

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

SEPTEMBER 11, 2018

PRESENT:

Marsha Berkbigler, Chair

Kitty Jung, Vice Chair

Bob Lucey, Commissioner

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

John Slaughter, County Manager

Paul Lipparelli, Deputy District Attorney

The Washoe County Board of Commissioners convened at 10:00 a.m. 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:

Chair Berkbigler requested a moment of silence in observance of 9/11.

18-0647 **AGENDA ITEM 3** Appearance: Alicia Lerud, Assistant District Court Administrator, Jackie Bryant, Court Administrator and Clerk of the Court Second Judicial District Court Presentation and update on Second Judicial District Court's Temporary Protection Order (TPO) Program.

Court Administrator and Clerk of the Court Jackie Bryant thanked the Board for the opportunity to discuss the changes to the Temporary Protection Order (TPO) office. She explained the Domestic Violence Resource Center (DVRC) notified the Court in June they would be terminating the memorandum of understanding effective October 1 and would no longer be assisting individuals with filing applications for TPOs. She said while they were unprepared for the change, they fully embraced it as an opportunity to review the TPO office operations, procedures, and processes to provide improved service to clients. She explained the program had been the same for the past 27 years. She stated the leadership team, which included Chief Information Officer Craig Franden, Assistant District Court Administrator Alicia Lerud, Assistant Clerk of Court Julie Wise, Filing Office Manager Michelle Purdy, and Self Help Center and Law Library Manager Emily Reed along with their respective staffs, would develop the new processes. She expressed appreciation to staff that developed creative and effective tools to assist applicants in a timely manner. She said an employee at the Law Library had the idea to make note pads for clients using recycled paper. She explained typically a project of this nature would take 12 to 18 months from start to finish but they did not have that amount of time. She said the effort had already required more than 1,000 staff hours and

other projects had been delayed while they dedicated limited resources to the project. The Court was committed to serve all patrons with excellence from the beginning of the transition period. She expressed confidence in staff that the TPO application process would be operational on October 1 and encouraged anyone to call her with negative or positive feedback about the process. She thanked the DVRC for its service to the Court and the community. She stated they looked forward to working with the DVRC and other domestic violence advocates to ensure their respective clients received the necessary services.

Assistant District Court Administrator Alicia Lerud echoed the appreciation for the opportunity to present to the Board. She was excited to share the changes taking place at the District Court because they were natural extensions of work the Court already performed. As Ms. Bryant mentioned, this project had taken an extreme amount of resources and had a short timeframe for implementation. She announced staff was excited for the changes and were eager to help the project be successful. She explained two types of protection orders were issued under Chapter 33 of the Nevada Revised Statute that included domestic violence, stalking, and harassment orders. She noted the District Court had jurisdiction over domestic violence cases. Those cases meant the applicant and the adverse party had some kind of relationship, either with a family member, by marriage, or with a past or present intimate relationship.

Ms. Lerud presented and reviewed a PowerPoint presentation with slides entitled: Historical Perspective; New TPO Filings 2003-2017; Domestic Violence Business Unit SJDC Family Division; Protection Order Volume 8/2017 – 7/2018; TPO vs. EPO; TPO Current Process; TPO New Process Effective October 1, 2018; TPO New Process; EPO Process; After-Hours Process; Domestic Violence Resources; Challenges; and Questions.

Ms. Lerud indicated one of the most significant changes to the new TPO process was the applicant would not be required to stay at the courthouse until a determination for a protection order was made. She said the TPO office would be moving to newly a configured location, which would be open during regular Court hours, and District Court staff would assist applicants. She announced an open house in November to tour the new location. She stated software was developed to make the application process more accessible and the user-friendly interface was purchased with the assistance of the Human Services Agency.

Commissioner Jung wondered when the Washoe County Sheriff's Office and the Human Services Agency would be trained to process protection order applications. Ms. Lerud indicated departments were not forced to process protection applications and said they were training departments as requested. She noted the Sparks Police Department would receive training on the afternoon of September 11. She stated any department could request training at any time.

Commissioner Jung asked County Manager John Slaughter how the County could facilitate departments receiving training. She expressed there were many

people who would require training such as Sheriff's Office staff and Human Services Agency staff. Mr. Slaughter stated he would direct departments to request training.

Commissioner Jung thanked Ms. Bryant and Ms. Lerud for increasing service, advocacy, and convenience for people at a traumatic time in their lives.

Commissioner Hartung expressed his appreciation for the Court being proactive. He said domestic violence was a huge issue in the community and the new resources would make a difference for many people.

Chair Berkbigler echoed their appreciation.

18-0648 **AGENDA ITEM 4** Appearance: Danielle Hammons, Business Development Director American Heart Association Presentation and update on American Heart Association.

American Heart Association (AHA) Executive Director Karen Rudd indicated she was presenting on behalf of Danielle Hammons, who was unable to attend the meeting. She presented and reviewed a PowerPoint presentation with slides entitled: Your Help is Needed; Your impact in our community; Heart & Stroke Walk/Run; Great Co-Workers Make Great Co-Walkers; Companies Involved; Our Vital Signs; Why I Heart Walk; Be a Heart Walk Hero; and Q & A.

Ms. Rudd stated sitting was the new smoking; Americans were inactive and the AHA wanted to change that. She recommended every person take 10,000 steps per day as well as standing and moving around every hour. She expressed her appreciation to the County for its support and advocacy of the Heart Walk. She explained one in three Americans had some form of cardiovascular disease and 80 percent of these diseases were preventable. She indicated walking was one of the easiest activities a person could do to get healthy. She announced more than \$6 million was spent for research over the past 30 years at the University of Nevada Reno. She explained the Heart Walk was an avenue to create a culture in the workplace that was conducive to being active. She said leaders in the workplace could make a difference by being a role model. She expressed that the Heart Walk was a great way to bring employees together, along with integrating families with co-workers. She indicated a 10-minute walking break reduced a significant amount of stress. She noted Assistant County Manager Kate Thomas was the Washoe County lead for the walk. She said the County's goal was to raise \$10,000 and currently had raised more than \$3,000; Michael Large was the current lead walker.

Rick Casazza said he had been involved with the Heart Walk for more than 35 years. He indicated the reason he was involved was for his family, his health, and the community. He said he initially got involved to meet people and continued because he enjoyed it so much. He noted the last few years the Heart Walk had done doing great things in the community. He mentioned the AHA was instrumental in getting a bill passed through the Legislature to require Cardiopulmonary Resuscitation (CPR) in

middle and high schools; students were required to pass the class to graduate. He explained CPR kits for the schools were funded by grants and did not cost the government any money. He said he worked with Bailey Charter School to teach students in at-risk schools to cook healthy meals on hot plates. He noted a program was started within the Washoe County School District called Teen Heart where culinary students learned to cook healthy meals. He expressed the importance of teaching children to eat healthy and the benefits of learning CPR. He told a story about his neighbor that would have died if not for his 19-year-old nephew performing CPR for seven minutes until medical personnel arrived. He encouraged the Commissioners to join the AHA for the Heart Walk on Sunday September 16.

Ms. Rudd displayed a slide about registering for the Heart Walk and thanked the Board for its support.

Commissioner Jung challenged the Commissioners to create a team and support the cause. She expressed her appreciation for teaching CPR in schools and encouraged the AHA to partner with the Regional Emergency Medical Services Authority (REMSA). She thought a special program could be created to recruit people certified to perform CPR to assist in areas with longer response times. She announced she would be attending the Heart Walk.

18-0649 **AGENDA ITEM 5** Appearance: Monica Myles, Partner Liaison/Donation Services Coordinator David Estorga, Northern Nevada Supervisor Nevada Donor Network Presentation and update on benefits of tissue donation, lives saved and Washoe County's recognition for its active role in Donate Life Month in April, 2018.

Nevada Donor Network Partner Liaison/Donation Services Coordinator Monica Myles announced she had awards to present to the Washoe County Medical Examiner's Office (MEO) and to Dr. Laura Knight. She said the Nevada Donor Network partnered with the MEO to offer tissue and cornea donation for those who wanted to give life-changing gifts. Because Dr. Knight and her staff were so supportive of organ donation, she said the Nevada Donor Network approached the MEO to participate in the Let Life Bloom organ donation campaign. She indicated a typical campaign involved large hospitals and was sponsored by the United States Department of Health and Human Services with the aim of enrolling more donors. She said hospitals talked to employees and communities about donation and registration. The Network approached Dr. Knight about assisting with outreach and Ms. Myles was proud to say Washoe County was one of the first medical examiners offices in the Country to enroll in the program. She stated Dr. Knight knew there would be a larger impact with the entire County being involved and so she spearheaded the effort.

Ms. Myles presented and reviewed a PowerPoint presentation with slides entitled: Award Presentations; Washoe County's Involvement; Platinum Level Effort – By the Numbers; and Congratulations! She said the engagement from the County was

wonderful and she thanked the MEO and Dr. Knight for their support. She presented the Platinum Award.

Northern Nevada Supervisor of the Nevada Donor Network David Estorga presented Dr. Knight and staff with the Forensic Leader of the Month award. He expressed his appreciation for the County's partnership and the MEO for its support.

Commissioner Jung mentioned a heart on a Nevada driver's license indicated a person was an organ donor.

Commissioner Hartung said his wife donated a kidney to their daughter as a living donor. He expressed the importance of being a donor.

18-0650 **AGENDA ITEM 6** Public Comment.

The following individuals spoke in opposition of the Prado Ranch North development: Ms. Marcelle Marlow; Mr. Ronald Muzzio; Mr. Danny Cleous; Ms. Marjorie Gwyn; Ms. Tammy Holt-Still; Ms. Donna Robinson; Ms. Carli Fripp; Ms. Laura Fritchen; Ms. Susan Jackson; Mr. Carl Young; and Mr. Chuck Suter. Mr. Danny Cleous and Ms. Tammy Holt-Still provided documents which were placed on file with the Clerk

The concerns of the above listed individuals included: repairs from previous flooding had not been completed; current flood situations that needed to be resolved; public safety issues with emergency responders; the lack of response from emergency responders; a lack of infrastructure; a desire for a moratorium on development until issues were resolved; limited visibility at Lemmon Drive and Nectar Street; algae and water quality concerns; the fact that infrastructure would not be improved until new development was built; the belief that the needs of current residents should come first; overcrowding of schools; roads that were in disrepair; the addition of more water into Swan Lake with more development; accessibility of certain roads; erosion; an increase in the presence of bugs; increased traffic on Lemmon Drive; vehicles traveling at unsafe speeds on Lemmon Drive; and the removal of the rural feel of the area caused by additional development.

Mr. Derek Sonderfan presented photos, which were placed on file with the Clerk. He spoke as a citizen, not a County employee. He indicated he took a hike on a walking path on Peavine Mountain and heard gunshots. He stated he had been to County Commission meetings and heard gun enthusiasts blame walkers for not knowing where the paths were. The path was clearly marked 'no shooting'. He said as he approached people shooting at a target, they did not see him until he waived his arms to gain their attention. He explained he was on the very large walking path and said the shooters did not see him until he was 200 feet away and a gun was aimed towards him. He indicated the people were shooting across the walking path and pointed out a burn scar from a previous fire on his displayed photo. He stated the shooters were wearing ear protection

and could not hear him yell. He said it was a terrifying experience stated something needed to be done about this serious issue.

Mr. Chris King, Vice President of Saint Mary's Medical Group, wanted to speak on behalf of Prominence Health Insurance and the decision to transition to the new insurance. He stated it was a hard decision and change was difficult. He indicated it was his job to help facilitate the transition, provide access to the health care professionals, and provide excellent care. He said as the leader of the medical group he felt personally responsible and would do what it took to make sure employees were taken care of through the transition.

Ms. Amber Norris, Director of Business Development and Marketing at Saint Mary's Health Network, said she was proud to be working with her colleagues at Saint Mary's Hospital. She indicated the culture of Saint Mary's allowed people to do what they did best, which was to care for people. The senior leadership supported an atmosphere where quality was the main focus and she said this fostered a culture where staff could care for patients and families as they would their own. She said the awards they received, including a Center for Medicare and Medicaid Services 4-star rating, a fourth Leapfrog Safety Grade A, and numerous health grade awards, were evidence of quality outcomes. The accolades showed the team truly believed in the heart of healthcare. She was thankful for the opportunity to provide the highest quality healthcare services in northern Nevada to County employees in 2019.

Mr. Mark Dougan stated he was a Washoe County Health Department employee. He respectfully requested the Board override the recommendation that the Health Maintenance Organization (HMO) provider change from Hometown Health and Renown. He stated healthcare costs were rising throughout the Country. He agreed Saint Mary's was a good healthcare provider but there were differences in the quality of healthcare; it was primarily the preferred provider who evaluated a patient. He said timing and experience for a diagnosis was important. He said Washoe County employees needed doctors with confidence and experience and stated many Prominence Healthcare professionals were residents in training. He explained experience could lead to the early detection of illnesses, which was critical. He asserted Washoe County's greatest assets were its workers who provided services for the citizens of the County. Employees needed to rely on the experience of providers and should not be required to build experience with new healthcare professionals. Healthcare should not be evaluated by costs alone. He stated his son was a doctor who told him to fight to retain the experienced group of healthcare providers. He said healthcare was one of the most important benefits to employees.

Mr. Michael Pitkin presented documents, which were placed on file with the Clerk. He stated he was homosexual, human immunodeficiency virus (HIV) positive, and a Satanist. He expressed his frustrations about the lack of care he received from Northern Nevada Hopes (Hopes) and that he was unable to obtain copies of his medical records. He explained that Hopes referred to him as delusional and he was discharged from care in Reno. He stated that affected his Ryan White Grant status and that he was

medically undertreated. He thought Hopes abused its power and discriminated against him.

Ms. Elise Weatherly stated she opposed requiring students to learn Cardiopulmonary Resuscitation (CPR) in order to graduate from high school. She expressed concern that high school students would be obligated to perform CPR on random people and students could be afraid. She spoke about moral issues and Renown Health's administration.

Ms. Whitney Freeman requested the Board affirm the Planning Commission's (PC's) unanimous decision to deny D.R. Horton's application. She said this type of urban development did not currently exist anywhere within Washoe County and she opposed the development. She thought urban development should remain within the City of Reno as the Master Plan dictated. She stated infill developments needed to be considered appropriate for their surroundings and the facts provided in her letter for the July 3 PC meeting proved this urban-level development was not appropriate for the area. When D.R. Horton submitted an application to amend the Master Plan in the fall of 2017, she said they acknowledged medium density suburban zoning only allowed for single-family detached housing, but they were still trying to obtain approval for attached housing. She indicated the Citizen Advisory Board rejected the application and concerned neighbors voiced their opposition during multiple meetings. She stated in both appeals D.R. Horton claimed the PC's decision was not backed by evidence when in fact the decision was based on facts. These facts proved the applications contained fundamental deficiencies and did not comply with the Master Plan or conform to County Code.

Ms. Helen Lidholm stated she was the Chief Executive Officer for Saint Mary's Health Network. She expressed her appreciation to Washoe County to allow Saint Mary's to provide healthcare services to employees and their families. She noted Saint Mary's was celebrating its 110-year anniversary and its staff included 2,500 members focusing on quality and outcomes. She said a few months ago they celebrated the 2017 Longevity Awards where they recognized employees who worked for Saint Mary's for 45 years. She stated Saint Mary's was a proud taxpayer in the community and had paid more than \$17 million in taxes and invested \$111 million back into the community. She noted its focus continued to be about quality of care.

Ms. Katherine Snedigar read the Washoe County Commissioners' job description from a 2006 court document between the United States District Court vs Maynard Martin Richards. She stated the case was regarding Mr. Richards paying off a Commissioner to get what he wanted. She claimed the Commissioners would not get away with what they were doing.

Mr. Ben Chavez stated he supported the proposed Lemmon Valley development. He reviewed the benefits of the development, which included flood mitigation, sewers, new schools, and roads. He said the developer would not invest millions of dollars into a development that could create litigation. He stated the proposed improvements should resolve many of the infrastructure issues within the Lemmon

Valley area. He explained his support had brought him criticism but he thought the development was the resolution.

Mr. Sam Dehne expressed his frustrations about items being on the agenda before public comment. He spoke regarding taxpayers money being used to send water to the Tahoe-Reno Industrial Center.

Ms. Denise Ross provided photos, which were placed on file with the Clerk. She said the Washoe County School District stated another elementary school would be built in the north valleys by 2021. She opined the information was not true because of a lack of contractors to build schools. She said she went to Lemmon Valley Elementary School and took photos of the condition of the school. The photos she displayed included: a shower curtain covering the active shooter protection area; a bucket in the library intended to collect water drops from the air conditioning unit; holes in the asbestos ceiling tiles in the library; animals drilling from under the library; door areas covered with bugs; and a girls' bathroom that was in disrepair. She wanted to know where the money from WC-1 was going because she felt it was not going to the schools.

Ms. Juanita Cox expressed concerns about public lands currently used as open space being sold for developments. She stated Waste Management (WM) trucks had trash flying out of them onto Interstate 80 (I-80). She said she was driving on I-80 recently when she narrowly missed a mass of trash coming at her and as she sped up to pass a large box which struck her vehicle. She stated WM was not performing due diligence to protect the public and the garbage in the trucks needed to be covered.

Ms. Lesley Pittman stated she was speaking on behalf of 130 employees at Reno Diagnostic Centers. She said they were in full support of the Prominence Health proposal. She stated they were a low-cost leader who provided diagnostic imaging services for the past 30 years in northern Nevada and they looked forward to providing services to Washoe County employees and their families.

Ms. Kathie Maestas stated she was a Washoe County Recorder's Office employee and a Board member of the Washoe County Employees Association (WCEA). She spoke regarding the proposed changes to the County's HMO plan. She stated that healthcare mattered to the employees and was an important part of the employment compensation package. She explained if the County offered employees a competitive health benefit, they would retain more satisfied employees who missed fewer days of work. Offering a non-competitive healthcare plan could drive potential applicants away. She stressed the proposed changes concerning the HMO plan did not just include finding new doctors but for some people and their families it could be a matter of life and death. She explained it was not as simple as picking up the phone and calling to schedule a new patient appointment. Many employees had spent months or even years setting up treatment plans with their current doctors and hospital. She stated employees were informed they could pay out-of-network fees if they wanted to stay with their doctors and hospital. She said the County should admit if it wanted to eliminate the HMO plan. She asked the Commissioners to call the providers of the new HMO plan and attempt to

schedule an appointment. She indicated only six general practice doctors were taking new patients with a wait time of 8 to 10 weeks. She added an appointment with a nurse practitioner would take eight weeks and the available walk-in clinic had significant wait times. She explained the clinic covered by the insurance was supposed to be completed in 2019, but Prominence Health had not started a process for any permits to build or renovate any local buildings. She stated the WCEA was informed the Vera Clinic would be operational by January 2019, which she thought was nearly impossible. As stated in the staff report, 40 percent of employees would be affected by this change. Without changes the 2019 budget was \$56.4 million, lower than 2017 and only a 5.5 percent overall increase from 2016. She believed the County employees were the best at what they did and thought they deserved the best health benefits.

County Clerk Nancy Parent advised the Board that she had received a copy of an email sent to the Commissioners by Annemarie Grant relating to Agenda Item 3 and said the document would be placed on the record.

Ms. Debbie Russell expressed concern about the Autumn Woods Phase II project. She said the South Truckee Meadows Plan stated careful stewardship of the rich natural environment was fundamental in maintaining and preserving the valuable characteristics of the southwest Truckee Meadows. She thought the area should be zoned low or medium density. She indicated the lot in question was located in a Federal Emergency Management Agency (FEMA) flood zone and had flooded many times since 1990. She claimed the urbanized development would increase flooding according to the United States Geological Survey's Water Science School. She explained the subject lot was sold in 2018 and prior to that the lot was part of the Bishop Manogue Holdings. She said the zoning was based on the same zoning as Phase I, which was a trailer park until 2006 and was subject to different economic times.

Ms. Velma Mathias stated she lived on Jeppson Lane directly across from the proposed Autumn Wood Phase II. She wanted more information about the detention ponds, so she did some research and discovered the maximum allowed density in the zone was three dwellings per acre; the proposed development called for three townhouses per acre, not single-family dwellings. She stated the two detention ponds could have permanent pools of water and would need to be maintained. She said according to her research, the drainage area should be 20 to 50 acres but the proposed detention pond area was only 5.83 acres. She stated many issues could occur in retention and detention ponds including low aeration and algae and bacteria growth. She adamantly stated she did not want the detention ponds in front of her home. The applicant was required to have site access reserved for heavy maintenance equipment to remove and dispose of sediment. She wanted to know who would be responsible for the ponds because her research indicated a person was required to be environmentally certified to maintain the ponds. She stated a vegetation buffer was required with a maximum width of 25 feet around each pond. She explained the applicant had asked to reduce the required side yard setbacks from eight feet to zero feet on one side of each lot. She added that the trailer park on the property had been full of old buried septic tanks. She wanted answers about the development and the effects of the underground materials.

18-0651 **AGENDA ITEM 7** Announcements/Reports.

County Manager John Slaughter noted a letter was delivered regarding the Lemmon Drive Estates requesting the case be continued to November 13. He stated public comment would be heard for the item and the Board would decide whether to continue the public hearing.

Commissioner Jung asked the Sheriff's Office to address the shooting issue on Peavine Mountain and the Lemmon Valley residents' enforcement complaints. She wanted to remind citizens and staff to call 9-1-1 if they were in an illegal shooting situation so the offenders could be cited. She wanted a patrol report from the Sheriff's Office about time spent in all areas to ensure areas were being served. She reminded citizens the Sheriff was an elected department head and Commissioners could not enforce action upon him but she could submit a request. She stated she provided her business card to the man who spoke about Northern Nevada Hopes (Hopes). She felt the County had a responsibility to citizens and wanted a path for him to get the care he needed. She wanted to review Hopes' compliance with the Ryan White Act because she believed they were not allowed to deny anyone care. She asked staff to look at the signage at Lemmon Drive and Nectar Street and evaluate what citizens considered to be a dangerous situation. She asked Assistant County Manager Kate Thomas to review the Waste Management (WM) contract and report to her about litter coming out of garbage trucks on the freeway and the fines, fees, or penalties that could be imposed. She had a request from the Burning Man operators to adjust the Washoe County line into Pershing County so the annual event was entirely in Washoe County. She asked for the discussion to occur before the next legislative session.

Commissioner Hartung asked Deputy District Attorney Paul Lipparelli for a presentation for the use of moratoria, when it could be used, and if there were statutory obligations. He expressed gratitude to the Regional Transportation Commission (RTC) for the traffic signal at Calle de la Plata. He stated work had finally started for the much-needed signal. He said he was still fighting for an acceleration lane for the Winnemucca Ranch Road area at Pyramid highway. He asked Mr. Slaughter about the status of dispatch and said he wanted to see progress.

Commissioner Jung asked that the list of streets and roads which needed capital improvements through the RTC be completed. She stated the stretch of 7th Avenue to Golden valley was not on the list and it was a heavily travelled road. She needed to tell constituents what was happening with the road and asked for someone from RTC to get back to her.

Commissioner Herman stated three years ago she donated \$4,250 for designated shooting area signs for Peavine Mountain but they had not been installed.

Commissioner Jung stated three years ago she donated money to hire outside staff to plot and map the Peavine Mountain area and had not seen anything. She wanted to know where that money went.

Commissioner Hartung requested the Washoe County School District (WCSD) provide a presentation about the deplorable conditions at Lemmon Valley Elementary School. He stated they had no purview over the WCSD but wanted to know why the conditions existed at the school. He noted the highway trash from WM issue was not from local trucks but from transport trucks traveling from Sacramento to the Lockwood landfill.

Commissioner Jung agreed the WM trucks were from California and said that situation would not be tolerated in California.

Mr. Slaughter stated the signage on Peavine Mountain was under the jurisdiction of the United States Forest Service. He said the funds were used as a match to leverage the Forest Service. He explained the Forest Service was working with a group called the Podunks that managed some of the issues on Peavine Mountain. He stated he would find out the status and report back to the Board.

Chair Berkgigler expressed her concerns about Peavine Mountain found it concerning that people were shooting across hiking trails. She wanted to know who was responsible to patrol the area to ensure people hiking were not shot. She asked Commissioner Jung to research when the last spraying for mosquitos was done in Lemmon Valley. She questioned who was responsible was for the side roads in Lemmon Valley and requested a report from Mr. Slaughter. She said she witnessed trash flying out of a WM truck multiple times and striking her vehicle. She wanted staff to talk to the local WM people to resolve the issue.

CONSENT AGENDA ITEMS – 8A THROUGH 8E3

18-0652 **8A** Approve and execute the Permit for Disinterment of Human Remains of Carol J Ruddy, as allowed under NRS 451.050, Subsection 2 on behalf of the Health District. Health District. (All Commission Districts.)

18-0653 **8B** Approve the reclassifications of an Office Assistant III, pay grade G, to Office Support Specialist, pay grade H, and an Administrative Secretary Supervisor, pay grade K, to Administrative Secretary, pay grade J (Community Services), and a Principal Account Clerk, pay grade J, to Fiscal Compliance Officer, pay grade N (Sheriff's Office), as evaluated by the Job Evaluation Committee; and the creation of a new, full-time Office Assistant II, pay grade E (Manager's Office), pending JEC review; and authorize Human Resources to make the necessary changes. [Net fiscal impact to salaries and benefits is estimated at \$95,500 in FY 18/19.] Human Resources. (All Commission Districts.)

18-0654 **8C** Approve amendments totaling an increase of [\$95,000] in both revenue and expense to the FY19 Congregate Meals Grant Program, IO 11437; approve amendments totaling an increase of [\$35,000] in both

revenue and expense to the Home Delivered Meals Grant Program, IO 11438; and if approved direct the Comptroller's office to make the appropriate budget amendments. Human Services Agency. (All Commission Districts.)

- 18-0655** **8D** Approve Modification of Grant or Agreement #3 and accept additional funds [in the amount of \$47,500] to Grant 14-DG-11051900-004 from the U.S. Forest Service (USFS) Southern Nevada Public Lands Management Act (SNPLMA) for the East Incline Village Water Quality Improvement Project (WQIP) effective upon execution of the agreement documents through September 30, 2018 and direct the Comptroller's Office to make the necessary budget amendments. Community Services. (Commission District 1.)
- 18-0656** **8E1** Approve an Interlocal Agreement for Garbage and Refuse Collection between Washoe County and Sun Valley General Improvement District. Manager. (Commission Districts 3, 5.)
- 18-0657** **8E2** Approve a 2019 Nevada State Emergency Response Commission (SERC), Operations, Planning, Training and Equipment (OPTE) grant for [\$29,000.00, no County match required] including funds to be used for food purchases and non-employee travel. Grant Term is retroactive to July 1, 2018 through June 30, 2019. If approved, authorize Chairperson to execute grant documents and authorize the County Manager or his designee, to sign Sub-Grant Agreement between Washoe County and the Reno Police Department (RPD) in the amount of [\$5,403.00], approve resolution necessary for same; and direct the Comptroller's Office to make the appropriate budget amendments. Manager. (All Commission Districts.)
- 18-0658** **8E3** Approve a 2019 Nevada State Emergency Response Commission (SERC), United We Stand (UWS) grant for [\$25,000.00, no County match required]. Grant Term is retroactive to July 1, 2018 through June 30, 2019. If approved, authorize the County Manager or his designee, to sign the SERC Grant Award and the Sub-Grant Agreements between Washoe County and the Regional Emergency Medical Services Authority (REMSA) in the [amount of \$9,927.00], Reno Police Department (RPD) in the [amount of \$5,355.00], and the Washoe County School District (WCSD) in the [amount of \$9,719.08]; approve resolution necessary for same; and direct the Comptroller's Office to make the appropriate budget amendments. Manager. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly spoke regarding items 8A, 8B, and 8C. She wondered who Carol Ruddy was and why the County was granting permission for disinterment of human remains, but she thanked staff for allowing that to happen. She thought County employees were overpaid with the benefit

packages that were included in total compensation. She requested the senior meal program be discontinued and the money used in a better way.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a vote of 5-0, it was ordered that Consent Agenda Items 8A through 8E3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 8A through 8E3 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 10 AND 11

12:17 p.m. Commissioner Jung made the motion for the block vote but left the meeting prior to the vote.

18-0659 **AGENDA ITEM 10** Recommendation to approve the professional services agreement for services between Quest Counseling and Consulting and Washoe County through the Second Judicial District Court and the Department of Juvenile Services with a contract term effective upon board approval through June 30, 2021 and an estimated total value of [\$450,000] and, if approved, authorize Purchasing and Contracts Administrator to execute the agreement. Juvenile Services (All Commission Districts.)

On call for public comment, Ms. Elise Weatherly spoke regarding the difference Evan Miller at Quest Counselling made, as he was very patient with children.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried on a vote of 4-0 with Commissioner Jung absent, it was ordered that Agenda Item 10 be approved and authorized.

18-0660 **AGENDA ITEM 11** Recommendation to award Washoe County Bid #3058-18 and approve the Janitorial Services Agreement for high security buildings to the lowest responsible and responsive bidder, [staff recommends Qual-Econ U.S.A. Inc., in the amount of \$59,870 per month]; and authorize the Purchasing and Contracts Manager to execute a three year agreement effective December 1, 2018, with two additional one year renewal options on behalf of Washoe County [estimated annual value \$718,440 plus cost for call-back and Porter services]. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried on a vote of 4-0 with Commissioner Jung absent, it was ordered that Agenda Item 11 be awarded and authorized.

12:21 p.m. Commissioner Jung returned to the meeting.

18-0661 **AGENDA ITEM 9** Recommendation to approve the CY 2019 Health Benefits Program for employees, retirees, and their dependents, and authorize the Director of Human Resources/Labor Relations to execute all insurance contracts and service agreements pertinent to the Health Benefits Program. Human Resources. (All Commission Districts.)

Commissioner Hartung asked whether the addition of Prominence Health to the healthcare plan would eliminate Hometown Health's health maintenance organization (HMO) plan and Renown Health providers. Benefits Manager Ashley Berrington stated Renown Health would still be accessible through self-funded plans.

Commissioner Hartung stated he would rather go to Saint Mary's Health. He asked whether access would continue to be available to the old providers from Hometown Health. Ms. Berrington replied access to Hometown Health providers would still be in place. She explained there were currently five health plans, four of which were self-funded: a preferred provider organization (PPO) plan and a high-deductible health plan with CDS as the third party administrator (TPA) and access to Saint Mary's, PPO and high deductible plans with Hometown Health as the TPA, and the HMO plan that had been sent out for bid and purchased. She stated the HMO had been with Hometown Health for the past 13 years but through the bid process, it was being recommended that the Board accept Prominence Health, which would provide access to Saint Mary's, Northern Nevada Medical Center, and Carson-Tahoe Hospitals. She reiterated only the HMO plan would be changing.

On call for public comment, Elise Weatherly spoke about the Human Resources department at the Eldorado Casino. She expressed frustration about her experiences with Hometown Health and Renown Health.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried on a vote of 5-0, it was ordered that Agenda Item 9 be approved and authorized.

Chair Berkbigler stated Agenda Item 16 would be heard before Agenda Item 13 when the Board reconvened.

12:30 p.m. The Board recessed.

1:32 p.m. The Board reconvened with all Commissioners present.

PUBLIC HEARINGS

18-0662 **AGENDA ITEM 12** Public hearing to approve with conditions, or deny, an Outdoor Festival business license application for The Lantern Fest. The Lantern Fest is described generally by the applicant as a family-oriented outdoor entertainment event and concert that culminates with the release of several thousand sky lanterns (paper lanterns lifted aloft by a small open flame source). If approved, authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when all pre-event conditions have been completed and all required business license fees have been paid. Applicant: Spencer Humiston on behalf of Happy Fun Events, LLC Event Location: Wild West Motorsports Park; 12005 East Interstate 80 (Exit 23, Mustang, off Interstate 80) Dates of Event: Saturday, October 13, 2018 and Sunday, October 14, 2018, with additional clean-up to occur on October 15, 2018; if conditions prevent the event from happening on the planned dates, the applicant requests approval of alternative “delay” dates for the event of Saturday, October 27, 2018, and Sunday, October 28, 2018, with additional clean-up to occur on October 29, 2018 Estimated attendance: The event organizer estimates between 5,000 and 9,000 persons will take part in the event Additional details of the event are included in the application. Community Services (Commission District 4.)

County Manager John Slaughter introduced the public hearing.

Planning Manager Bob Webb addressed the application, which differed from the prior one as the current event application was for two dates, October 13 and 14. The application requested two delay dates, October 27 and 28, in case the event was cancelled due to weather. He indicated staff recommended denial based on a letter from the Truckee Meadows Fire Protection District (TMFPD) regarding fire safety concerns. He stated if the Board were to approved the item, staff was prepared with written conditions that would satisfy fire concerns during and after the event using either open-flamed or fireless devices.

Commissioner Hartung said the Board could not forecast the conditions when the request was made. He respectfully recommended approving the event but providing TMFPD Chief Charles Moore the overriding ability to make the final decision about whether conditions were suitable for the event.

Commissioner Jung was in support of the event with the conditions stated by Commissioner Hartung. She said it was an important event which brought in many people from out of the area. She stated the safety of the event was the most important issue.

Mr. Webb provided a list of conditions and suggestions for the Board, which was placed on file with the Clerk. He recommended the Board establish a specific date for Chief Moore's decision to cancel or approve the event.

Deputy District Attorney Paul Lipparelli stated adding a new condition for approval would trigger the need to confer with the applicant about the conditions. Applicant Spencer Humiston reviewed the document provided by Mr. Webb.

Chair Berkgigler stated the only condition addition from the prior approval was the ability for Chief Moore to cancel the event if the conditions warranted it. Mr. Humiston stated that condition was acceptable. He asked for a reasonable window for notification if event would be cancelled and suggested three days.

Commissioner Jung stated Chief Moore could not know three days ahead of time what the conditions would be.

Mr. Humiston agreed Chief Moore had the final say and could cancel the event on the day of if conditions were not suitable to proceed.

Chief Moore said the main concern was that the Fire Code prohibited what the applicant proposed. He stated if permission was granted, he thought he might be in violation of the State Code. He said the event could happen in a safe way but there was no way to know where the untethered flames would land. He indicated it would be safer if precipitation occurred the day before the event. He stated it was a quandary for him to be the final decision maker because the liability could be great if a fire started because of the event.

Commissioner Hartung wanted Chief Moore's opinion and did not want to put him on the spot to make the last-minute call. He stated similar events took place previously and as long as the applicant knew he was responsible for fire suppression if a fire occurred. He thought the last time the event was scheduled the weather conditions changed. He stated if Chief Moore did not feel the event could safely proceed, it was up to him or his designee to make that determination.

Chief Moore stated this event would never be risk free. He said he could make a decision that was fair.

The motion was to include the conditions provided by Mr. Webb.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a vote of 5-0, Chair Berkgigler ordered that Agenda Item 12 be approved with the conditions provided by Mr. Webb and that TMFPD Chief Moore had the final decision as to whether conditions were suitable for the event.

18-0663

AGENDA ITEM 16 Public Hearing: Appeal of the denial, by the Washoe County Planning Commission of Tentative Subdivision Map Case Number WTM18-005 (Autumn Wood Phase 2), a tentative subdivision map for a 17-lot, common open space, single-family residential subdivision. The maximum allowable residential density in the zone is 3 dwellings to the acre. The applicant is proposing 2.91 dwellings to the acre. The request also includes reducing the required side yard setbacks from 8 feet to 0 feet on one side of each lot to allow for a shared common wall as this project is proposed to be a townhome development. AND Appeal of the denial, by the Washoe County Planning Commission of Special Use Permit Case Number WSUP18-0005 (Jeppson Lane Storm Water Detention Basin), a special use permit for Major Grading of approximately 5.83 acres and approximately 28,000 cubic yards of excavation, part of which is within the Sensitive Stream Zone Buffer Area of Whites Creek. The grading is proposed for construction of off-site storm water detention improvements in association with the Autumn Wood residential subdivision. The proposed project is located on the west side of Jeppson Lane, approximately 500 feet north of its intersection with Zolezzi Lane. The Assessor's Parcel Number is 162-010-31. The Board may affirm, reverse, or modify the decision of the Planning Commission. In doing so, the Board may remand the matter back to the Planning Commission with instructions, or may directly grant all or part of the tentative subdivision map and special use permit requested. Community Services (Commission

District 2.)

County Manager John Slaughter introduced the public hearing.

Senior Planner Roger Pelham conducted a PowerPoint presentation, copies of which were placed on file with the Clerk, and reviewed slides with the following titles: Overview; Vicinity Map; Site Plan; Grading Plan; Project Evaluation; Concerns Expressed; Conditions Recommended to PC; Public Notice; Reviewing Agencies; Tentative Subdivision Map Findings; Special Use Permit Findings; Recommendation; and Subdivision Possible Motions.

Mr. Pelham mentioned the request was split into two parts; the first was a tentative subdivision map and the second was a special use permit (SUP) for grading. The grading was both in excess of major grading and also within the sensitive stream zone buffer area of Whites Creek. He said Phase II was a continuation of Autumn Wood Phase I, which had been approved a decade before but not yet built. He pointed out the grading of the detention basins on the grading plan slide and added the outflow from these basins would go into Whites Creek. He said a condition of approval was proposed to the Planning Commission (PC) that half of the outflow would be under a culvert so trails could still exist through the drainage area. He stated the dwellings would be placed on smaller lots in the overall area by means of a common open-space subdivision.

Mr. Pelham said based on the findings the PC denied both the tentative subdivision map and the SUP, expressing it did not meet the provisions of the master plan. He said staff would agree with any decision made by the Board. He pointed out the County Engineer provided an additional condition of approval, to be placed on both the tentative map and the SUP, to ensure the detention pond bottoms were located above the static groundwater table.

Commissioner Hartung asked about the improvements on Jeppson Lane. Mr. Pelham replied the road would be a secondary access road. If Lot 17 were developed Jeppson Lane would be improved to County standards, otherwise it would be improved to secondary access standards.

Commissioner Hartung pointed out there would be direct access to six homes and asked whether Jeppson Lane would be improved all the way to the end or just to the access point. Mr. Pelham stated the developer might not develop Lot 17. If it was not developed, Jeppson Lane would be improved to the entrance to the subdivision; if Lot 17 was developed, full road improvements would be required all the way to Lot 17. Commissioner Hartung stated he wished to see the entirety of Jeppson Lane improved whether or not Lot 17 was developed.

Commissioner Lucey agreed and thought that was the intent. There was a brief conversation where it was determined primary access for the proposed subdivision would be through Autumn Wood Phase I; secondary access would be through Jeppson Lane.

Citing an earlier comment about water in the ponds, Commissioner Hartung stated they would be detention ponds, not retention ponds. They would not be designed to retain water permanently. Mr. Pelham confirmed the ponds would gather the water and disseminate it back into the hydrological resource at a specific rate. He added maintenance on the ponds would be performed by the homeowner's association (HOA).

When asked by Commissioner Hartung who would be responsible for maintenance if the HOA ceased to be, Deputy District Attorney Paul Lipparelli stated there were various methods by which the local government could pursue the developer. There were also procedures for how the County could assess property owners for the cost of it. These would depend on how the project was structured.

Chair Berkbigler asked whether the Board could structure the project in such a way that a fee could be levied on the homeowners if the HOA could no longer maintain those ponds. Mr. Lipparelli said he was unsure about a fee. Any enforceable binding obligation attached to the land would need to be included as a covenant in the Covenants, Conditions, and restrictions (CC&Rs). This would give notice to buyers that they could suffer the imposition of an assessment to pay for the defaults of their association. Not knowing the structure of the project, he suggested asking the applicants, who were present, for clarification.

Chair Berkbigler expressed concern about the possibility of causing all County taxpayers to pay for something that did not directly impact them. Commissioner Hartung agreed and compared it to residents of Spanish Springs paying a monthly \$9.31 storm water fee to maintain the storm water utility.

Mr. Pelham drew the Board's attention to Attachment G, the possible conditions of approval, where condition 1S would require CC&Rs for the subdivision and S2 would mandate the HOA fund and maintain all drainage facilities and roadways. He admitted this did not address what would happen if the HOA became defunct, but additional conditions of approval could be added.

John Krmptic with KLS Planning & Design Group, representing the appellant D.R. Horton, Inc., introduced Doug Thornley who was a land use attorney. He acknowledged there could be a pass-through mechanism similar to what was described in Spanish Springs in the event the HOA failed.

Chair Berkbigler stated it was unlikely the HOA would fail but she wanted to ensure taxpayers in other parts of the County would not be responsible to pay for the detention pond maintenance; she wanted some assurance the homeowners would maintain them.

Mr. Krmptic conducted a PowerPoint presentation and referenced a slide of the proposed development. He clarified if Lot 17 was not developed, there would be no reason to be on Jeppson Lane; that was why they accepted the condition for the secondary access standard.

Regarding the PC hearing, Mr. Krmptic felt no regard was given to staff's analysis. He said staff came up with 100 conditions of approval which reflected the comments of 13 agencies. Then the findings were made for the tentative map and the SUP; he said staff did not make it easy for a developer. He said the zoning largely established compatibility when the master plan was approved years before. He stressed the project complied with every single element of the development code, the zoning designation, and the master plan. He felt the outcome was arbitrary.

Mr. Krmptic said master plan compliance was important and added the character statement in the Southwest Truckee Meadows Area Plan encouraged clustering without increasing density. He said D.R. Horton bought the land, recognized its constraint, and clustered the housing in a way allowed in the area plan. He said the appellant provided offsite flooding mitigation with the addition of the detention basins. He said the choice of single-family attached housing was a buyer preference; it was not a zoning or density issue. The medium-density suburban designation allowed 3 units to an acre and this proposal had 2.9 to an acre. He mentioned Phase I had been approved 12 years prior, though it had not been built for a number of reasons. He indicated any impact to the neighboring school would have been established with Phase I.

Mr. Thornley of Holland & Hart LLP underscored the issue was not about conformance with the master plan; the site had been zoned in this manner for many years. He stated they met the standards in the zoning code, which was reflected in the original staff report and in Mr. Pelham's recommendation to the PC. He stated the denial deprived the applicant of a reasonable investment-backed expectation on the land. If the decision was allowed to stand, that harm would become permanent. He said this type of project was encouraged by the County's own standards and it should be approved with the 100 plus conditions.

On the call for public comment, a number of citizens conducted a PowerPoint Presentation, a copy of which was placed on file with the Clerk. Ms. Mary Levy, head of Mountain View Montessori School (MVMS), requested the Board uphold the decision previously made. She said if the Board approved the appeal, she requested proactive conditions be required of the developer to mitigate danger to children. She expressed the desire to work with the developer to reduce the risk to children. She estimated 270 people occupied the campus daily and reviewed the various activities and buildings on the campus. She stated the school was licensed through the Washoe County Department of Human Services for early childhood education. She compared the 2007 and 2018 development plans, noting the drainage ditch and two townhomes had been added; this reduced the distance between school property and the development. She said schools had become targets for gun violence and she felt adding a high-density residential neighborhood without proactive safety conditions would be negligent.

Ms. Jackie Silveria-Sater, continuing the same presentation, reviewed five examples of proper space being given between a school and a residential area. She stated these were similar to best practices in many schools in the area. She alleged the road between MVMS and the subject property did not meet the same standard and requested the road be widened to a two-lane road into the proposed Autumn Wood project property.

Mr. Alan Deutschman requested a solid privacy barrier be installed along the developer's side of the driveway easement, showing two renderings from the same presentation. Further, the barrier would be maintained by the developer and the future HOA. He requested the drainage ditch be placed on the developer's side of the privacy fence along with strategic landscaping, all of which would be maintained by the developer and the HOA. He requested architectural plans not include second-story west-facing windows to ensure safety from school shootings.

Ms. Holly Evers continued the presentation and spoke of the possible dangers of construction projects, power tools, water, and sand and gravel piles. She reviewed the slide summarizing the requests made by the above mentioned speakers. These precautions took into account the significant increase in school violence in the past ten years; reducing exposure and accessibility was one of the most effective deterrents to school-related crime. She asked the Commissioners to place the safety of the students above all else.

Mr. Steve Thome, resident of Jeppson Lane, said he adhered to many County regulations when building his home, which served him well during water events in 1996 and 1997. He indicated his home was at the end of Autumn Wood Phase II and claimed the plan to divert water to the detention ponds would not work. The elevation of Jeppson Lane dropped 11 feet from where it started and his home would be threatened by water. He expressed concern that goals 14 and 12 of the master plan would not be met with this project.

Mr. Steve Brennan said he was Mr. Thome's neighbor and echoed his concern about the potential for flooding.

Ms. Sharon Thome said she lived on her property since 1955. She expressed concern about traffic and told stories about having to sandbag her property. She showed a short video of a flash flood in June to illustrate what happened with one day's rain. She expressed concern both about what the additional water due to the proposed culvert would do to their creek and about who would maintain the creek.

Ms. Whitney Freeman stated the appeals filed by D.R. Horton did not substantiate claims that the project complied with the master plan. She reminded the Board the character statement also aimed to support the ongoing investment by residents of the South Truckee Meadows in the preservation of the rural residential character. She argued the developer's ability to make a profit should not come at the expense of residents who purchased their properties expecting the neighborhood characteristics would remain intact. She wondered whether buyers of the new properties would be required to purchase flood insurance like the current area homeowners.

Mr. Bill Lujkart was called but opted not to speak.

Ms. Deborah Russell stated at a July meeting the developer said they would put a 90 degree bend in the stream, which she thought would cause flooding. She said the property was sold for the first time in 2018 but the master plan had been in existence for eight years. She felt this project would negatively impact the community for a lifetime.

Mr. Dave Keyes expressed concern that the runoff water would be able to flow properly given the proposed bend in the creek. He agreed with the presentation that the drainage ditch should be on the development side and not the school's side. He stated detention ponds did not work properly if they were not maintained so he suggested a long-term enforceable contract to address that. He stated traffic in the area was already bad and expressed concern about additional vehicles crossing the road with the increased traffic. He felt these concerns should be addressed before approving the development.

Commissioner Lucey asked which stream the developer planned to alter. Mr. Pelham said the storm water runoff was proposed to be intercepted by a V-ditch on the subject's site and into the retention ponds. He clarified the center line of that stream would not be changed, but the SUP considered the sensitive stream zone. This was a zone

150 feet away from the center line and it barely touched the subject property in two places. He confirmed Commissioner Lucey's statement that the detention ponds were preventative measures for storm water drainage; it did not address water currently flowing on the property.

Mr. Pelham clarified the driveway between the subject property and the school was not intended to be used as access for the subdivision; it would provide access for the Truckee Meadows Water Authority.

Commissioner Lucey, referencing requests made during public comment, noted the item was addressing only Autumn Wood Phase II, not Phase I, which Mr. Krmpotic confirmed. Commissioner Lucey noted the request for building plans not to include second-story windows were related to Phase I, another point Mr. Krmpotic confirmed. Mr. Krmpotic stressed the road between the properties was on school property and it would not be used for access to the subdivision.

Commissioner Lucey thought Jeppson Lane should be paved in its entirety considering the developer would be constructing detention ponds on the property; he noted that was a request from him and not the Board as a whole. He asked whether the appellant planned to provide six-foot privacy fencing. Mr. Krmpotic indicated the fencing was part of the plan. He explained the SUP was because the 150 foot sensitive stream buffer barely crossed onto the subject property. He pointed out there was an open-view fence on school property, beyond which would be the drainage ditch and the six-foot privacy fence. He added this all pertained to Phase I which was approved 12 years prior; the closest house in Phase II was quite far away.

Commissioner Lucey remarked Whites Creek ran through the Thomes' property. Any flows from the development would be routed to the detention ponds where they would be released into Whites Creek, which Mr. Krmpotic confirmed.

Commissioner Hartung asked whether the developer had gone through the letter of map revision (LOMR) and conditional letter of map revision (CLOMR) processes yet. Mr. Krmpotic indicated they had not. When asked whether they would, Mr. Robert Gelu of Summit Engineering said they planned to go through the CLOMR and LOMR application process. Citing a flood zone map, he pointed out many nearby properties were in the flood zone and would flood regardless of the development. He mentioned the culvert at Zolezzi Lane could not handle all the runoff so it split into two channels. He explained the cut-off channel was intended not to redirect water 90 degrees but to catch water in a three-foot ditch and take it to the detention ponds.

Commissioner Hartung asked whether this would provide a benefit to the four properties in the flood zone. Mr. Gelu indicated the channel would take many homes out of the shallow flooding area.

Mr. Lipparelli stated it would be beneficial to utilize exhibits in the record and any materials used by Commissioners needed to be included in the record. Commissioner Hartung said he was using the County's own mapping system.

Commissioner Hartung asked about a comment made regarding abandoned septic systems. Mr. Gelu stated there were abandoned septic systems and wells on the property. Commissioner Hartung asked whether they had both been rendered inert according to the Washoe County Health Department regulations. Mr. Gelu said he was unsure about the septic systems but they would be removed as part of the project.

Chair Berkbigler asked whether the construction fencing was part of the plan. Mr. Krmptic said it was not part of the plan but they would agree to privacy fencing during construction. Chair Berkbigler asked for confirmation that the driveway easement would not be used to access the development. Mr. Krmptic confirmed there would be no access and added there would be no pedestrian connection either.

Regarding the request to widen the driveway easement, Chair Berkbigler pointed out the easement was on the school's property; Mr. Krmptic agreed it was not practical. He confirmed the Chair's assertion they would have privacy fencing. Mr. Gelu reiterated beyond the driveway easement there would be a safety fence, the concrete ditch, and a privacy fence. Chair Berkbigler asked about strategic landscaping. Mr. Krmptic confirmed that was in the landscape plan. Chair Berkbigler concluded they could not consider the request about windows because those were part of Phase I which was already approved.

Commissioner Hartung said even though four homes were in the flood plain already, he did not want to exacerbate the problem. He wondered what Washoe County would do to ensure the safety of those residents. He said he was unsure whether those property owners were being flooded by Whites Creek or by other flows. Director of Engineering and Capital Projects Dwayne Smith said the project would not have an impact either way to residents at the end of Jeppson Lane. Regarding the cut-off channel, Mr. Smith said staff made sure the storm water flows would stay within that channel based on historical flow rates. He said the project would be in compliance with the requirements.

Mr. Smith said the detention ponds would not be lined, which was why an additional condition was put in place prohibiting the interception of groundwater at the base of the detention basins. He assured the public there would be no design that would allow perpetual, standing water in the basins.

Commissioner Hartung asked whether the northeast edge of the detention pond would be berms to prevent harm to the properties to the east. He produced a map to illustrate his point. Mr. Lipparelli asked for confirmation whether this map could be added to the record as a way to ensure fairness for both sides of the dispute. Mr. Slaughter said he received word from the Information Technology staff that the image

could be captured and placed on the record. Mr. Smith provided a map which was part of the staff report.

Commissioner Hartung commented the ponds were in the flood plain and not on County property, two points Mr. Smith confirmed. Commissioner Hartung asked what would stop the ponds from overflowing. Mr. Smith said they were in the flood plain, excavated out of the existing grade, and not built up. The use of berms would result in water overflowing sooner than the excavation proposal.

Commissioner Lucey moved to reverse the decision of the PC subject to the conditions of approval included as Attachments G and H. He stated he could not find the conditions referenced by Mr. Pelham at the beginning of the item, which Mr. Pelham then reread.

3:03 p.m. Commissioner Jung left the meeting.

Commissioner Hartung asked what Commissioner Lucey wanted to do about Jeppson Lane regardless of the possible addition of Lot 17. Commissioner Lucey said he did not think the Board was able to condition the developer to improve Jeppson Lane to the end, though he asked the developer to do so either way.

did not believe the condition included to improve Jeppson all the way down.

Mr. Lipparelli responded conditions could be added if the developer agreed they were reasonable. He suggested the Board could ask and allow the developer a chance to respond.

Commissioner Lucey requested the developer improve the entire length of Jeppson Lane to Washoe County standards. Commissioner Hartung added the request was being made regardless of whether Lot 17 would be developed.

Mr. Krmptic remarked that would be a huge economic hit to the project. He said Mr. Jennings would rather give up Lot 17 than agree to the condition on the spot. When Commissioner Hartung suggested giving up Lot 17, Mr. Krmptic retorted by suggesting flexibility for the developer to perform a pro forma analysis to make a determination about the condition. Commissioner Lucey stated if after the pro forma analysis of the economic impact the developer chose to develop Lot 17, he wanted to impose the condition that Jeppson Lane be improved all the way to the end. Mr. Krmptic confirmed that was already a condition. Commissioner Hartung said he wished to see it improved all the way as a benefit to the surrounding area.

Commissioner Lucey wished to see a CC&R disclosure regarding maintenance of the detention ponds if the HOA were to become insolvent. Mr. Krmptic accepted the condition. Mr. Pelham said the condition requiring the applicant to be involved in any general improvement district or special assessment district should the

HOA go defunct was already included in the engineering conditions. In that event, the County would be able to establish a special assessment district for the maintenance.

Commissioner Hartung said the length of Jeppson Road they had been discussing was about 300 feet. Commissioner Lucey said he hoped the developer would get back to the Board with further discussion.

Chief Deputy Clerk Jan Galassini noted she received a copy of the map that was used in the discussion.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried 4-0 with Commissioner Jung absent, Chair Berkgigler ordered that the decision of the Planning Commission be reversed and the Tentative Subdivision Map Case Number WTM18-005 and Special Use Permit Case Number WSUP18-0005 (Autumn Wood Phase 2 and Jeppson Lane Storm Water Detention Basin) be approved, subject to the conditions of approval included as Attachments G and H of the staff report, finding that both items are consistent with the Washoe County Master Plan and being able to make the findings of fact required by Washoe County Code Sections 110.608.25, 110.608.25 and 110.418.30 and the Southwest Truckee Meadows Area Plan. His motion included the condition that final design of the detention ponds should ensure pond bottoms were located above the static groundwater table to the satisfaction of the Washoe County Engineer.

18-0664 **AGENDA ITEM 14** Public Hearing: Appeal of the May 1, 2018 denial, by the Washoe County Planning Commission of Tentative Subdivision Map Case Number WTM18-004 (Lemmon Drive Estates) for a 98-lot single-family residential, common open space subdivision. Front yard setbacks may be reduced from 20 feet to 10 feet adjacent to a public street feet to 10 feet. Side yard setbacks may be reduced from 8 feet to 5 feet. Required lot widths may be reduced from 80 feet to 75 feet. The proposed project is located on the east side of Lemmon Drive, approximately 700 feet south of its intersection with Military Road. The Assessor's Parcel Number is 552-210-18. The subject property has a regulatory zone of Medium Density Suburban (MDS) (3 dwellings/acre). The total number of residences allowed, based upon the existing zoning, is 101. The applicant has requested to create 98 residential lots. The property owner and appellant is Chuck Bluth/Lakes at Lemmon Valley LLC. The Board may affirm, reverse, or modify the decision of the Planning Commission. In doing so, the Board may remand the matter back to the Planning Commission with instructions, or may directly grant all or part of the appeal and approve the tentative subdivision map. Community Services (Commission District 5.)

County Manager John Slaughter stated the applicant submitted a request for continuation. He read the item and said the Board could discuss the item and public comment would be heard.

Commissioner Herman disclosed she wrote an opinion piece for the *Reno Gazette-Journal* that was published on September 4, 2018. She expressed her opinions about government responsibility in protecting the public and managing development. She was especially concerned about flooding. She stated the meeting agenda included item 14, a public hearing on an appeal of the Washoe County Planning Commission's (PC's) denial of a tentative map for a 98-lot single-family residential subdivision, and item 15, a hearing to address the PC's denial of a subdivision map for Prado Ranch North. She had consulted with County legal counsel about Nevada ethics laws and other legal decision-making standards. On the advice of legal counsel, she made this disclosure. She intended to participate in the Board's consideration of the above listed items. She stated although she had expressed her views about development in the newspaper and elsewhere, as other elected officials had, she intended to consider the appeals of the Lemmon Valley area applications based on the record of the Board of County Commissioners meeting and the information and testimony provided to the Board. She had not taken a position for or against any specific project. Her experiences and her concerns about public safety and development did not prevent her from considering the merits of the appeal and from making a fair decision.

Senior Planner Roger Pelham stated he had a presentation that would provide an overview of the project status to date or the applicant could speak about the continuance. Chair Berkbigler requested to hear the continuance.

Dave Snelgrove introduced himself as the representative for the Lakes at Lemmon Valley LLC. He requested a continuance on behalf of the applicant Chuck Bluth because the applicant was out of town until later in the month. He explained there was a situation where the applicant did some grading and pulled some rocks off the subject property. He said the applicant made a mistake by doing this work without a permit and was working to resolve the issue with the PC, the Board of Adjustment (BOA), and the Board of County Commissioners. He stated the work on the property triggered the need for a special use permit (SUP). He noted the citizens advisory board (CAB) recommended approval and understood the remediation for such an incident. He admitted the applicant was frustrated with the SUP process but needed to work to obtain it. County Code indicated the applicant could not apply for it again for one year. He met with staff to address the illegal grading issue and hoped they could come to a conclusion for the project. He thought there were good and valid reasons for the request of a continuance.

Commissioner Hartung asked Mr. Pelham about the extent of the grading that was done. Mr. Pelham stated he had been onsite three occasions: once prior to the grading, once after being made aware of the grading, and once during a rainstorm. He said he was not qualified to make a determination about the hydrology but the grading was not within the drainage way. He displayed a map from the staff report and pointed out the area where the grading was done. He said an SUP was triggered when grading was on a 30 percent slope or more and stated that was the situation on this lot. He pointed out the area on the map that contained large boulders, which had been taken for use in a different area of the lot.

Commissioner Hartung asked Mr. Pelham whether there was a fix for this issue. Mr. Pelham explained the fix would be to restore the site to its original condition as close as possible, although it would still be disturbed. He said conditions of approval went to the BOA but it recommended a denial.

Deputy District Attorney Paul Lipparelli stated the map referred to by Mr. Pelham was in the tentative map section of the staff report.

On call for public comment, the following individuals spoke in opposition to the appeal for Lemmon Valley Estates: Mr. Joe Reinhardt; Mr. Danny Cleous; Ms. Tammy Holt-Still; Mr. Ray Lake; Mr. Roger Edwards; Ms. Carolyn Sasek; and Mr. Dan Harold.

The concerns of the above listed individuals included: the fear that a kennel business would be jeopardized by development next door; excess traffic; flooding and runoff; the opinion that the development would not be a good fit for the area; the need for issues with the lake to be fixed first; the smell of the lake; the lack of Sheriff presence in the area; the belief that decisions should not be overturned once denied; the fault of the developer to grade without a permit; the act of pulling boulders off the subject property for another job when the developer was told not to be on the property; threats of defamation of character made by the developer when presented with photos of grading and boulder removal; safety hazards; the need for a moratorium to stop building; the impact of the development on existing citizens; the presence of squatters in a motorhome on the property; and the integrity of the area. The following individuals provided documents or photos, which were placed on file with the Clerk: Mr. Joe Reinhardt; Ms. Denise Ross; and Mr. Dan Harold.

Ms. Laura Fritchen was not present when called to speak.

Chief Deputy Clerk Jan Galassini stated an item was submitted from Mr. Snelgrove requesting continuance, which was placed on file.

Commissioner Hartung thought a continuance was acceptable but stated Mr. Snelgrove needed to fix the damage done on the property and bring it back to the original condition. He was not happy about the developer grading and moving boulders on the property. He stated he would be willing to support a continuance on the condition the developer fixed the property.

Mr. Snelgrove thought fixing the disturbed land would entail some creativity for reasons mentioned earlier. He wanted staff to provide direction to allow his client to do the work on the property to restore it to the original condition. He wanted rocks or a barrier to be moved so squatters could not access the property. He stated most of the grading done was crushing sagebrush, moving dirt, and removing rocks. He indicated crushing sagebrush constituted grading in the Code.

Commissioner Hartung asked if direction could be given to allow the applicant to limit access to the property. Deputy District Attorney Paul Lipparelli stated the issue before the Board was a request to continue. Anything that happened on the property before any approvals should be treated as ordinary code enforcement matters. He explained if a developer graded without a permit, there were enforcement mechanisms for that. If someone had the right to do work on their property without a grading permit, it was their right to move rocks around as long as it did not trigger the need for grading permit.

Commissioner Hartung wanted clarification that the applicant could not be directed to fix changes made on the property because that was a code enforcement issue. Mr. Lipparelli replied yes.

Mr. Snelgrove stated he hoped direction could be given to allow the applicant to block access to the property to keep squatters out. He explained he was attempting to find a way through Code to fix the issue. He hoped an administrative solution could be determined with the help of staff and the Board.

Mr. Pelham stated if the only grading done involved moving less than 50 cubic yards of rock, it would be considered de minimis grading under Article 438. He indicated this type of grading did not require a permit and if the Board thought that would be a benefit he thought staff had latitude under the Code.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried on a vote of 4-0 with Commissioner Jung absent, Chair Berkgigler ordered that Agenda Item 14 be continued until November 13.

18-0665 **AGENDA ITEM 15** Public Hearing: Affirm, modify or reverse the Washoe County Planning Commission's denial of Tentative Subdivision Map Case Number WTM18-002 (Prado Ranch North). This request is to allow a 490 lot common open space subdivision development with single family lots ranging in size from 6,000-24,058 square feet. The proposal also requests a reduction of the minimum lot width from 70 feet to 55 feet. The site is located adjacent to the east of Lemmon Valley Drive, north of Nectar Street and adjacent to Chickadee Drive and Sand Pit Road. The parcels (APNs: 080-723-01, 080-723-02, 080-723-03, 080-721-03, 080-721-04, & 080-721-05) totaling ±154.65 acres in size and are within the boundaries of the North Valleys Area Plan. The Master Plan Category is Suburban Residential and the Regulatory Zone is Medium Density Suburban (MDS4 - 4 dwelling units per acre). The property owner is North Valleys Investment Group, LLC, the applicant and the appellant is Lansing-Arcus, LLC. Community Services (Commission District 5.)

County Manager John Slaughter introduced the public hearing.

Commissioner Hartung wanted staff to address some of the conditions of approval that were discussed previously with Director of Engineering and Capital Projects Dwayne Smith and Assistant County Manager Dave Solaro.

Deputy District Attorney Paul Lipparelli explained the disclosure made by Commissioner Herman before item 14 included item 15 as well.

Planner Julee Olander conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: Appeal; Background; Location; North Valley Citizen Advisory Board (CAB) Meeting; and Lot Size & Open Space.

Mr. Smith stated Washoe County engineering staff reviewed the proposed tentative map with conditions for technical issues. He said he attended the Planning Commission (PC) meeting and heard the concerns of the residents and the Commission. He said staff indicated the proposed tentative map met the requirements. He stated the applicant volunteered certain items that were above the minimum code requirements; these were written into the conditions to be memorialized for the tentative map if the Board allowed the item to move forward.

Mr. Smith continued the presentation and reviewed slides with the following titles: Sewer and Water; Storm Water; Traffic and Roads; School Information; Notice Map; Findings & Motion; Site Map; Site View Looking East; Site View Looking Southeast; Existing Roadways; and Proposed Roadways.

Mr. Smith stated there was significant work being done by the City of Reno, Washoe County, the Truckee Meadows Water Authority (TMWA), and the Innovation Campus at the University of Nevada Reno to consider the impacts, opportunities, sustainability, and efficiency of treating effluent water. He thought the work done by the Innovation Campus made local agencies recognize the commitment of the County and helped plan for the future to mitigate impact as development moved forward.

Commissioner Hartung asked whether the Federal Emergency Management Agency (FEMA) completed the conditional letter of map revision (CLOMR) and the letter of map revision. Mr. Smith explained the developer would submit the modeling and design to Washoe County and the City of Reno; it would be reviewed for conformance with County and FEMA standards and would be forwarded to FEMA for review.

Mr. Smith said one aspect of the tentative map consideration was raising portions of Lemmon Drive. He stated it was agreed to by the developer and captured in the conditions even though it was not a standard tentative map requirement. He said it was for the benefit of the community to maintain safe access if the water were to rise in Swan Lake in the future. He stated the Regional Transportation Commission (RTC) identified the widening project was included in the 2040 plan but after meeting with the

RTC's Engineering Director and the City of Reno's Public Works Director, it was determined the project could be moved forward. He indicated the project was to widen sections of Lemmon Drive, including raising the elevation to a safe level to protect the roadway from future flooding. He noted the project would be an effort between Washoe County, the developer, the RTC, and the City of Reno.

Mr. Smith stated Paul Solaegui, who performed the traffic study, was present to answer any questions. The work that Mr. Solaegui did identified this development would stay within the policy requirements of the region. He explained the additional requirements mentioned on the Traffic and Roads slide were added for safety.

Commissioner Hartung indicated he wanted four lanes, the road raised with impervious materials so water could not move east or west without manually allowing it to, and the bike path maintained.

Mr. Smith stated the RTC's road widening and the developer conditions would address the majority of the items Commissioner Hartung pointed out. He said specific details needed clarification during the final design work stage of this project.

Commissioner Hartung wanted the road improvements completed prior to the issuance of the first certificate of occupancy at Prado Ranch.

Mr. Smith said the conditions in Exhibit A identified some of Commissioner Hartung's concerns. He stated the developer agreed to raise the existing two lanes to a minimum elevation of 4,926 feet or an elevation to be determined by additional analysis. He noted the developer had not agreed to widen Lemmon Drive to four lanes.

Commissioner Hartung asked whether staff had addressed the construction of two additional lanes by entering into a capital contribution front-end agreement (CCFEA). Mr. Smith replied the applicant might be eligible for waivers against the regional impact fee (RIF) for right of way and construction of improvements to Lemmon Drive. He stated a letter requesting to enter into an RIF to offset an agreement was required prior to the initiation of work; a fully executed agreement would have to be in place before the completion of work on eligible improvements. He said he was not privy to discussions between the developer and the RTC, but there was a clear understanding and RTC had a process for that exact issue.

Commissioner Hartung asked about improving Arkansas Street. He was not suggesting the developer needed to take care of it but he thought while workers were inconveniencing people he wanted to have the roads fixed. Mr. Smith explained staff wanted to get sections of roadways fixed as soon as possible but he stressed repairing roads was not in conjunction with this project.

Commissioner Lucey wanted clarification regarding the portion of Lemmon Drive that would be elevated, the status of the Hesco barriers, and plans for the

northern portion of the road. Mr. Smith explained the Lemmon Valley Heights development was approved and the developer was conditioned to raise a portion of the road in front of their property, which was along the southern portion of Lemmon Drive to Deodar Way.

Commissioner Lucey asked for clarification that Lemmon Drive would be elevated from Deodar Way to Arkansas Drive and from Arkansas Drive to Sand Pit Road. Mr. Smith confirmed that was correct. Commissioner Lucey asked for clarification that Lemmon Drive would be elevated from the fork in the road to Sand Pit Road, which would create a barrier between Swan Lake and the eastern side where the developments would be located. Mr. Smith confirmed that was correct.

Commissioner Lucey expressed his concern about the northern portion of Lemmon Drive. He stated the entire perimeter of Swan Lake needed to be considered because massive flooding occurred further north than the proposed Prado Ranch development. He wanted to know what the conditions were for that area. Mr. Smith replied depending upon the timing of other developments, such as the developments proposed at the airport, would dictate when that portion of roadway would be raised. He stated if the portion on the north end was not raised before the rest of Lemmon Drive, they would consider a barrier condition similar to the Hesco barriers. He said that ultimately the goal was to create a barrier system all the way around the lake. If there was a raised portion along the eastern and southern boundaries and another event occurred, the County's action would be reduced and it would only have to address the northern portion of Lemmon Drive.

Commissioner Lucey said based on the amount of sheet flooding that occurred, he was concerned that Hesco barriers would not be enough to satisfy any increased flooding. He indicated no one knew what future events would be like.

Ms. Olander displayed a slide that showed the 99 parcels which were provided notice by the Washoe County School District (WCSD) and said the schools could meet the development. She noted this would be the final public hearing for this section of Prado Ranch North and, if approved, the next steps would be to go to final map review process and then the applicant would apply for building permits.

On the call for public comment, Ms. Katie Bertrando provided a presentation, which was distributed to the Board and placed on file with the Clerk. She indicated she was a certified environmental manager through the State of Nevada and had worked as an environmental consultant for more than 11 years. In addition to concerns cited by opponents over the past several months, one issue of great concern to her was the excavation of 1.2 million cubic yards of fill material that would be required for the project. She brought up the potential air quality risks and increased flooding when surface disturbance occurred. She expressed her concerns about the possible encounter of groundwater during excavation and the impacts of storm water runoff to well water.

Mr. Hector Campos stated he lived in Lemmon Valley at Waterash and Lemmon Drive. He expressed concerns about raising Lemmon Drive and wanted his house and land raised because his property was underwater from the previous flooding. He was concerned flooding would be a bigger issue with the Prado Ranch development and was opposed to the project.

Mr. Danny Cleous read an email from Ms. Laura Launer, who could not be present to speak. In the email, Ms. Launer expressed her concerns about the proposed development and stated she was opposed to Prado Ranch going forward. The email was placed on file with the Clerk.

Ms. Tammy Holt-Still provided documents and photos, which were placed on file with the Clerk. She displayed photos of parcels covered in water in the area where the Prado Ranch development location was proposed. She displayed a photo from her home and said if the road was raised her property would flood. She expressed concern about the possibility of more than four homes being built on one acre of land. She spoke about an email she sent to the Commissioners regarding questions about the Prado Ranch tentative map and said there would be legal concerns over these statutes if the questions were not answered. She said the Board would receive a copy of the questions.

Mr. Tim Fadda said he worked in Lemmon Valley since 1964. He expressed concerns about flooding after elevating Lemmon Drive. He said the answer was to solve the problem of Swan Lake. He indicated the entire aquifer of everything north of the pass, the railroad, and Peavine Mountain drained into Swan Lake, which did not have the capacity to hold such a large amount of water. He said Commissioner Hartung brought up a moratorium on all development that influenced Swan Lake until they could solve the issue of what to do with the water. He explained the weather reports were saying it would be an El Nino year again. He said it was going to rain, the area would flood again, and the County and residents were not prepared. He wanted the project to wait until water and flooding issues were resolved.

Ms. Susan Jackson was not present to speak.

Ms. Rebecca Madewell showed a photo of her house's proximity to the proposed Prado Ranch location. She indicated she was located in a flood zone and when flooding occurred, her horses spent three months on the patio because the pasture was flooded. She displayed a photo of a fire hydrant with an out-of-service sign that had been that way for the past six years. She recalled a vehicle that recently burned on Tupelo Drive and said she called 9-1-1 at 6:21 a.m. but the emergency vehicles could not find a way around the barriers. She said the residents looked to the County to make them whole again before any more structures were built in the area. She wanted the development to wait at least 10 years.

Mr. Dan McCamant stated most people affected by this proposed development were not present because they did not receive notification of the meeting. He thought people who came to the meetings spoke for more people than the Board

realized. He said many homes were built by the City of Reno on the hills above them but residents had no say in that. He thought it was a terrible idea to put thousands of houses in an area that flooded. He reminded the Board that the area was a closed basin. He stated more flooding for residents would result if the road was raised. He said the quality of life residents moved there for was gone. He was concerned if developers put rocks in the bottom of Swan Lake it would raise the water table and flood upstream.

Mr. Ray Lake, Chairman of the North Valley Citizen Advisory Board (CAB), said the CAB considered this development on February 20 but did not reach a consensus; the comments were forwarded to the PC. He expressed his opinion that the upcoming winter would be stronger than the previous one. He thought this project would generate around 5,000 trips per day. He asked what would happen if there was a 100-year flood and the lake was already at its highest capacity, and indicated a strong winter could flood people that had not been previously flooded. He said he saw a lot of reliance on developments that might or might not happen in terms of Lemmon Valley Heights and other developments along Lemmon Drive that could impact the roadway. He did not think they should be relied upon. He wanted the Board to uphold the PC's decision.

Ms. Donna Robinson read from the book of Matthew 7:24-27. She said Swan Lake was a huge problem. She expressed concerns about areas that had previously flooded and the impact of raising Lemmon Drive. She said there was no agreement with the City of Reno for the Stead Water Treatment Plant. She indicated there was still water under her home. She asked the Board to please deny the plan and fix the problems first.

Ms. Carli Fripp said she moved into a house on Tupelo Street about two months before it flooded. She had to get rid of half of her livestock because there was no way she could move them anywhere if her property flooded. She stated it was scary and expensive for her when the flooding occurred. She expressed frustration about new development, Hesco barriers, and losing the rural life people moved there for. She expressed her disgust about the condition of the lake. She noted she might not have bought property in the back of Lemmon Valley if she would have known this would be a concern. She asked the Board to uphold the PC's decision so the residents could get their lives back on track and prepare for winter.

Ms. Denise Ross provided documents that were distributed to the Board and placed on file with the Clerk. She explained the documents included emails that were sent to her this morning asking the Board to consider upholding the PC's decision. She pointed out the information about schools that would service the Prado Ranch area was not up to date and did not include cumulative impact numbers from new enrollments, new developments, or pending developments. She spoke regarding schools being overcrowded and expressed concern that the WCSD would create multi-track and double sessions.

Ms. Carolyn Sasek thought the Board had heard everything about Lemmon Valley and probably more than it wanted to know. She said the PC denied the

tentative subdivision map for Prado Ranch and she respectfully requested the Board uphold the denial. She asked the Board to not turn a blind eye to the traffic study.

Mr. George Still said the major flooding problems occurred in the Heppner subdivision. He thought it was the same developer as the Prado Ranch project. He stated the developer wanted to move 1.2 million cubic yards of material into that area, which equated to the excess of 200 million gallons of water. He said the Hesco barriers prevented water from flooding his property. He said it did not make sense to allow new development until the lake issues were fixed because he thought it would intensify the current problems. He said it was the Board's responsibility to do the right thing.

Mr. Roger Edwards wanted the Board to delay development until flooding issues were resolved. He said he knew the Board did not have control over what the City of Reno did. He expressed frustration about the City of Reno continuing to dump effluent into Swan Lake and creating a cesspool. He said years ago a partial berm was constructed around lake on east side. He spoke with Commissioner Hartung previously and agreed that dredging could be done to trap the water, but noted it was only a temporary fix. He stated the money being spent to purchase properties from flooded residents could have been used to purchase an eight-inch pipe, installed at the Reno/Stead plant downhill from the County treatment facility, to treat the water. He wanted the Board to direct staff to research his idea for feasibility.

Chief Deputy Clerk Jan Galassini stated two emails were submitted and placed on record with the Clerk.

Commissioner Herman agreed with the PC's decision. She moved to deny the appeal.

Commissioner Hartung asked about the elevation of Lemmon Drive and wanted to know the plan for the north and east portions. He asked for clarification about moving water without private assistance. He indicated a traffic light was being installed in Spanish Springs at Calle de la Plata funded through RIF fees paid by developers. He said there was an opportunity to raise this section of Lemmon Drive in the same way. He wanted to see four vehicle lanes, bike lanes maintained, roads repaired, and the Hesco barriers removed. He wondered how to address the section from Sand Pit Road to Oregon Boulevard and how to protect the west side of the lake, which would encompass Pompe Way and other streets. He did not know how to elevate and widen Lemmon Drive without some assistance from developers. He said he had lived in Spanish Springs for 31 years and had seen growth and experienced many benefits of that growth, though he admitted there was still a downside. He expressed frustration about not having purview over the WCSD and wished someone from the District would attend meetings to answer planning questions. He wanted clarification that improvements to Lemmon Drive were being moved from 2040 to 2018.

Mr. Smith said the developer was willing to raise Lemmon Drive for the benefit of existing and future residents within the area. He expressed appreciation to the

RTC for realigning the 2040 plan and moving the widening project forward. He explained the County did not want to rely on the Hesco barriers to eliminate flooding and raising Lemmon Drive would help to address potential flooding issues in the future. He stated there was not a funding strategy to improve infrastructure but development would allow for needed work to be completed.

Commissioner Hartung stated the County had no money in the budget to support a project of this magnitude.

Chair Berkbigler opined two solutions were viable. One option would include public private partnerships with developers willing to raise the road and add drainage systems. The second would be for the County to create a storm water utility in Lemmon Valley.

Mr. Smith thought what Chair Berkbigler was referring to were long-term solutions for the closed hydro basins. He reaffirmed staff was working towards the direction provided by the Board on December 19, 2017 for mitigation work for the future. He explained the Desert Research Institute provided some early analysis and were working on a surface and groundwater predictive model that would help the community, the City of Reno, and all developments. He said Emergency Manager Aaron Kenneston secured funding for additional mitigation work and staff developed a flood response action plan for closed basins. He stated the County was concerned with what happened in the valley during the 2016-2017 floods and he did not want the community to go through these issues again.

Chair Berkbigler asked Mr. Smith to create a projection of funds including taxpayer dollars that would be needed to raise Lemmon Drive, maintain drainage, and fix the infrastructure without assistance of private sector. Mr. Smith adamantly said there was no money in the current budgets or projected into the fiscal year 2019 budget for this project.

Commissioner Hartung asked Commissioner Herman her opinion about how the County should proceed knowing the funding was not available. Commissioner Herman thought there should be a moratorium on building in the north valleys. She said raising the ground would submerge the area where the residents lived. She said Prado Ranch would be higher than the other homes and when it rained, the water would go where it went previously.

Commissioner Herman explained the County could have been applying for grants to fund the road improvements, but said if the road was owned by the City of Reno she understood they had \$10 million that could fund the improvements.

Chair Berkbigler said the City of Reno did not have \$10 million. Commissioner Herman asserted they indicated they did.

Commissioner Herman many grants were available to elevate the road and make improvements but the timeframes to apply had passed.

Chair Berkgigler stated Commissioner Herman made a motion. Seeing no second, the motion failed. She asked whether there was another motion.

Commissioners Lucey and Hartung stated they were at a loss.

Commissioner Lucey expressed frustration that if the County did nothing, flooding would continue and the issues in the valley would intensify. He said the RTC's Regional Transportation Plan would not see improvements until 2040. He believed something needed to happen to change the outcome of the current situation. He was concerned about the discussion to raise sections of Lemmon Drive and risk the City of Reno not addressing the northern portions of the road. He said the residents wanted something done and he could not support doing nothing. He explained a moratorium would not work because there was no funding to fix the issues without participation from developers. He was unsure whether this was the right solution but said something needed to be done. He noted unless new taxes were imposed or a special assessment district was established in Lemmon Valley, there would be no money available to pay for a storm water utility district.

Commissioner Herman said someone had a good idea to build a pipeline to move effluent. She thought the County could get a grant for that.

Deputy District Attorney Paul Lipparelli said Commissioners who were elected representatives would understandably want to respond to concerns regarding public, regional, and local issues. He explained the agenda did not offer the Board the opportunity to impose a moratorium or an opportunity to solve flooding problems in various regions of the County. This item was an appeal from a property owner who was denied a subdivision map approval by the PC, who found that the application failed to meet five of the 10 standards. Their decision was part of record. The question presented to the Board was whether to uphold the PC's denial, reverse the denial, or add conditions to some sort of approval that satisfied some concerns. However, the frustrations that Commissioners and residents felt were understandable. He said the property owner was entitled to a decision unless the Board wanted to ask for continuance to provide more time to consider more options. Otherwise the decision was to uphold, deny, or modify. Whatever decision was made had to be based on findings, the data provided, the testimony given, the facts presented, and information from staff.

Commissioner Hartung asked about an effluent line being installed along the edge of Lemmon Drive to the end of Chickadee Drive that could carry water. He mentioned a local tribe had an interest in this happening and he had conversations with them about utilizing effluent in a different way. He wondered if that was part of the discussions.

Mr. Smith said he appreciated that Commissioner Hartung brought up other options because these were the things that Commissioners expected staff to consider when planning for the future. Staff noted effluent was an issue raised by residents. He thought clarity was needed but this was not the time or place for it. He explained there were expectations that staff continued to work on, along with potential options for addressing effluent management in the future. He indicated if the opportunity to partner with a developer to install effluent lines arose, the County could use that as an opportunity for improvements.

Commissioner Hartung asked for clarity if Board approval would be for two lanes of traffic or four lanes. Mr. Smith replied he did not have the specific details but said a condition in the tentative map identified the developer was responsible and willing to elevate two lanes of Lemmon Drive.

Chair Berkgigler moved to approve the appeal and reverse the denial of the tentative subdivision map case number TM18-002 Prado Ranch North. The approval was based on the Boards findings and ability to make all ten of the findings required by Washoe County Code section 110.608.25. She read the findings from the staff report. Seeing no second, the motion failed. She asked whether there was another motion.

Mr. Lipparelli stated under State law, the Board had timeframes to make a decision on an appeal. If the appellant submitted an appeal and there was no approval of the motion to overturn it, the denial of the PC would stand and the applicant could probably consider their legal options about whether the Board performed its duty to make a decision. Making no motion to either deny or reverse the appeal could be considered the Board not performing its duty. He said another option was to ask the applicant if they were willing to continue until the entire Board could be present, which could change the dynamics of motions and seconds.

Wood Rodgers Senior Planner Stacie Huggins said the applicants were conferring about what they could do.

Chair Berkgigler asked whether the item could be heard on another date. Mr. Lipparelli explained a continuance would achieve that but Ms. Olander might have a better idea when the appeal was considered fully submitted, which would have started the clock on the timeframe.

Holland and Hart Attorney Doug Thornley stated they were willing to consider a continuance, but wanted it to be carried out as quickly as possible with the entire Board present.

In response to Chair Berkgigler's inquiry, Mr. Thornley indicated the timeframe was calculated from July 16 and the Board had 60 days to make a decision.

Planning Manager Trevor Lloyd stated the timing on the appeal started when the appeal was deemed complete; staff was looking for that information.

Chair Berkbigler questioned whether the item could be heard at the next meeting and Mr. Slaughter indicated it was possible.

Commissioner Hartung wondered what impact a week would make. He recognized how badly everyone wanted the issues fixed, but no one wanted to commit to move forward. He noted there was no easy solution to fix it. He wondered if this was a piece of the fix for Lemmon Valley. He was aware Mr. Smith was unable to provide RTC's blessing on this but said he was willing to consider this as long as Lemmon Drive could be widened to four lanes. He wanted to see a plan pertaining to the north and west because he was concerned the issues would come forward in those areas.

Mr. Smith said he would work diligently with the City of Reno and the RTC to consider other options. He explained the developer was willing to pay for the two center lanes at a safe elevation of 4,926 feet and the associated work on shoulders. He addressed Commissioner Hartung's desire to capitalize on the opportunity to add additional lanes while the roadwork was constructed, but said the County did not have the budget to fund additional lanes. He mentioned there would be other developable areas with the potential to fund additional widenings. He said staff was seeking other potential funding strategies such as grants. He thought a solution between Washoe County, the City Reno, and RTC could be established but he did not have any details at this time. He expected considering the RTC's widening project and the developer's desire to raise Lemmon Drive, other development opportunities could assist in obtaining funding for additional work. He stated his commitment was to continue to look for opportunities for the improvement of Lemmon Drive.

Commissioner Hartung expressed concern about the danger of the Hesco barriers. He thought if developers agreed to widening Lemmon Drive to four lanes it would push him to support the project. He wanted confirmation that the developers were willing to enter into a CCFEA.

Commissioner Lucey said the Lemmon Valley area continued to be plagued from the flooding that occurred. He stated staff was continuously trying to find solutions and answers. He explained the Board's job was to discuss a development project; this developer had not caused any of the flooding but was willing to help mitigate the issues. He stated the PC report recommended the project for approval and there was no recommendation from staff that the project was of concern. He said the decision was based upon the PC's determination that it did not meet mitigation even though the experts at the RTC, the WCSD, and engineers all stated it was a good project. He expressed concern there was no scientific evidence showing this project had any reason for denial other than it did not feel right because of the entire situation in Lemmon Valley. He thought some of the issues discussed would have a positive impact in that area to improve the challenges with storm water and runoff. He said he reconsidered and would support a motion. He stated there was a long way to go since this was a tentative map and there was no building occurring or soil being moved, but it was a way to move forward.

Mr. Lipparelli stated the motion Chair Berkbigler made died for lack of a second. He inquired whether she would remake a motion since Commissioner Lucey was now considering support.

In response to Commissioner Hartung's inquiry about the project timeline, Ms. Huggins replied the best-case estimate was two years because the CLOMR needed approval and the road needed to be built to a safe elevation. She stated the soonest houses would be completed was at least two years.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried on a vote of 3-1 with Commissioner Jung absent and Commissioner Herman voting "no", Chair Berkbigler ordered that the appeal be approved and the denial of the tentative subdivision map case number TM18-002 Prado Ranch North be reversed. The approval was based on the Board's ability to make all ten of the findings required by Washoe County Code section 110.608.25. The findings were: the plan was consistent with the proposed map; it was consistent with the Master Plan and Specific Area Plan; the proposed development met the Master Plan and the North Valleys Area Plan and the Lemmon Valley Suburban Character Management Area and provided a mix of land use including large and small residential; there was availability of services consistent with this plan and the developer agreed to do some public infrastructure including wastewater, storm water, traffic, and public safety; the Prado Ranch North development would mitigate its own impacts and not contribute to the issues voiced at PC or the Board of County Commissioner meetings; the development would improve storm water runoff, elevate Lemmon Drive above the 100-year floodplain, and extend water services which would support fire suppression and hydrants; the roadways for the proposed development are designed to align to future planned roadways in conjunction with other developers also looking to develop in this area; all existing access would remain open; and a perimeter path would be constructed as required by the area plan along with sidewalks to offer pedestrian access throughout the development.

18-0666 **AGENDA ITEM 13** Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, Table 110.302.05.2, Table of Uses (Civic Use Types), specifying that Private School Facilities will be allowed with a Board of Adjustment special use permit in all regulatory zones except industrial and open space and that Public School Facilities will be allowed in all regulatory zones except industrial and open space with no special use permit required; within Article 304, Use Classification System, Section 110.304.20, Civic Use Types, to add to the definition of Education the sub-definitions of Private School Facilities and Public School Facilities. Community Services. (All Commission Districts.)

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

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1623, Bill No. 1809.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried on a vote of 4-0 with Commissioner Jung absent, Chair Berkbigler ordered that Ordinance No. 1623, Bill No. 1809, be adopted, approved and published in accordance with NRS 244.100.

18-0667 **AGENDA ITEM 17** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

County Manager John Slaughter indicated a closed session was not needed.

18-0668 **AGENDA ITEM 18** Public Comment.

Ms. Denise Ross expressed her disappointment with the Board for its decision in Lemmon Valley. She stated the decision was not based on the information provided but on empty promises brought forward during the meeting.

Ms. Laura Fritchen, Ms. Elise Weatherly, Mr. Roger Edwards, and Ms. Katie Bertrando were not present when called to speak.

Ms. Tammy Holt-Still stated she already posted about the vote on Facebook and said she would be filing for a judicial review because she thought the process was done improperly. She expressed concern about violations of zoning codes for this project. She indicated she would be suing Washoe County and the City of Reno if her house flooded due to the violations and incorrect standards. She thought residents in the Heppner division would be flooded because of project.

Ms. Carolyn Sasek echoed what others had said and she was disappointed. She stressed the Board did not have the facts straight or consider all the options. She thought the Commissioners would regret their decision.

Mr. Danny Cleous stated the City of Reno asked for a denial when the project went to the Planning Commission. He learned from Reno Councilman Paul McKenzie the Stead Sewer Plant repairs were not scheduled to start for 15 years. He voiced his concerns about how flooding would affect the residents. He was skeptical about raising the road because he thought pumps would need to be installed to move the water away from residents' homes. He expressed his disappointment about the lack of action in Lemmon Valley.

18-0669 **AGENDA ITEM 19** Announcements/Reports.

There were no additional comments from the County Manager or the Board.

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5:51 p.m. There being no further business to discuss, the meeting was adjourned without objection.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Doni Gassaway and Derek Sonderfan, Deputy County Clerks*