATTERS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein “Board”) of the County of Washoe (herein “County”) in the State of Nevada, pursuant to an ordinance adopted July 22, 2003 (herein the “Creation Ordinance”), created Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase I) (herein “District”), and ordered the acquisition and construction pursuant to Chapter 271, Nevada Revised Statutes, a sanitary sewer project as defined in NRS §271.000 as hereinafter more specifically described a sewer project (the “Project” or “Sewer Project”); and

WHEREAS, the Board has authorized the proper officers of the County to execute a construction contract on behalf of said County in accordance with the Project, all as provided by law; and

WHEREAS, the Board has determined heretofore that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, on April 9, 2002, the Board considered all applications for hardship determinations of the Washoe County Department of Social Services and did not approve any applications for hardship determination; and

WHEREAS, the Board has determined and does hereby declare that the net cost to the County of all the improvements in the District, (including all necessary incidentals which either have been or will be incurred in connection with said District) is \$1,351,000, of which amount \$1,300,000 is to be assessed upon the benefited tracts and parcels of land in the district.

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

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is, ratified, approved and confirmed.

Section 2. The total cost of the District to the County (including all necessary incidentals, which either have been or will be incurred in connection with said District) is hereby determined to be \$1,351,000, of which \$1,300,000 shall be paid by the assessable property in the District, as designated in the Creation Ordinance.

Section 3. The Board hereby ratifies an assessment roll for the District concerning, among other things:

(a) The name and address of each last-known owner of each lot, tract or parcel of land to be assessed, or if not known, that the name is “unknown”.

(b) A description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment thereon, apportioned upon the basis for assessments heretofore determined by said Board in the Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) Ordinance and as stated in the provisional order for the hearing on the Project.

Section 4. The assessment roll ratified herein has been furnished by an engineer for the Department of Water Resources (the “Engineer”) to the County Clerk. The assessment roll reported to the Board herein has been filed in the office of the County Clerk and numbered. The Engineer has submitted an executed certificate in the form provided in Subsection 3 of NRS 271.372, which certificate, duly executed, accompanied the assessment roll and was in the form placed on file with the Clerk.

Section 5. The officers and employees of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, without limiting the generality of the foregoing, the preparation of all further necessary legal proceedings, assessments rolls and lists, tabulations of parcels, and other items necessary or desirable for the completion of the District.

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

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

Section 8. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

AND

**RESOLUTION
(of Washoe County, Nevada)**

**A RESOLUTION CONCERNING WASHOE COUNTY
NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29**

(MT. ROSE SEWER PHASE 1); CAUSING THE ASSESSMENT ROLL FOR THE DISTRICT MADE BY THE BOARD OF COUNTY COMMISSIONERS TOGETHER WITH THE COUNTY ENGINEER TO BE FILED IN THE OFFICE OF THE COUNTY CLERK; FIXING THE TIME AND PLACE WHEN COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE ASSESSMENT ROLL WILL BE HEARD; PROVIDING FOR THE MANNER OF GIVING NOTICE OF THE FILING OF THE ASSESSMENT ROLL WITH THE COUNTY CLERK, OF OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, AND OBJECTIONS, AND OF A HEARING CONCERNING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THERE WITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein “Board”) of the County of Washoe (herein “County”), and State of Nevada, pursuant to an ordinance adopted July 22, 2003 (herein “District Ordinance”), created Washoe County, Nevada Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) (herein “District”) and ordered the acquisition and construction pursuant to Chapter 271, Nevada Revised Statutes, a sanitary sewer project as defined in NRS §271.200 and as hereinafter more specifically described a sewer project (the “Project” or “Sewer Project”), and to defray the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots and premises in said District; and

WHEREAS, the Board has authorized the proper officers of the County to execute the appropriate documents for a construction contract on behalf of the County for the Project, all as provided by law; and

WHEREAS, such construction contract has been executed; and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has determined, and does hereby determine to issue and sell bonds to be hereafter issued by the County to pay for a portion of the cost of the Project; and

WHEREAS, NRS 271.360 provides that the Board may determine the cost of the Project to be assessed after making the construction contract, or after

determining the net cost to the County, but not necessarily after the completion of the Project; and

WHEREAS, in accordance with NRS. 271.360, the Board may determine the net cost of the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District), which is to be assessed upon the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board by a resolution duly adopted August 24, 2004, ratified an assessment roll; and

WHEREAS, the Board has determined, and does hereby determine, that all of the assessable property in the County which is specially benefited by the improvements to be acquired in the District, and only the property which is so specially benefited, is included on the assessment roll; and

WHEREAS, the Board has determined, and does hereby determine, that the notice for a hearing on the assessment roll which is provided for herein is reasonably calculate to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. All action, proceedings, matters and things heretofore taken, had, and done by the County and the officers and employees thereof (not inconsistent with the provisions of this resolution) concerning the District, be, and the same hereby is, ratified, approved and confirmed.

Section 2. The total cost of the District to the County (including all necessary incidentals which either have been or will be incurred in connection with the District) has been and hereby is determined to be \$1,351,000, of which \$1,300,000 shall be paid by the assessable property in the District, as described and as provided in the District Ordinance.

Section 3. The assessment roll for the District has been examined by the Board, is tentatively approved, and is ordered filed in the Office of the County Clerk this August 24, 2004.

Section 4. Tuesday, September 14, 2004 at 5:30 p.m., at the Commissioners Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, be, and the same hereby is, fixed as the date, time, and place when the Board will hear and consider complaints, protests, and objections to the assessment roll, to the amount of each of the assessments, and to the regularity of the proceedings in

making such assessments (whether made verbally or in writing) by the owners of the assessable property specially benefited by the improvements in “Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase 1)”, and proposed to be assessed, or by any party or person interested, and by all parties or persons aggrieved by such assessments.

Special 5. The County Clerk shall give notice by publication in the *Reno Gazette Journal*, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the date of the protest hearing. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication in each newspaper and the last publication in the same newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk of the County. In accordance with NRS 271.380(2), an engineer for the County Department of Water Resources (the “Engineer”) shall also give notice by registered or certified mail by depositing a copy of such notice in the United States mail, postage prepaid, as first-class mail, at least 20 days prior to such hearing, to the last-known owner or owners of each tract being assessed at his or their last-known address or addresses. Proof of such mailing shall be made by the affidavit of the Engineer and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) appertaining thereto, shall have been paid in full, both principal and interest, or any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by registered and certified mail is reasonably calculated to inform the parties of the proceedings concerning the District and levy of assessments, which may directly and adversely affect their legally protected interests. Such notice shall be as provided in NRS 271.380 and shall be substantially the following form was placed on file with the Clerk.

Section 6. The owner or owners of any lot, tract or parcel of land which is assessed in such assessment roll, whether named or not in such roll, or any person interested, or any parties aggrieved, may, within three days prior to the date set for the hearing, file with the office of the County Clerk his or her complaints, protests, or objections in writing to the assessment.

Section 7. Whenever any notice is mailed as herein provided, the fact that the person to whom it was addressed does not receive it shall not in any manner invalidate or affect the legality of the notice hereby given.

Section 8. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provisions shall in no way effect any remaining provisions of this resolution.

Section 11. The Board has determined, and does hereby declare, that this resolution shall be in effect immediately after its passage in accordance with law.

04-910 FIRST READING - BILL NO. 1425 -AMENDING WCC CHAPTER 53 – ELECTRONIC STUN DEVICES – SHERIFF

Sam Dehne, local resident, applauded the Sheriff’s Department for creating this law.

Gary Schmidt, Washoe County resident, would like to support the ordinance with the comment that a stun gun was originally used as a cattle prod and not for defense.

Commissioner Sferrazza, raised the issue of different treatment between minors possessing guns for hunting and stun guns. He doesn’t see any reason why it should be easier for juveniles to get stun guns and would support the ordinance as written.

Commissioner Galloway asked Assistant Sheriff Jim Lopey if this is restricted to tasers or does this also cover hand-held devices that do not shoot out at anyone.

Assistant Sheriff Lopey responded that the definition is “electronic stun device,” meaning any device designed to deliver an electric shock to the body or person of another, so it would not be limited.

A discussion ensued concerning having a device in the home where there may be minors and Commissioner Galloway asked if the intent was to regulate these devices inside people’s homes.

Commissioner Galloway explained he wanted an exception to the prohibition against possession by a minor so it would not apply in the case of a stun device permitted by a family inside it’s own principle residence for the purpose of self-defense.

Bill No. 1425, entitled, "AN ORDINANCE AMENDING WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS PROHIBITING THE UNLAWFUL USE OF ELECTRONIC STUN DEVICES AND BY PROHIBITING CERTAIN PERSONS FROM POSSESSING SUCH DEVICES." was introduced by Commissioner Humke as amended, the title read to the Board and legal notice for final action of adoption directed.

04-911 **BILL NO. 1426 – AMENDING WCC CHAPTER 110 – COMMUNITY DEVELOPMENT**

Commissioner Sferrazza, expressed a concern about removal of waste, carcasses and slaughtering of animals. Sharon Kvas, Planning Manager, replied that none of the programs involving 4-H or FFA involve the slaughtering of animals on the sight where they are raised.

Commissioner Humke mentioned the concern brought up at Caucus about specifically naming two organizations, 4-H and FFA; and staff responded that both have a century of experience in these matters and persuaded the Board not to add the words “or similar organization”. He said leaving the reference in about these two specific organizations and relying upon their rule books, which do not permit or envision slaughtering on site where the animals are raised. Katy Singlaub, County Manager, said Section 110.330.55 provides that slaughtering of animals can only occur on a parcel of land that is a minimum of 2.5 acres in size, which would that preclude it being done in a medium density suburban area.

Bill No. 1426, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 330, SECTION 330.45 – 4-H AND FUTURE FARMERS OF AMERICA LIVESTOCK PROJECTS, TO MODIFY STANDARDS FOR THE KEEPING OF LIVESTOCK IN THE MEDIUM DENSITY SUBURBAN (MDS) LAND USE DESIGNATION FOR YOUTH ENROLLED IN THE 4-H AND THE FUTURE FARMERS OF AMERICA (FFA) PROGRAM. THE CHANGES WOULD ALLOW UP TO SIX HENS, CAVY OR RABBITS ON MEDIUM DENSITY SUBURBAN DESIGNATED LOTS OF 6,000 SQUARE FEET OR MORE AND ONE SHEEP, SWINE OR GOAT ON PROPERTY BETWEEN 12,000 AND ONE-HALF ACRE, AND OTHER MATTERS PROPERLY RELATING THERETO." was introduced by Commissioner Humke, the title read to the Board and the title read to the Board and legal notice for final action of adoption directed.

04-912 **ORDINANCE NO. 1245 - BILL NO. 1427 – 2004 MEDIUM TERM BOND ORDINANCE – SPARKS JUSTICE COURT PROJECT**

Commissioner Galloway stated there have been recent experiences of costs running over the original estimate on building projects. John Sherman, Finance Director, responded estimates are done to the best of staff’s ability to get the funding in

place; but, if adjustments are needed when the bids come in for construction, they would be submitted when necessary.

Chairman Shaw asked about current interest rates. Mr. Sherman replied that they are very good at the moment.

Commissioner Sferrazza inquired about the City of Sparks participation. Mr. Sherman replied there have been meetings about land acquisition for a joint project, but Sparks has indicated they do not have funding in place to do a project right now. Staff will continue to communicate with the City of Sparks.

It was noted that the State Department of Taxation has approved this Medium Term financing and the letter from them is included in the Ordinance and incorporated herein by reference.

On motion by Commissioner Humke, seconded by Chairman Shaw, with motion duly carried with Commissioner Weber absent, it was ordered that Ordinance No. 1245, Bill No. 1427 entitled **AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2004 MEDIUM TERM BOND ORDINANCE;" AUTHORIZING THE ISSUANCE OF AND SPECIFYING THE TERMS AND CONDITIONS OF THE REGISTERED, NEGOTIABLE, WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) MEDIUM TERM BONDS, SERIES 2004 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$13,900,000 FOR THE SPARKS JUSTICE COURT PROJECT; SPECIFYING AND AUTHORIZING THE FINANCE DIRECTOR TO SPECIFY OTHER DETAILS CONCERNING THE BONDS; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS AND THE EFFECTIVE DATE HEREOF,** be approved, adopted as if an emergency exists and published in accordance with NRS 244.100

04-913 HUMAN SERVICES CONSORTIUM CONTRACT FOR FY 2004/05
- RESOLUTION - MANAGER

Commissioner Galloway noted that some organizations may be on this list one year and not in another year and asked if that is considered when the Consortium makes its decisions.

Katy Singlaub, County Manager, advised there is an extensive application process with a number of criteria, including standards of excellence that the agencies must meet, a plan on how they will utilize the money and evidence of their audit report. The projects are then judged in relation to every other project and the available funding, so there are years when some agencies do better than other years. It is a consensus driven process with limited resources and far more requests than money.

Chairman Shaw said it is a lengthy process; it would be nice to have sufficient funding to meet the needs of all of these agencies that come forward; however,

there are always some that don't receive funding, or part of the funding, for financial reasons.

On motion by Commissioner Humke, seconded by Chairman Shaw, which motion duly carried with Commissioner Weber absent, it was ordered that Washoe County Human Services Consortium contracts to be made in the following amounts and the necessary resolutions be approved and Chairman Shaw be authorized to execute the same:

Food Bank of Northern Nevada	(60051-710400)	\$ 52,717
Interfaith Hospitality Network	(60141-710400)	\$ 24,715
Catholic Community Services, Food Pantry	(60047-710400)	\$ 38,215
Catholic Community Services, Emergency	(60150-710400)	\$ 16,715
WCSD: Family Resource Centers	(60048-710400)	\$ 19,315
Crisis Call Center	(60148-710400)	\$ 32,249
WCSO: Project Walkabout	(60052-710400)	<u>\$ 33,474</u>
		\$217,400

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization.

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 selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2004-2005 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to the Food Bank of Northern Nevada, Inc., a private, nonprofit organization, a grant for fiscal year 2004-2005 in the amount of \$52,717 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization.

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 selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2004-2005 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to the Interfaith Hospitality Network, a private, nonprofit organization, a grant for fiscal year 2004-2005 in the amount of \$24,715 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization.

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 selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2004-2005 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to Catholic Community Services of Northern Nevada, a private, nonprofit organization, a grant for

fiscal year 2004-2005 in the amount of \$38,215 (Community Support).

2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization.

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 selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2004-2005 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to the Catholic Community Services of Northern Nevada, a private, nonprofit organization, a grant for fiscal year 2004-2005 in the amount of \$16,715 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization.

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 selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2004-2005 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to Washoe County School District, a political subdivision of the State of Nevada, a grant for fiscal year 2004-2005 in the amount of \$19,315 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization.

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 selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2004-2005 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to the Crisis Call Center, a private, nonprofit organization, a grant for fiscal year 2004-2005 in the amount of \$33,474 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

04-914 2005 LEGISLATURE PROGRAM – PRELIMINARY BILL DRAFT REQUESTS

John Slaughter, Strategic Planning Manager, explained three additional Bill Draft Requests proposed by staff. First would be increasing compensation for Board of Equalization members. The intent of the bill would be to set a compensation for BOE members up to \$125 per day. The second BDR is related to Public Works bids, to allow local governments the same latitude available to the States Public Works Board in negotiating bids before formally awarding a Capital Construction Project where all the qualified bids exceed the budget allocation; and that amount has been set at 15 percent. The third BDR concerns formation of an NRS 318 Road Maintenance District, defining areas in the County and in incorporated cities and providing options of a governing board. Such a district would be supported by fuel taxes as well as property taxes.

Katy Singlaub, County Manager, stated staff believes the 318 BDR would provide additional flexibility for some of the road maintenance needs in the area. She advised the Regional Transportation Committee and both City Managers have been notified that the Board may discuss this proposal.

Commissioner Galloway said he would support this; however, he would request staff and this Board do not get themselves in a position of agreeing to never alter the structure of a board, such as in the Truckee Meadows Water Authority agreement and in the a Regional Plan Settlement.

Sam Dehne, local resident, would like a “truth in media” bill to be introduced to the Legislature.

Upon recommendation of Mr. Slaughter, through Ms. Singlaub, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that these three BDR’s be approved.

04-915 STATUS REPORT/CUSTOMER SERVICES POLICIES – WASTE MANAGEMENT – MANAGER

In response to Commissioner Sferrazza, John Berkich, Assistant County Manager, stated the franchise agreement with Waste Management of Nevada, Inc. is silent on the issues of specifics for customer service standards. The company has adopted several standards for their operating procedures and policies. Commissioner Sferrazza asked what legal recourse the County or a customer has in terms of picking up their garbage under this franchise agreement. Mr. Berkich responded Waste Management is responsible for service throughout the County. Commissioner Sferrazza has received complaints from customers that their garbage had not been picked up for a week but they

were charged for the service anyway. Chairman Shaw noted this occurred when the strike was in effect and is not the company's regular policy.

Mr. Berkich said the experience with the company has been very good, and they have a high level of customer service. Unfortunately, during the strike complaints were received; Waste Management was notified; and they were very responsive and rectified the problem.

Commissioner Galloway stated he would be interested in hearing some of the policies and procedures because there our other issues besides the strike and customers who did not get their garbage picked up on time.

Katy Singlaub, County Manager, advised the franchise agreement is in place for several more years, so any changes to that would have to be voluntarily renegotiated. Staff wanted you to know Waste Management's policies and that they are holding themselves accountable to meet those policies. She assured the Commissioners they will receive a copy of the franchise agreement.

Greg Martinelli, Independent Sanitation, said they are regulated by the Health District and are required to pick up garbage every seven days. The company started experiencing service issues prior to the strike due to labor unrest. When the strike occurred, they were able to mobilize a work force with 80 replacement workers and 20 temporary laborers to try and keep the service levels somewhat constant. Unfortunately, in the residential areas, they got further behind every day and were not able to catch up until the weekend that the strike actually ended. Mr. Martinelli said the customer pays for a particular level of service; and his staff was instructed, if they were unable to pick up on the service day, then on the following service day they were to pick up everything, not just their service level but whatever was placed out. The practice was continued into the first part of June in an effort to try and catch up with what transpired throughout the strike. The company has credited, on a case-by-case basis, about \$20,000 to customers

Commissioner Sferrazza said he received complaints from residents in Golden Valley where an entire block had to rent a truck or a trailer and haul their garbage to the landfill. He also asked how a dispute is resolved when the customer says his garbage was not picked up and Waste Management says it was. Mr. Martinelli said that generally is resolved in favor of the customer.

Chairman Shaw inquired if there was any way these customers in Golden Valley could recoup the expenses they incurred to dispose of their garbage.

Mr. Martinelli responded he would not like to be in a situation where he had to pay for a U-Haul because someone felt they had to rent one. At the time of the strike, there was a phone recording advising people they could dump for free at the Lockwood Landfill.

Commissioner Galloway asked several questions about haul-your-own waivers for Incline Village restaurants. Mr. Martinelli responded that Waste Management is the only provider of garbage service per District Health Department regulations. He also said they have a separate franchise agreement with the Incline Village General Improvement District.

Commissioner Galloway asked about their policy of taking wood and disposing of it. He suggested starting a bio-fuel program. Mr. Martinelli stated that one of their sister companies, Refuse Incorporated, owns the Lockwood Regional Landfill and has a wood-chipping operation at that facility that actually takes the wood and chips it into fuel for a plant located in Susanville, California.

Commissioner Humke stated that he had 10-12 phone calls from constituents in Hidden Valley, he made a simple phone call to the franchisee, and it was taken care of.

04-916 DISCUSSION – ROLES AND RESPONSIBILITIES - BOARD OF EQUALIZATION – DISTRICT ATTORNEY

Commissioner Galloway requested clarification as to what the Board of County Commissioners can do versus what the Board of Equalization decides for itself. He related a phone conversation he had with Mr. Sparks, the current Chairman of the BOE concerning the rules. He also asked if there was any requirement for the BOE to have meetings because one member requested a meeting. Mr. Sparks volunteered to him that Mr. Schmidt has requested another workshop, but the majority of the Board does not wish to have such a meeting. Melanie Foster, Deputy District Attorney, said the County BOE is regulated by the State BOE and State Tax Commission. The County BOE can establish its own rules of procedure, but they require approval by the State Board. She stated the Commission's role in regard the BOE is limited to appointing members, appointing the chairman, authorizing a second panel, compensating the members and removing a member for malfeasance or neglect of duty.

Commissioner Galloway said that Mr. Sparks had also shared with him that they have been working with the State Board of Equalization on new regulations, which are not finalized yet. Mr. Sparks intends on calling another meeting and is planning to have a mock hearing in December.

Commissioner Sferrazza asked who inquired of the other members as to whether or not they wanted to meet at this time. Ms. Foster stated Mr. Sparks had done that. Commissioner Sferrazza requested something be presented to him that, in fact, had happened.

Gary Schmidt, BOE member, said he had not asked for this item to be on an agenda. He said he understood the Board's role is limited and brings this up to inform the Board and the public. Mr. Schmidt said the Commission has the opportunity to influence the decisions on the new regulations proposed by the State, as does the BOE.

A discussion ensued concerning litigation pending against the BOE. Then following the discussion, on a motion by Commissioner Galloway, seconded by Chairman Shaw, which motion duly carried with Commissioner Weber absent, it was ordered that when individuals are appointed to the BOE, they be advised of any current litigation that might involve individual board members, that there has been litigation filed in the past, and that it is the County's duty to defend them.

04-917 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Katy Singlaub, County Manager, requested direction from the Board concerning remedies in the appeal of the Verdi Development Standards Handbook.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that staff be directed to exhaust all remedies and opportunities within the appropriate timeframe including filing an appeal in the event the timeframe is exhausted, to receive resolution in regard to the Regional Planning Governing Board's decision on the Verdi Development Standard Handbook.

04-918 REPORTS AND UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Galloway remarked the Tahoe Regional Planning Agency is concerned that the Tahoe Basin is growing fuel five times faster than any removal program going on in the Basin and is creating the possibility for a catastrophic fire. Where there is man-made interference, there must be a man-made substitute for what fires do, which is clear excess timber.

Commissioner Sferrazza stated the issue of the foundation donation was discussed at the Truckee Meadows Water Authority Board meeting. He requested an agenda item to appoint the three county representatives to the Fund Advisory Board since it appears this is going forward.

5:20 p.m. The Board Recessed.

5:32 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

04-919 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 August 13, 2004 to consider acceptance of a Bureau of Justice Assistance, Local Law Enforcement Block Grant.

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

Upon recommendation of Marshall Emerson, Captain, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent and Commissioner Sferrazza temporarily absent, Chairman Shaw ordered that the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant, to be utilized to purchase equipment and technology, in the amount of \$47,968, with a required cash match of \$5,330, be accepted. It was further ordered that the Budget Division be directed to make the following budget adjustments:

Increase Revenues	Amount
10433-431100 (*LLEBG 2004 Federal Grants)	\$47,968
Increase Expenditures	
10433-710300 (*LLEBG 2004-Computer Hardware/Software)	\$47,968
Match Requirements	
Transfer \$5,330 from 10065-711504 (Federal Drug Forfeiture Equipment<\$10,000) to 60151-710300 (*LLEBG 2004, Cash Match-Operating Supplies)	

*Local Law Enforcement Block Grant

5:35 p.m. Commissioner Sferrazza returned to the meeting.

04-920 **COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-003 – JASMINE (BAYE) VIOLET SLOANE**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* and mailed to affected property owners on August 13, 2004, to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change the Land Use Designations from Medium Density Suburban (MDS) and General Rural (GR) on ±16.88 acres to a Land Use Designation of Medium Density Rural (MDR) for the entire area. The entire area of the parcel is ±16.88 acres. The change will increase the development potential of the parcel from zero to three. The location of the request is approximately two miles south of Mount Rose Highway (SR 431) and east of Callahan Ranch Road by slightly more than one-half mile at the end of Roan Trail. The parcel is within the W/2 of Section 12, T17N, R19E, MDM, Washoe County, Nevada. The property is located within the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 148-070-16). This request also entails an administrative change to the subject parcel and three adjoining parcels (APNs 148-070-15, 17, & 18) to reflect a slope analysis that was accepted in 2001 but was inadvertently omitted from previous administrative changes. That change will recognize that 148-070-15 and 148-070-17 are now Medium Density Rural, rather than the combined MDR and GR shown on the Land Use Plan of the South Valleys Area Plan. The accepted slope analysis indicated that, based upon the administrative criterion of

slopes greater than 15% slopes being GR, APNs 148-070-16 and 148-070-18 should have been changed to GR in their entirety. Proof was made that due and legal Notice had been given.

Don Young, Senior Planner, described the requested amendment, provided background information, and displayed maps, as detailed in the agenda memorandum dated August 3, 2004. He noted the request was presented to the Galena/Steamboat Citizen Advisory Board (CAB) on March 11, and May 13, 2004. He said there was no opposition to the request and the only stated concern was for adjacent wells. He identified that the closest adjacent well was more than 600 feet away.

In response Commissioner Galloway, Mr. Young explained that the parcel was common to the four parcels created and each parcel had an undivided interest in this parcel. Mr. Young further explained that the owners never sold the original parcels because the Regional Plan was in process, which would allow the development of this parcel based on the change of slope requirements to allow building on 30 percent slopes.

Commissioner Galloway asked about the slopes and stated he did not approve of the relaxation of the rule to allow building on 30 percent slopes. He said he did not have a problem with building on a relatively flat area of a large parcel that has 30 percent slopes. He inquired, if he voted for the amendment, would it guarantee that a structure would be built on a slope greater than 15 percent. Mr. Young stated the slopes are less than 30 percent and there are flat areas in the parcels. He pointed out the areas on the map that were over 30 percent slope and the parcel that would be divided.

Melanie Foster, Legal Counsel, stated that any decision the Board makes has to be supported by substantial evidence in the record. She noted the fact that the degree of slope is now in conformance with the Regional Plan should have some bearing on the Board's decision-making. Commissioner Galloway acknowledged that the County opposed the revisions to the Regional Plan.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning Comprehensive Plan Amendment Case No. CP04-003.

George Georgeson, CSA, Inc., Engineer and representative for the applicant, explained that initially when this map was created, this area was designated as a common area to the parcel to the west because it was not buildable at that time. He said in 2000, the Regional Plan changed the slope to 30 percent. He noted the letter in the staff report that he had received from the Truckee Meadows Regional Planning Agency, which was dated January 15, 2004 and gave an analysis on this parcel.

Commissioner Galloway asked if it was possible for Washoe County to have tighter requirements than the Regional Plan. He inquired if the County has to allow building on 30 percent slopes because the Regional Plan allows it. Sharon Kvas, Planner, stated that Washoe County had said that anything over 15 percent was appropriate for one dwelling unit for 40 acres. She noted, after the Regional Plan was adopted, it was

indicated that between 15 and 30 percent was a development constraint area and that one dwelling unit per five acres was appropriate. She said there have been applicants who have requested a change of land use, and she believed there had been three or four where it had been changed from 40 acres to five acres.

Gary Schmidt, Washoe County resident, reminded the Board that there are percentages of slopes between 15 and 30 percent.

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

Commissioner Humke made a motion to approve Comprehensive Plan Amendment Case No. CP04-003 and the findings as outlined in the staff report. Commissioner Sferrazza seconded the motion.

Commissioner Galloway said he would not support the motion because it would increase the number of residential dwelling units that could be placed on these steep slopes.

In response to Commissioner Sferrazza, Ms. Kvas explained that the Board has the prerogative to look at these on a case-by-case basis; and the Board does not have to change it to five acres. She said it is the County's master plan, and she believed the County still controls it.

Chairman Shaw inquired if the Board had approved cases in the past, and Ms. Kvas confirmed that the Board had, but not cases with slopes as steep as presented in this item.

In response to Commissioner Sferrazza, Mr. Young confirmed there was no ordinance, and staff followed the guidelines adopted by the County at that time. He said, in this case, staff followed the guidelines provided by the Regional Plan.

Commissioner Sferrazza stated he would support the motion with the proviso that the item would return to the Board.

Chairman Shaw asked if these concerns were brought up at the CAB meetings, and Mr. Young said the slopes of the property were not discussed. He noted that between 15 and 30 percent sounds like a radical slope, but this is a foothill at the base of a large mountain. He added that the homes would be along Galena Creek on slopes created by the creek.

Commissioner Humke acknowledged the County has a general policy that would not agree with slopes of the degree presented in the Comprehensive Plan Amendment, and he withdrew his motion. Commissioner Sferrazza withdrew the second to the motion.

Ms. Kvas requested a continuance on the item to allow staff to present to the Board the history of staff's procedures since the new Regional Plan went into effect. Commissioner Sferrazza asked staff to present a proposed ordinance to the Board, and Ms. Kvas said a proposed ordinance would have to return to the CAB and go through the entire process. She noted the item could be agendized to allow for policy discussion. Commissioner Galloway commented that would be helpful because building on high slopes impacts drainage ways, pedestrian paths, viewscapes, and creates erosion concerns. He said those are a few reasons why it was not allowed in the past.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber absent, Chairman Shaw ordered that Comprehensive Plan Amendment Case No. CP04-003 be continued to the September 28, 2004 meeting. It was further ordered that staff be directed to present a history of how they have been processing cases similar to this case since the new Regional Plan went into effect. It was also ordered that the item be agendized to allow for policy discussion.

04-921 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-008 –
ST. JAMES RESORT

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* and mailed to affected property owners on August 13, 2004, to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request involves the redesignation of ±536 acres from Tourist Commercial (TC) and General Rural (GR) to Medium Density Suburban (MDS), Medium Density Rural (MDR) and General Rural (GR). The proposed request will establish a residential density of approximately 2 units per acre over the entire property. Eight parcels totaling 459.63-acres are currently designated Tourist Commercial (TC) and the remaining 18 parcels totaling 77.16 acres are currently designated General Rural (GR). The subject property is located at the southwest corner of U.S. Highway 395 and Pagni Lane in the southern portion of Pleasant Valley. The area of the amendment totaling 536.79 acres is located within the Truckee Meadows Service Area and within the City of Reno Sphere of Influence, but subject to roll-back, as identified by the 2002 Truckee Meadows Regional Plan. The parcels are located within Section 13, T17N, R19E and Section 18, T19N, R20E and are within the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APNs 046-100-02; 046-100-03; 046-100-04; 046-100-05; 046-100-06; 046-100-07; 046-100-08; 046-100-09; 046-090-01; 046-090-04; 046-090-05; 046-090-06; 046-090-07; 046-090-08; 046-090-09; 046-090-10; 046-090-11; 046-090-12; 046-090-13; 046-090-14; 046-090-15; 046-090-16; 046-090-17; 046-090-18; 046-090-23; 046-090-25; 046-090-26). Proof was made that due and legal Notice had been given.

Administrative changes to the South Valleys Area Plan are necessary to reflect the changes requested within this application, including a revised table of land use. The parcels considered for the land use change are located within the Truckee Meadows

Service Area on the Truckee Meadows Regional Plan. A Regional Plan conformance review will be necessary.

Trevor Lloyd, Planner, described the requested amendment, reviewed background information as described in the agenda memorandum dated August 3, 2004, and displayed maps of the subject. He said Community Development sent out notice cards that contained ballots asking for comments and opinions of residents regarding the amendment. He received 10 ballots, with six in favor and four opposed. He noted that those who were in favor commented that they would rather see one unit per acre rather than two units per acre as recommended.

Commissioner Galloway asked if there would be any concern about building on steep slopes, and Mr. Lloyd said the County hillside standards would be applied within the project. Commissioner Galloway remarked that if the County is perceived to be violating the Settlement Agreement there would be a possibility that even more intense use might be applied for in this atypical situation.

Commissioner Humke said citizens have told him that they feel they do not have a choice in this situation. He questioned if the Citizen Advisory Boards (CABs) or the Planning Commission talked about the water, traffic, density, schools and wildlife issues. Mr. Lloyd confirmed the issues were discussed. Mr. Lloyd explained that he had discussions with the Nevada Department of Transportation (NDOT) and County traffic engineers and they indicated they felt the traffic could be accommodated at this site. Commissioner Humke asked if there were reasons to condition the project once it goes forward. Mr. Lloyd concurred, and he further explained that the change of land use cannot be conditioned, but once a project is submitted, there would be a significant number of conditions that would be applied. Commissioner Humke commented that Highway 395 is already a deadly highway.

Commissioner Galloway inquired if there was a development agreement in place with St. James that has a trigger for them to complete the road through their development and on to Cattleman's on Highway 395. Mr. Lloyd declared that to be true. He stated the County has a Development Standards Handbook, and these standards would have to be applied with construction of the approved resort project. He said it has been made clear to him that the owners do not have any intention to build the resort project at this time. He noted they would rather build a residential project.

Chairman Shaw expressed that it could be a worse situation if this was not approved and it becomes a part of the City of Reno. Commissioner Galloway commented that 1/2-acre densities are not as bad as some areas he has seen. Mr. Lloyd stated the County is restricted under the Regional Plan to three units per acre, but the City of Reno does not have that restriction.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning Comprehensive Plan Amendment Case No. CP04-008.

Myrtle McDowell, Pleasant Valley resident, said she lives in the country and she wants it to remain that way. She commented that 1,090 condos, houses or apartments do not belong in Pleasant Valley; and she supports one house per acre with no opportunity to join walls or cluster.

John Owens, Pleasant Valley resident, explained that his home would be adjacent to the proposed development. He said his primary concern was that the density would allow for up to three units per acre, and his residential development is currently all one-acre parcels. He requested a buffer strip be established along Connie Way, and he voiced his concern about preserving access to open space.

Teresa Ross, Pleasant Valley resident, articulated her reservations about the density of the homes, existing wells, and schools. She asked what would happen to the wells, and she noted there was only one school for the south end of the Valley. She spoke of her love for the County and the wildlife in the area.

Peter Ross, Pleasant Valley resident, stated 1,090 is an important number for the Board to remember, as the current neighborhood consists of 276 homes. He asked if it was reasonable planning to approve 1,090 units for this parcel. He questioned if the Board was practicing poor planning by following this application, instead of doing what was right, which would be to vote for a lower density. He called for the Board to continue the item and send it back to staff and the Planning Commission for a good, quality plan.

Rita Kolvet, Pleasant Valley resident, stated that she received no other notices of any of the hearings that were conducted on this matter, except for the notice for this hearing. She explained that increased density would be totally against the continuity and the development of the area. Ms. Kolvet added that St. James Development has made numerous promises to the homeowners of Pleasant Valley and there has been no follow through.

Roy King, Washoe County resident, explained that he purchased his property within the last year because he wanted to live in Washoe County. He said this is a large development on a parcel that contains many hills and areas that are not developable, which could lead to large clusters of homes in a small area. He spoke of his disapproval of this project.

Ginger Pierce, CAB Chairman for Galena-Steamboat and Pleasant Valley, explained how the vote came about at the CAB meeting. She said the citizens were told they had to make a choice, so they selected the least objectionable option. She voiced her opposition to the homes. She stated that where she lives is a rural area with wildlife and livestock, and the area does not need city people who would object to those things.

Don Kitts, Pleasant Valley resident, declared that there is no continuity to this area for the City of Reno. He stated this is a process of blackmail. He noted the neighbors have worked well with the developer over the years, but they have not heard

from him in the past three years. He added that many residents have not received notice from the County as to what is going on, and there has been a clear lack of communication. Mr. Kitts requested a meeting with the developer to hear what he has proposed. He said he was concerned that when the special use permit was removed, certain conditions that have been negotiated over the years to protect the community would be taken away. He affirmed that the conditions should be lived up to regardless of what happens to the property.

Cindy Scharott, Pleasant Valley resident, said that she and her neighbors had not received ballots in the mail. She stated many neighbors are worried about the water, and she questioned if it would lead to additional community wells. She spoke of the neighbors' displeasure concerning the project.

John Frankovich, representative for the applicant, explained the County filed this application pursuant to the Regional Plan Settlement Agreement between the County and the City of Reno. He said the position of the owners has been that, if the County is going to change the designation to residential, it has to make economic sense. Mr. Frankovich acknowledged that, if this moves forward as a residential development, it would be incumbent on the developer to meet with the residents in the area to address the issues of water, traffic and sewer throughout the tentative map process. He confirmed that the owners do agree and support the recommendation of staff and the Planning Commission, with the understanding that there would be applications for tentative maps that are consistent with this designation.

In response to Commissioner Sferrazza, Mr. Frankovich said he could not detail how the property would be laid out, and he noted many topographical restraints on the parcel. He remarked that he would not stipulate to the number of units at this point. He explained the engineers need to examine the property to determine how many units it could support, and the substantial infrastructure costs associated with the project must taken into consideration.

Chairman Shaw inquired of Mr. Frankovich if he knew the basis used to determine the 1,090 units. Mr. Frankovich responded that it was based on the standards under the new Regional Plan. Chairman Shaw stated the primary concern for the residents is the number of units. Mr. Frankovich said that would be the highest density allowed by this designation, and it rarely happens that a development comes in at the maximum density.

Commissioner Humke stated his major concerns were the number of units proposed and the impacts on traffic, schools, and water. He asked if condominiums would be part of the plan, and Mr. Frankovich said he could not confirm that because the engineers have not completed the lay out of the project.

Sharon Kvas, Planner, clarified that the land use designations that are proposed do not allow condominiums.

In response to Commissioner Humke, Mr. Frankovich explained, if the land use remained tourist commercial, the property owners may have no choice under the Regional Plan but to seek to remain in the City of Reno's sphere of influence.

Gary Schmidt, Washoe County resident, said barnyard animals need acreage and the area would be suitable at one-acre, two and one half acre, and five-acre zoning. He stated it is not the responsibility of the Board or the neighbors to make what used to be a cattle ranch economically viable for an urban residential development.

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

Ms. Kvas established that 65 notices were mailed to homeowners. Commissioner Humke inquired if staff was asserting that there was no faulty notice as to any homeowner that falls within statute, and Mr. Lloyd confirmed that to be true.

In response to Chairman Shaw, Mr. Lloyd explained the options before the Board were as follows: consider the request to change the land use from tourist commercial and general rural to the medium density suburban, medium density rural and general rural as recommended by the Planning Commission; deny the recommendation; continue the item and provide direction to staff; or reduce the overall density.

Chairman Shaw inquired of the number of units possible when considering the wetlands, steep slopes and power lines; and Mr. Lloyd answered that he could not give a number, but he confirmed it would be difficult to maximize that density when the application was brought in by the applicant.

Commissioner Sferrazza asked if the City of Reno could not annex the property if what staff is proposing to the Board is approved, and Mr. Lloyd said that was true and it would also have to be approved by Regional.

Ms. Kvas added, if it was annexed, it would go into the City of Reno under the zoning that it has in the County, which is tourist commercial. She said she believed there would be more potential for development in the City, even beyond what was approved in the Development Standards Handbook.

Commissioner Sferrazza questioned what the public would want the Board to do. Ms. Kolvet replied that the Board has no choice, but to support it. Ms. Pierce responded the Board should do whatever it takes to keep the property in the County. Mr. Kitts said the homeowners would accept a project that was compatible with the neighborhood, and residential zoning would be desired over tourist commercial.

In response to Commissioner Galloway, Mr. Kitts confirmed that he was aware that the situation was different because of the Regional Plan, and he understood the impacts annexation would have on the areas around Pleasant Valley. He said what is before the Board is the lesser of two evils and that is the only course that could be taken.

Chairman Shaw inquired, if the Board approved the amendment as outlined in the staff report, and the developers returned with a tentative map, could the Board ask the developer to do something that would be compatible with what is presently in the locale. Mr. Lloyd responded that the Board would have input, additional public review would be required, and conditions could also be required.

Melanie Foster, Legal Counsel, advised that the property at issue, over which the City would be exerting jurisdiction, would most likely be more than just this subject parcel.

Commissioner Sferrazza acknowledged that the Board could remand this back and ask staff to negotiate with the property owners for a number between 1,090 and 750 dwelling units. He questioned why the Board should accept the 1,090 units.

Chairman Shaw said he did not have a problem with Commissioner Sferrazza's idea, but he did not know if it would bring about a better result.

Ms. Ross confirmed there was a plan to annex five homes on Connie Way into the City of Reno when the freeway was completed, so part of the property out there would already be annexed into the City of Reno. Commissioner Galloway questioned the validity of that information and said one cannot annex noncontiguous property into the City unless it is in the sphere. Ms. Ross acknowledged that she was only repeating what the property owners were told.

Commissioner Galloway stated that the best protection the Board could give the citizens would be to approve the request in keeping with the Settlement Agreement.

Commissioner Humke said he has been against the Regional Plan since 1989, when he voted against that piece of legislation in the Nevada Legislature. He noted that the CAB was unanimously opposed to all of the proposals presented to them, and the Planning Commission was split on the vote. He added the traffic impact would be dreadful, and the freeway would not be completed for four to five years. He stated the neighborhood has already suffered under the I-580 extension, which affected the beautiful land in the area.

Chairman Shaw commented that he would support continuing the item in hopes that something better would result after further discussion, or approving the request due to the fact that the Board would have opportunity to place conditions on the project when the tentative map comes before the Board.

Commissioner Sferrazza stated he would not approve the request because the density was too high. He voiced his opposition to the casinos in that area and the Regional Plan.

In response to Chairman Shaw, Mr. Frankovich said he was not in a position to say what the owners would do if the item was continued.

Commissioner Galloway said staff should not go back to the owners and haggle over what may only be a small reduction below what could happen if it were approved. Commissioner Galloway made a motion to approve Comprehensive Plan Amendment Case No. CP04-008 as outlined by staff, and to include the recommended findings. Chairman Shaw seconded the motion.

Commissioner Galloway stated the Board would have control under the map process if this was approved, but the Board would have no control at that stage if this was not approved.

Katy Singlaub, County Manager, inquired of Ms. Foster if it would be a technical denial if the motion did not pass due to having only four Commissioners present at the meeting. Ms. Foster concurred, and Ms. Singlaub cautioned the Commissioners that the stipulation in the Regional Plan Settlement is that, if the Board does not approve a rezoning of the tourist commercial, the sphere rollback would not occur; and the City's sphere of influence would be extended into this area. She noted that the Board could make a motion to continue the matter, but she said the Board should be careful about a motion to deny the rezoning from tourist commercial.

Commissioner Galloway commented, if Commissioner Humke would not support the motion, he would withdraw his presented motion. Commissioner Humke responded that because two citizens said they did not receive notice, and they were within the notice area, he would not support the motion. He noted that he believed the Board was within their legal rights to continue the matter and that would not violate the Settlement Agreement, which is currently on file. He added he would not set a time certain. Commissioner Galloway withdrew his motion.

Chairman Shaw requested that all five Commissioners be in attendance when the item returns to the Board.

Mr. Lloyd asked for the matter to be continued to a time certain if the Board approved the continuance. Ms. Kvas said staff would re-mail the 65 notices.

On motion by Commissioner Humke, seconded by Chairman Shaw, which motion duly carried with Commissioner Weber absent, it was ordered that Comprehensive Plan Amendment Case No. CP04-008 be continued to the September 14, 2004 meeting and staff be directed to re-notice the public.

7:20 p.m. Commissioner Sferrazza left the meeting.

**COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-009 –
SIERRA NEVADA COLLEGE**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* and mailed to affected property owners on August 13, 2004, to consider a request to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, by changing the land use designation of a ±2.57-acre parcel from Public and Semi-Public (PSP: non-residential) to Medium Density Suburban (MDS: max 3 dwelling units per acre). The parcel considered for the land use change is located at 591 Village Boulevard, on the southwest corner of the intersection of College Drive and Village Boulevard. The property is within the Tahoe hydrographic basin, in Section 10, T16N, R18E, MDM, and is within Plan Area Statement 41 in the Tahoe Regional Plan. Administrative changes to the area plan are necessary to reflect the changes requested within this application, including a revised Land Use Map, and a revised table of land use acreage. (APN 124-083-26). Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning Comprehensive Plan Amendment Case No. CP04-009.

Kristina Hill, representative from Sierra Nevada College, stated she was in attendance to answer any questions. The Commissioners had no questions for Ms. Hill.

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

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioners Sferrazza and Weber absent, it was ordered that Comprehensive Plan Amendment Case No. CP04-009 be approved, and Chairman Shaw be authorized to execute the Resolution Adopting the Amended Tahoe Area Plan.

1. The proposed amendment to the Tahoe Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed amendment to the Tahoe Area Plan will provide for land uses compatible with existing adjacent land uses, and will not adversely impact the public health, safety, or welfare.
3. The proposed amendment to the Tahoe Area Plan responds to changed conditions that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. The proposed amendment to the Tahoe Area Plan will promote the desired pattern for 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.

5. The proposed amendment to the Tahoe Area Plan is the first amendment to the Tahoe Area Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. That the subject property and the Tahoe Area Plan are not within the Truckee Meadows Regional Plan Area and therefore are not subject to Article 822 for conformance with the Regional Plan.
7. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
8. That the Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

RESOLUTION

ADOPTING THE AMENDED TAHOE AREA PLAN (CP04-009 and CP04-013), A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Sections 278.150, 278.170 and 278.210, Nevada Revised Statutes, specify 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, Section 278.160, Nevada Revised Statutes, specifies that the master plan shall include the following subject matter or portions thereof as deemed appropriate: community design, conservation plan, economic plan, historic properties preservation plan, housing plan, land use plan, population plan, public buildings, public services and facilities, recreation plan, safety plan, seismic safety plan, solid waste disposal plan, streets and highways plan, transit plan, and transportation plan, and such other plans as judged necessary;

WHEREAS, A public hearing on the adoption of the amended TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on July 20, 2004, by said Planning Commission;

WHEREAS, The Washoe County Planning Commission has found that the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, and the

most recent amendment, together with the applicable maps and descriptive matter, provide a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan, and has submitted the amendment to the TAHOE AREA PLAN to the Board of County Commissioners, Washoe County, with the recommendation for approval and adoption thereof;

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 TAHOE AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the TAHOE AREA PLAN being held on August 10, 2004, 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 amendments to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan;

WHEREAS, The amendment to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive 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 TAHOE 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.

**04-923 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-013 –
PONDEROSA RANCH LAND COMPANY**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* and mailed to affected property owners on August 13, 2004, to consider a request to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, by changing the land use designation of a six-acre portion of a ±7.89-acre parcel from General Rural (GR: max 1 dwelling unit per 40 acres) to Low Density Suburban (LDS: max 1 dwelling per acre). The existing 1.89 acres, designated as Tourist Commercial area, will remain Tourist Commercial. The parcel considered for the land use change is located at 1200 Tunnel Creek Road, on the southern end of the Ponderosa Ranch, on the east side of State Route 28. The property is within the Tahoe Area Plan, in a portion of Section 23, T16N, R18E, MDM and in the Tahoe Regional Planning Agency's Plan Area 49 in the Tahoe Regional Planning area. Administrative

changes to the area plan are necessary to reflect the changes requested within this application, including a revised Land Use Map, and a revised table of land use acreage. (APN 130-311-10). Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak concerning Comprehensive Plan Amendment Case No. CP04-013. There being no one wishing to speak, the public hearing was closed.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioners Sferrazza and Weber absent, it was ordered that Comprehensive Plan Amendment Case No. CP04-013 be approved, and Chairman Shaw be authorized to execute the Resolution Adopting the Amended Tahoe Area Plan.

1. The proposed amendment to the Tahoe Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed amendment to the Tahoe Area Plan will provide for land uses compatible with existing adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Tahoe Area Plan responds to changed conditions that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. The proposed amendment to the Tahoe Area Plan will promote the desired pattern for 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.
5. The proposed amendment to the Tahoe Area Plan is the first amendment to the Tahoe Area Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. That the subject property and the Tahoe Area Plan are not within the Truckee Meadows Regional Plan Area and therefore are not subject to Article 822 for conformance with the Regional Plan.
7. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

8. That the Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

RESOLUTION

ADOPTING THE AMENDED TAHOE AREA PLAN (CP04-009 and CP04-013), A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Sections 278.150, 278.170 and 278.210, Nevada Revised Statutes, specify 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, Section 278.160, Nevada Revised Statutes, specifies that the master plan shall include the following subject matter or portions thereof as deemed appropriate: community design, conservation plan, economic plan, historic properties preservation plan, housing plan, land use plan, population plan, public buildings, public services and facilities, recreation plan, safety plan, seismic safety plan, solid waste disposal plan, streets and highways plan, transit plan, and transportation plan, and such other plans as judged necessary;

WHEREAS, A public hearing on the adoption of the amended TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on July 20, 2004, by said Planning Commission;

WHEREAS, The Washoe County Planning Commission has found that the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, together with the applicable maps and descriptive matter, provide a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan, and has submitted the amendment to the TAHOE AREA PLAN to the Board of County Commissioners, Washoe County, with the recommendation for approval and adoption thereof;

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 TAHOE AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the TAHOE AREA PLAN being held on August 10, 2004, 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 amendments to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan;

WHEREAS, The amendment to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive 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 TAHOE 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.

* * * * *

7:25 p.m. There being no further business to come before the Board, the meeting adjourned.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

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

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