

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

TUESDAY

2:00 P.M.

AUGUST 26, 2003

PRESENT:

**David Humke, Chairman**

**Jim Shaw, Vice Chairman**

**Jim Galloway, Commissioner\***

**Pete Sferrazza, Commissioner\***

**Bonnie Weber, Commissioner**

**Amy Harvey, County Clerk**

**Katy Singlaub, County Manager**

**Madelyn Shipman, Legal Counsel**

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

**03-951      AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioners Galloway and Sferrazza temporarily absent, Chairman Humke ordered that the agenda for the August 26, 2003 meeting be approved with the following amendments: Delete: Item Nos. 8, appearance and presentation by Clyde Burke regarding performance management program for the Utility Division, Department of Water Resources; and 13, concerning a recommendation to authorize the Public Works Director to expend additional funds for construction of the Incline Village Pedestrian Crossing with flashing beacon warning system.

**03-952      PUBLIC COMMENTS**

Al Hesson, area citizen, addressed the Board concerning his objection to the pay raise the Board gave themselves, he requested respect from the Board for those who come before them to state their cases, and he confirmed that he would be more respectful toward the members of the Board. He concluded his remarks commenting on the problems of pedestrian public safety in Washoe County.

Ivory Endacott, local resident, presented a copy of a petition, which was placed on file with the County Clerk, with signatures from citizens in Washoe County concerned about child safety, especially in Sun Valley. She requested a lower speed limit in areas of Sun Valley and asked for a meeting with the Board for citizens to be able to further discuss their concerns.

**2:10 p.m.** Commissioners Galloway and Sferrazza arrived at the meeting.

Rebecca Wear, Sun Valley resident, stated her displeasure with the Sheriff's office and requested direction from the Board as to whom she would contact to get help with her situation.

Sam Dehne, local resident, addressed the Board concerning the appropriate length of breaks during Board meetings, and the noise problems in the community.

**03-953**            **MANAGER'S/COMMISSIONERS' COMMENTS**

Commissioner Weber stated her appreciation to Ivory Endacott for being present at the meeting and she informed the public that there would be a task force meeting with the Sun Valley Citizen Advisory Board on September 13, 2003 at 9:00 a.m., and topics, ideas, and suggestions would be gathered from the public at that meeting. She explained the next step would be to meet with County and other government agencies to develop a resolution to the problem. She also said she would contact Rebecca Wear if no one else does, provided Ms. Wear left her contact information.

Commissioner Galloway encouraged people with questions or suggestions on animal control operations to contact Washoe County Animal Control. He requested staff follow up on citizens' concerns regarding construction that occurs in natural drainage ways and present ideas and suggestions to the Board regarding coordinating with the City and the citizens group concerning solutions.

Commissioner Sferrazza stated the Reno-Sparks Convention & Visitors Authority (RSCVA) would be voting on August 28, 2003 concerning possibly entering into an exclusive negotiating agreement with the City of Sparks to purchase Wildcreek Golf Course. He presented materials to the Commissioners on Wildcreek and Northgate golf courses, which were placed on file with the County Clerk. He informed the Board that Washoe County would need to notify the RSCVA on August 28 of any interest in purchasing Wildcreek Golf Course or be barred from submitting a proposal during the exclusive negotiating period with Sparks. Commissioner Sferrazza requested the District Attorney's office review the memo he presented. He asked that, if the Board is interested in pursuing ownership of either golf course, an item be on an agenda as soon as possible. He suggested to Rebecca Wear to put her complaints in writing and asked staff to follow up on those written concerns. He requested an agenda item concerning the Sun Valley safety issue. He also responded to Sam Dehne concerning Board breaks.

**03-954**            **MINUTES**

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the minutes of the regular meeting of May 13, 2003 and special meeting of May 19, 2003 be approved.

**03-955            DONATION – NEVADA ASSOCIATION OF GENERAL CONTRACTORS – SEARCH AND RESCUE – SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the donation from the Nevada Association of General Contractors, in the amount of \$3,000, to be used to refurbish an existing trailer currently in use by Search and Rescue, be accepted with the Board's gratitude. It was further ordered that the Comptroller be directed to make the following budget adjustments:

<b>INCREASE REVENUES</b>	
15237D-5802	\$3,000

<b>INCREASE EXPENDITURES</b>	
15237D-7171	\$3,000

**03-956            RESIGNATION/APPOINTMENT – SUN VALLEY CITIZEN ADVISORY BOARD**

Upon recommendation of Commissioner Weber, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the resignation of Bob Villeneuve as an at-large representative on the Sun Valley Citizen Advisory Board be accepted and Angela Dazey be appointed to fill the position with a term to expire June 30, 2004.

**03-957            RESIGNATION/REVERSION OF AREA REPRESENTATION/ APPOINTMENT – WEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the resignation of Ken Thormahlen as an at-large representative on the West Truckee Meadows Citizen Advisory Board be accepted and the reversion of the at-large representative to an East of McCarran Boulevard at-large representative be approved. It was further ordered that Peter Kirby be appointed as an East of McCarran Boulevard representative with a term to expire June 30, 2004.

**03-958            HEALTH CARE ASSISTANCE PROGRAM – REIMBURSEMENT ADJUSTMENTS – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that a retroactive adjustment in fiscal year 2002/03 for Clinic services from 55 percent of billed charges up to 70 percent of billed charges be approved with the rate adjustment to apply to November 2002 through June 2003 billings. It was further ordered that the adjustment of rates paid to health care

facilities restoring the previously approved rates of 65 percent of billed charges for Emergency Room and Outpatient services and 78 percent of billed charges for Clinic services be approved effective July 1, 2003.

**03-959            INTERLOCAL AGREEMENT – CASA – SUPERVISED VISITATION PROGRAM – SOCIAL SERVICES**

Upon recommendation Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Interlocal Agreement between Washoe County and The Court Appointed Special Advocates (CASA), Washoe County Family Court, Second Judicial District Court, concerning the provision of supervised visitation services to children in the custody of Washoe County, in a not-to-exceed amount of \$48,000, be approved and Chairman Humke be authorized to execute the same. It was noted the term of the Agreement would be from July 1, 2003 through June 30, 2004 and it would renew automatically from year to year for the following three years until the fiscal year 2007/08, unless terminated upon a sixty day written notice by either party.

**03-960            AGREEMENT – INTEGRA DESIGN AND CONSULTING GROUP, INC. – MAINTENANCE AND DEVELOPMENT SERVICES – RENO JUSTICE COURT**

Upon recommendation of Barbara Finley, Administrative Judge, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Agreement between Washoe County and Integra Design and Consulting Group, Inc., concerning providing the Court with a maintenance contract for their Case Management System and allowing the potential of developing necessary modifications, in the not-to-exceed amount of \$61,920, be approved and Chairman Humke be authorized to execute the same. It was noted the term of the Agreement would be retroactive from July 1, 2003 through September 30, 2004.

**03-961            TERMINATION OF LEASES – CDB WASTEWATER TREATMENT PLANT – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Chairman Humke be authorized to sign the Termination of Leases and that staff be directed to record the same. It was noted the leases allowed occupation of land utilized by CDB Wastewater Treatment Plant and the leases need to be terminated to clear title to the property.

**03-962            LINE EXTENSION REIMBURSEMENT AGREEMENT – FRANIC FAMILY TRUST – SANITARY SEWER MAIN – WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Line Extension Reimbursement Agreement between Washoe County and the Franic Family Trust, concerning construction and extension of a sanitary sewer main, in the not-to-exceed amount of \$16,330.40, be approved and Chairman Humke be authorized to execute the same.

**03-963            AGREEMENT – JIM FORD – PROFESSIONAL CONSULTING SERVICES – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Agreement for Professional Consulting Services between Washoe County and Jim Ford, concerning professional services related to assisting Water Resources in maintaining the varied activities of the Central Truckee Meadows Remediation District while the Remediation District Program Manager position is being filled, in the amount of \$46,905, be approved and Chairman Humke be authorized to execute the same.

**03-964            WATER RIGHTS DEED – WATER SALE AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken in support of Kevin Knecht's three residences on Zolezzi Lane and Valley Springs Road in Southwest Truckee Meadows (APN's 049-351-31, 049-351-32 and 049-351-33):

1. The Water Rights Deed and corresponding Water Sale Agreement for 2.25 acre-feet of surface water rights from a portion of Claim 55 as changed by Application 70111 between TMWA and Washoe County be approved and Chairman Humke be authorized to execute the same; and
2. The Engineering Manager be directed to record the Water Rights Deed and Water Sale Agreement with the Washoe County Recorder.

**03-965**

**WATER SALE AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding Fellowship of Believers, Inc. (APN 038-350-09):

1. The Water Sale Agreement for 6.06 acre-feet of surface water from Claim 142 between TMWA and Washoe County be approved and Chairman Humke be authorized to execute the same; and
2. The Engineering Manager be directed to record the Water Sale Agreement with the Washoe County Recorder.

**03-966**

**WATERSHED FACILITATOR – ACCEPT GRANT – EXPENDITURE OF FUNDS – NEVADA DIVISION OF ENVIRONMENTAL PROTECTION – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, and Jim Smitherman, Water Management Planner Coordinator, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that:

1. A scope of work for a Watershed Facilitator be approved;
2. \$65,000 in grant funding from the Nevada Division of Environmental Protection be accepted;
3. Chairman Humke be authorized to execute an interlocal contract with the State of Nevada to secure the grant funds; and
4. The expenditure of \$51,500 in Water Management funds be approved.

**03-967**

**VERDI BUSINESS PARK WATER COOPERATIVE’S WATER SYSTEM FACILITIES AND ASSETS – WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that staff be directed to prepare an evaluation of the Verdi Business Park Water Cooperative’s water system facilities and assets; and conduct negotiations and develop a proposal to assume ownership of the Cooperative’s water system facilities and assets. It was noted the estimated cost for the evaluation would be \$2,500 to \$3,500.

**CORRECTION OF CLERICAL AND FACTUAL ERRORS –  
SECURED TAX ROLLS – ASSESSOR**

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

<b>PROPERTY OWNER</b>	<b>ID #</b>	<b>AMOUNT</b>	<b>ROLL</b>
Carla C. Johnson, et al.	002-144-19	[-\$36.35]	2003 Secured
City of Reno	006-290-29	[-\$681.62]	2003 Secured
Dale B. & Liane McCombs	007-076-03	[-\$159.19]	2003 Secured
Michael E. Langton, et al.	011-092-06	[-\$24.43]	2001 Secured
Michael E. Langton, et al.	011-092-06	[-\$25.12]	2002 Secured
Michael E. Langton, et al.	011-092-06	[-\$24.87]	2003 Secured
John R. & Barbara A. Lindell	020-021-01	[-\$192.05]	2003 Secured
Gudrun P. Brooks	021-441-12	[-\$672.71]	2003 Secured
Harold J. Schlieve	031-202-03	[-\$63.13]	2003 Secured
Park Village Square, Ltd.	031-354-06	[-\$763.00]	2003 Secured
Richard A. Sololik, et al.	033-061-34	[-\$63.12]	2003 Secured
William J. Helu	038-230-16	[-\$352.54]	2003 Secured
Stephen N. Parker	046-070-53	[-\$1,833.49]	2003 Secured
Stephen N. Parker	046-080-20	[-\$56.61]	2003 Secured
Scott Douglas	055-081-78	[-\$535.42]	2003 Secured
Thomas H. Thomas, et al.	080-284-08	[-\$83.81]	2003 Secured
Richard S. & Saisungwan Bento	080-613-03	[-\$55.50]	2003 Secured
RR Donnelley & Sons Company	090-051-16	[-\$44,576.62]	2003 Secured
Tim R. & Vickie L. Brown	150-021-26	[-\$266.04]	2003 Secured
City of Reno	204-131-01	[-\$6.37]	2003 Secured
City of Reno	204-550-11	[-\$6.37]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-02	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-03	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-04	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-05	[-\$1,018.13]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-06	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-07	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-08	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-09	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-10	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-11	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-12	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-13	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-14	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-15	[-\$1,018.03]	2003 Secured

Somerset Devel. Company, Ltd.	232-240-16	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-17	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-18	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-19	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-20	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-21	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-22	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-23	[-\$1,018.14]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-24	[-\$1,018.14]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-25	[-\$1,018.14]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-27	[-\$1,018.14]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-28	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-29	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-30	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-31	[-\$1,018.03]	2003 Secured
Somerset Devel. Company, Ltd.	232-240-32	[-\$1,266.31]	2003 Secured
Carl L. & Mary Ann Pearce	402-384-04	[-\$63.12]	2003 Secured
Alan J. Williams	508-142-04	[-\$32.96]	2003 Secured
City of Sparks	516-273-05	[-\$6.33]	2003 Secured

**03-969      WATER RIGHTS DEED – WATER SALE AGREEMENT –  
WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commission Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following actions be taken in support of Woodland Village, LLC, regarding 111 residential lots within Woodland Village Phase 11:

1. The attached Water Rights Deed for a portion of groundwater rights from Permit 65058 in the amount of 63.27 acre-feet between Utilities Inc. of Nevada, as Grantor, and Washoe County, as Grantee, be ratified and approved;
2. The recordation of the above Water Rights Deed be accepted. This Water Rights Deed was recorded with the Washoe County Recorder on August 15, 2003;
3. The attached Water Sale Agreement between Utilities Inc. of Nevada and Washoe County, in connection with the conveyance of the water described above, be approved;
4. Chairman Humke be authorized to execute the Water Sale Agreement; and



5. The Utility Services Division Manager be directed to record the Water Sale Agreement with the Washoe County Recorder.

It was noted that ratification and approval is with the condition that the Board is not in any way certifying or indicating there is actual wet water to back up these water rights and is not in any way advising the State Engineer.

**03-970            LETTER OF INTENT – NEVADA BOARD FOR FINANCING  
WATER PROJECTS – GRANT APPLICATION – WATER  
RESOURCES**

Dan Dragan, Water Resources Supervising Hydrogeologist, John Collins, Utility Services Manager, and Steve Bradhurst, Water Resources Director, answered questions of the Board concerning expansion of the municipal water system into the Heppner Subdivision and artificial recharge.

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, and Mr. Collins, through Mr. Bradhurst, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Letter of Intent to the Nevada Board for Financing Water Projects for an AB 198 Grant Application for water system improvements in the Heppner Subdivision be approved and the Water Resources Director be authorized to sign the Letter.

**03-971            NEW POSITION/RECLASSIFICATION – RECORDER’S  
OFFICE – HUMAN RESOURCES**

Upon recommendation of Joanne Ray, Human Resources Director, and Kathy Burke, County Recorder, through Ron Steele, Budget Division, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that a new Deputy County Recorder position for the Recorder’s Office and the reclassification of an existing vacant position to Lead Deputy Recorder be approved.

**03-972            BILL NO. 1394 – AMENDING WCC CHAPTER 50 – OFF-ROAD  
VEHICLES**

Gary Soverns, Antelope Valley resident, said the rural, low-density area where he lives has been plagued by motorcycle riders that do not know, understand or care about the welfare or peace of the property owners. He stated he would like to see some order to the proposed ordinance.

Sam Dehne, Reno resident, said the noisy mufflers or lack of mufflers is probably the worst thing about motorcycles and he suggested forcing motorcycle owners to obey the current noise laws.

Gary Schmidt, Washoe County resident, stated his concerns with the language and fairness of the proposed ordinance.

An E-mail from James Calkins and a letter from Robert Forest were placed on file with the County Clerk.

Madelyn Shipman, Assistant District Attorney, said the proposed ordinance does not take away any prohibitions and it would provide greater protection because off-road vehicle course is defined. She also said a special use permit would be required for courses and people could not make their backyard into a course. She further stated the amendment removes the reference to industrial zones allowing off-road vehicle courses. She explained an off-road vehicle area must be a designated area by a public agency and a private road could not become an off-road vehicle area unless the owners of the private road made it such. She also addressed the issue concerning disturbing the peace.

Bill No. 1394, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING CERTAIN PROVISIONS RELATING TO THE OPERATION OF OFF-ROAD VEHICLE AREAS; DEFINING OFF-ROAD VEHICLE COURSE; AND OTHER MATTERS RELATING THERETO** " was introduced by Commissioner Galloway; the title was read to the Board; and direction was given to publish legal notice for final action of adoption.

**03-973            INTERLOCAL AGREEMENT – NEVADA DEPARTMENT OF MOTOR VEHICLES – ADMINISTRATION AND OPERATION OF THE COUNTY MOTOR VEHICLE FUEL TAX – FINANCE**

Upon recommendation of Darin Conforti, Senior Fiscal Analyst, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an Interlocal Agreement between Washoe County and the State of Nevada, Department of Motor Vehicles, concerning administration and operation of the County motor vehicle fuel tax, be approved and Chairman Humke be authorized to execute the same on behalf of Washoe County.

It was noted the indexing of the fuel tax rates will generate an additional \$560,000 in revenue for Fiscal Year 2004, approximately \$330,000 of which will come as revenue to the Regional Transportation Commission and \$230,000 of which will be additional revenue to the Cities of Reno and Sparks, and Washoe County; and Washoe County only, estimated increase in revenue will be approximately \$110,000.

**03-974            AWARD OF CONSTRUCTION BID – ARROWCREEK PRODUCTION WELLS – WATER RESOURCES**

This was the time to consider award of the bid, Notice to Bidders for receipt of sealed bids having been published in the *Reno Gazette-Journal* on July 2, 4, 9,

11, 16 and 18, 2003 for the ArrowCreek Production Wells for the Water Resources Department. Proof was made that due and legal Notice had been given.

The following bids were received:

<b>Bidder</b>	<b>Bid Amount</b>
Humboldt Drilling	\$849,770
Lang Exploratory Drilling	\$731,708
Zim Industries	\$659,580
<b>Engineer's Estimate</b>	<b>\$625,000</b>

Mike Widmer, Senior Hydrogeologist, explained Water Resources is requiring that a certain drilling methodology, dual-walled, flooded reverse circulation, be used on this project. He further said a letter was sent to Zim Industries, which was placed on file with the County Clerk, stating they were unqualified for bidding on this project because they did not have the required equipment or the experience for running that equipment. In response to Commissioner Sferrazza, Mr. Widmer stated, in conversations with Zim Industries, they were made aware that they needed the experience and equipment at hand. He further said he spoke with Mr. Zimmerer after the bid opening process and Mr. Zimmerer indicated he did not have the equipment or the experience, and he thought he could talk the County into doing another drilling methodology.

Commissioner Sferrazza said he would prefer to re-bid the project because the bids received are well over the engineer's estimate. Chairman Humke agreed and stated fuel costs varied too much from the engineer's estimate.

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Sferrazza voting "no," it was ordered that the following actions be taken:

1. The bid for construction of the ArrowCreek Production Wells be awarded to Lang Exploratory Drilling, the best responsible, responsive bidder, in the amount of \$731,708;
2. Chairman Humke be authorized to execute the contract documents upon receipt; and
3. The Engineering Manager be authorized to issue the Notice to Proceed.

**3:58 p.m.** The Board recessed.

**4:17 p.m.** The Board reconvened with all members present.

**FINAL REPORT/RECOMMENDATIONS – GROUNDWATER  
TASK FORCE – REGIONAL WATER PLANNING COMMISSION**

Bob Firth, Groundwater Task Force Chairman, reviewed a PowerPoint presentation on the overhead that outlined the recommendations of the Groundwater Task Force, which was placed on file with the County Clerk. The recommendations included (1) Conceptual approval for the creation of a Groundwater Resources Data Center, (2) Implementation of a Well Mitigation Program, and (3) Recommendation to the District Board of Health to begin the process for development and adoption of water quality and water quantity testing and standards requirements for domestic wells. Mr. Firth said it is his understanding that many local realtors recommend the buyer or seller of property with a domestic well have a water quality test and a pump test done as part of the escrow process, but a waiver could be signed in order not to have the tests performed. He stated he does think that process should be reviewed for appropriateness. Mr. Firth answered questions of the Board.

Terri Shannon, Northern Nevada Mount Rose Well and Water Protection Association, said her group did vote to approve the mitigation program and asked the Board to move the plan forward.

Elizabeth Howe, Silver Lake Property Owners' Association President, stated the Silver Knolls well owners feel it is not necessary at this time for the expense and red tape of more government regulation.

Mike Guidara, Water Quality Association, Government Board for Nevada liaison, and well owner in the South Truckee Meadows, said Washoe County would have the strictest rules and standards in the United States if this plan were implemented, and he does not support the staff recommendation.

Dave Grill, Owner/Operator of Culligan Water Conditioning, stated it is extreme to tell someone they cannot purchase or sell property before solving a water problem, especially when the County would be mandating the manner in which the problem could be corrected.

Chris Bruch, Owner/Operator of Water Unlimited, said the recommended minimum standards for potable water wells are impractical. He further said he sees more benefit of an informative plan whereby the County could post information so that a homeowner or well owner could obtain needed information.

Gary Soverns, representing the Red Rock Estates Property Owners' Association, read a statement from the Board of Directors of the Red Rock Estates Property Owners' Association, stating it is their belief that additional regulation and interference by Washoe County in rural domestic well water issues is unnecessary and inappropriate. The statement requested the Board to postpone approval of the final report until it has been presented publicly to all property owners potentially affected. He stated

he feels it is up to the property owner to take action concerning their wells and not up to the County to mandate.

Evelyn Rowe, representing the Reno/Sparks Association of Realtors, spoke against the recommendation that the minimum water quantity and quality requirements be established for domestic wells in Washoe County and requested that the Board not act on that portion of the report. She explained forms provide disclosures to buyers of property with a domestic well and/or septic system.

Paul Kelsh, Co-Chairman of the Reno/Sparks Association of Realtors Political Affairs Committee, asked the Board not to accept part two of the final report.

Susan Lynn, Regional Water Planning Commission, requested that the issue concerning testing be referred to the Health Department for further review.

Bruce MacKay, Bruce MacKay Pump and Well Service, said he was concerned with the language regarding the general requirements in the recommended minimum standards. He stated he disagreed with the requirement that homeowners meet Federal water quality standards because that should be a personal choice.

Beth Honebein, Reno resident, spoke in favor of acting on the proposal and stated a mitigation program and Health Department well standards are necessary.

Pat Schweigert, Real Estate Broker and Spanish Springs resident, discussed her concerns regarding the impact of the requirements the Task Force proposes to set on water quality and quantity. She said there is already full and total disclosure in any realtor-based transaction, and in most transactions the water quality and quantity is tested before closing. She stated lenders will not lend if a property does not meet primary water standards.

Dan Rider, Pleasant Valley resident and Real Estate Broker, said real estate practitioners want to make sure the public is making informed decisions, but to mandate decisions is a ridiculous notion. He said the public should be allowed to make their decisions.

Robert Cameron, County resident and well owner, said he attended all but one of the Groundwater Task Force meetings, and every rock was turned over on this subject. He stated he feels strongly that the data center must be put through, and he believes that will correct these issues. He noted the cost for mitigation would be up to an amount of \$20,000 and is not automatic.

Ginger Pierce, Pleasant Valley resident, said she attended most of the Task Force meetings, and she encouraged the County Commissioners to pass the program. She said 16 months was spent on all of the issues, and a data center is definitely needed.

Jerry Purdy, County citizen, said the Task Force members are some of the most talented and knowledgeable people in the County, and he believes the proposed monitoring program is far superior to anything he knows about. He stated the provisions contained in the proposal about mandatory well testing and other issues are to protect the health, safety, and welfare of the citizens. He then presented an article discussing a New Jersey regulation that requires private wells be tested before a home could be sold that would affect 20,000 to 30,000 real estate transactions a year. He said he believes the real estate community and others can come up with methods similar to New Jersey's to cope with a mandatory well testing program, and the health and welfare of citizens is more important than any difficulties the Real Estate Commission and others may have with seeing this implemented.

Doug Coulter, Senior Engineer, District Health Department, said they realized mandating treatment might be a tough sell, and that section may not survive when it goes to the District Board of Health. He said he did not hear a lot of opposition at the Task Force meetings about providing information to the District Health Department. Implementing the data center would be valuable, as it would allow the various agencies to make some decisions about where to put community wells and the impact they may be having on individual wells.

Mr. Firth provided information relative to costs and timeframes. He said they are not saying every domestic well that is tested is going to require a treatment system.

Upon inquiry of Commissioner Galloway, Mr. Coulter advised that the proposed drinking water standards are Federal standards. Commissioner Galloway stated he has grave concerns about requiring a private well owner to meet Federal standards.

Commissioner Sferrazza stated one of his greatest concerns is whether owners would be forced to upgrade their existing wells. Mr. Firth stated their intent would be that testing would be required if an existing well has to be redrilled or deepened and/or at the sale of the home. Upon inquiry of Commissioner Sferrazza, Mr. Firth advised the Board is not being asked today to approve any standards or how they would be implemented, but is being asked to request that the District Health Department get involved in the issue.

Commissioner Weber commended everyone that worked on the Groundwater Task Force. She said she could not support some of the recommendations, but does support the Groundwater Resources Data Center as an educational and informational center instead of having mandates and regulations that would cost property owners more money.

Chairman Humke thanked the Groundwater Task Force for their work and all the citizens who attended the meetings. He commended the Task Force for their very cogent findings. He stated he believes owners need to be educated relative to the technical aspects of how their wells function, which would be tied to the data center. He

then asked for clarification about the statutory authority of the District Health Department. Mr. Coulter advised NRS 439.200 gives the Health Department the authority to adopt regulations to protect drinking water quality, but they do not invoke that statute very often. They have not invoked it for individual wells and would not pursue the process unless the County Commission makes that recommendation. He advised the process would be to present the recommendation to the District Board of Health and go through the workshop process, and also stand the test of the District Attorney to see if it fits within their authority.

Upon inquiry of Commissioner Shaw, Mr. Firth stated he did not hear anything today that he did not hear during the Task Force meetings.

Upon inquiry of Commissioner Galloway, Joan Lambert, Reno/Sparks Association of Realtors, said, during the discussion on this agenda item at the Regional Water Planning Commission meeting, she heard comments from two or three Commissioners expressing some concerns about the water quality portion of the report from the Task Force. She said her impression of how those concerns were addressed was this would be going to the County Commission and the regulation process would be a public process. She said she would hope the Commissioners would determine there is no need for the severe measures proposed by the District Health Department to the Task Force.

Upon inquiry of Commissioner Sferrazza, Ms. Lambert said the Realtor's Association is only opposed to forwarding the water quality and quantity testing regulations to the District Board of Health. She said knowledge about the groundwater is important, and the mitigation program appears to be a faster way to deal with the problem of domestic wells going dry than going through the current process of the State Engineer. She stated when a well is being redrilled, it should be tested, but to wait for the testing before it can be used or treated is very onerous for well owners, and, as proposed, there are a lot of concerns about private property rights.

Commissioner Galloway stated the Health Department set the standards that were proposed, which were Federal water quality standards. He commented that for decades Washoe County had an arsenic standard of 50 parts per billion, and the Federal proposal was to lower that to five. The Board did not agree with the Federal proposal and said do not lower to less than 20. He questioned why the committee would propose a standard for private well owners, which should be substantially looser than the Federal drinking water standards, and which the County Commission does not agree with. This would impose the same standard the Board determined was unreasonable for the larger public water system. Mr. Coulter stated that the County may disagree with the standard, but the Health Department has a regulation to enforce.

Commissioner Sferrazza asked if anyone is proposing a standard other than what the committee is proposing. If a different standard was reasonable, he might be able to support it, but absent that, he would support what the committee is recommending.

Mr. Bruch stated they are not proposing an alternate standard. They are opposed to the General Requirements, Minimum Water Quantity and Minimum Standards relative to water quantity and quality requirements, but are okay with the rest of the proposal. He said those decisions should be made by the homeowners, and they should not have to treat the water to drinking water standards to their whole house.

Ms. Shannon said the Groundwater Task Force met for 16 months, and several people presented information today that is not weighted by the many days spent on these issues. The committee looked at everything, and no new information has been presented. She suggested the Board trust the work the committee did.

Chairman Humke stated he supports the voluntary supplying of information by well owners and believes the well mitigation program is probably the strongest part of the proposal because essentially all public water purveyors cause most of the problems to the individual well owners. With regard to the recommendation to adopt water quality and water quantity testing and standard requirements for domestic wells, he would like to see a white paper from the Health District that includes U. S. law and what other states, counties and entities are doing. He would like to see a justification for why Washoe County should have the strictest standards in the country.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, the Board took the following action:

1. The creation of a Groundwater Resources Data Center, subject to further review and recommendations by the Regional Water Planning Commission regarding financing and operating details be approved in concept.
2. Implementation of a Well Mitigation Program be approved.

Commissioner Sferrazza then moved that the Board make a recommendation to the Washoe County District Board of Health to begin the process for development and adoption of water quality and water quantity testing and standards requirements for domestic wells. Commissioner Galloway seconded the motion for purposes of discussion, but noted he would not actually vote in favor of the motion. Commissioner Shaw stated he would support the motion.

Upon inquiry of Commissioner Shaw, Legal Counsel Shipman advised that her understanding is that adoption of standards by the Health Board would not have to come back to the County Commission for final approval.

Commissioner Galloway said he would not support the motion, noting that only three people who were not part of the process came forward to support this recommendation, and he heard a lot of opposition. He commented that his intention for the Task Force was to protect property and water rights when wells were threatened with lowered groundwater levels, which the first motion accomplished. Somehow, the process interjected a methodology for protecting well owners from themselves, which he believes



is inappropriate. Disclosure is important and appropriate, but mandate is not, and the data center will provide indications of what happens to water quality when well levels decline. He said this regulation is too intrusive, would be costly to the owner, and may render some properties not saleable or lower in value. He believes the County would be creating some potential liabilities that could rebound, and does not think the Health Department should go forward with this item.

Commissioner Weber stated she would not support the motion. She thinks it is important to use the information from the data resource center. She understands health standards already protect some of the well owners and believes they should have the opportunity to determine what does or does not need to be done.

Commissioner Sferrazza stated it is unconscionable for the County to not have standards, and no one has offered an alternative to what was recommended by the Task Force.

Chairman Humke stated he would oppose the motion. He believes gathering data through the data center, which he would prefer to be voluntary, would soon develop evidence-based information that could result in a regulation or standard.

On call for the question, Commissioners Sferrazza and Shaw voted “aye,” Commissioners Galloway, Humke and Weber voted “no,” and the motion failed.

Mr. Coulter responded to additional questions of the Board and stated that some type of water quality monitoring should be required. He said the testimony presented today indicates that mandating treatment was too big a step without the appropriate data, and a more palatable recommendation might be presented in the future. He noted there is a tremendous lack of information right now, and when the data is available, he believes some of the health issues will be more apparent.

Commissioner Shaw stated, as Chairman of the District Health Board, he would make a recommendation to staff at the Health Board meeting this Thursday to bring that information back to the County Commission in the near future.

Commissioner Galloway stated he would not want to burden well owners with involuntary inspections that might be a financial burden, and would hope the Health Board would ask the Board’s opinion or come back with something that is not too burdensome. He does not believe a small entity like Washoe County should pioneer the most drastic mandatory water quality standards imposed on small well owners. This should be done at the statewide level or higher. The data gathered through the data center will be shared with other agencies, and if it shows a need for something to be done, that could be taken into account at that time.

**6:50 p.m.** The Board recessed.

**7:10 p.m.** The Board reconvened with Commissioner Sferrazza temporarily absent.

**03-976            AWARD OF CONSTRUCTION BID – SAD 29 MT. ROSE PHASE I SEWER – WATER RESOURCES**

This was the time to consider award of a bid for construction of the Special Assessment District (SAD) 29 Mt. Rose Phase I Sewer on behalf of the Water Resources Department. A Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on July 24, 25 and 31 and August 1 and 8, 2003. Proof was made that due and legal Notice had been given.

Bids were received from the following:

<b>COMPANY</b>	<b>AMOUNT</b>
Mike’s Trenching, Inc.	\$ 754,870.00
A & K Earth Movers, Inc.	\$ 888,259.00
Interstate Utility Constructors	\$ 899,471.00
Burdick Excavating Company, Inc.	\$ 957,458.00
Canyon Creek Construction	\$1,157,139.25
Engineer’s Estimate	\$ 794,000.00

Upon recommendation of John Collins, Utility Services Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, it was ordered that the bid for construction of the SAD 29 Mt. Rose Phase I Sewer be awarded to the lowest responsible, responsive bidder, Mike’s Trenching, in the amount of \$754,870 and Chairman Humke be authorized to execute the contract documents upon receipt. It was further ordered that the Utility Services Manager be authorized to issue the Notice to Proceed.

**03-977            DESIGN AND CONSTRUCTION - NORTH SPANISH SPRINGS FLOOD CONTROL FACILITY – WATER RESOURCES**

Steve Bradhurst, Director, Water Resources Department, stated that staff believes this item needs some quality time and suggested the item be continued. On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that this item be continued.

**03-978            ORDINANCE NO. 1212 - BILL NO. 1393 - AMENDING WCC CHAPTER 55 – ADD TWO MEMBERS TO ANIMAL CONTROL BOARD**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 15, 2003 to consider second reading and adoption of Bill No. 1393. Proof was made that due and legal Notice had been given.

**7:15 p.m.** Commissioner Sferrazza arrived at the meeting.

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

Faith Fessenden read the statement of Bob Bryant that advised he has been waiting since June to hear whether his neighbor's kennel permit application would be approved. He stated he has been suffering a hardship in the interim as their dogs are not controlled and bark at 3:00 a.m. in the morning. He requested the Board resolve this issue and grant him some relief.

Gary Schmidt, County resident, pointed out deficiencies he believes are contained in the animal control ordinance. He said the codes do not appropriately regulate in certain instances and over regulate in others, and these matters should be addressed. Commissioner Galloway noted there would be another revision of the ordinance and requested that staff take Mr. Schmidt's comments under advisement.

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

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Ordinance No. 1212, Bill No. 1393, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING 2 MEMBERS TO THE ANIMAL CONTROL BOARD FOR A TOTAL OF 7 MEMBERS; PRESCRIBING CERTAIN RESIDENCY REQUIREMENTS FOR CERTAIN MEMBERS; PROVIDING THAT THE DIRECTOR OF PUBLIC WORKS DESIGNATE CERTAIN COUNTY STAFF TO PROVIDE TECHNICAL ASSISTANCE AND SUPPORT TO THE ANIMAL CONTROL BOARD; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

**03-979      REQUEST TO MODIFY HOME-BASED BUSINESS LICENSE  
DEVELOPMENT STANDARDS – MARK R. THIERMAN –  
COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 15, 2003 and mailed to affected property owners by the Community Development Department on August 12, 2003 to consider a request by Mark R. Thierman to modify the home-based business license development standards [Washoe County Code Section 25.4425(3) & (6)] to allow up to three employee vehicles and a maximum of three nonresident assistants or employees for his licensed home-based business at 7287 Lakeside Drive, Assessor's Parcel Number 222-060-05 in Reno, Nevada. Proof was made that due and legal notice had been given.

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

Bob Webb, Community Development, provided background information and presented an overhead map depicting the area of the subject property. He stated the requested modification would not modify the home-based business license ordinance, and staff recommends the request be granted with conditions, which he reviewed. Mr. Webb then reviewed issues stated in several letters the County received in opposition to the proposed modification and pointed out on an overhead map where the opposing properties were located.

Mark Thierman, applicant, provided photographs on the overhead camera showing the location of his property and surrounding properties to demonstrate that the neighboring views of his property are not detrimental. He reviewed background information concerning his business, and advised his intention was to lease employees from temporary services agencies. He said leased employees are not statutory employees, and he did not technically violate the ordinance. He stated the three vehicles parked at the property are less than what the ordinance allows, and clients rarely come to his office. He explained his plans to his neighbors and three of them signed off saying he could build the office. He commented that all he wants to do is get along. He advised he spends \$30,000 a year maintaining his landscaping and has put in additional trees to make sure the neighbors were not bothered by him. He said he has nine spaces in his garage and cars can park there if necessary, and it is not his intention to disturb the neighbors.

Commissioners Galloway and Shaw read statements of opposition from eleven citizens, and approximately 21 persons spoke or submitted statements in opposition. Reasons for opposition were that the business violates the home-based business license regulations, impacts the enjoyment of neighborhood residents, does not meet the spirit of the neighborhood, residents do not want businesses in the neighborhood, decreases property values, sets a bad precedent, and violates the CC&R's. Other reasons for opposition included not knowing who is coming into a neighborhood, the need to preserve the area, increased traffic, fluorescent lights late at night, and constitutes a nuisance.

Five people spoke in support of Mr. Thierman's application. Three people speaking in support work for Mr. Thierman and said they did not want to lose their jobs, he has provided them with the opportunity to go to law school or para-legal school, he is very respectful of his neighbors, he is a good and honest man, and he is a great employer. Other statements of support included that the applicant made a diligent effort to consider all of his neighbors, his home-based business has a lesser impact than many other types of home-based businesses, and it does not look like a business operates out of the home.

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

Chairman Humke stated he could not make the findings necessary to approve the applicant's request. He said he believes the requested modification could be

significantly detrimental to the public health, safety or welfare of the surrounding area. He stated the subject area is fragile with regard to pedestrian and vehicular traffic.

Upon inquiry of Commissioner Shaw, Mr. Webb stated staff conducts an objective evaluation, and he believed the physical layout of the property could easily accommodate two more vehicles. He said the subjective evaluation is made through the discussion presented this evening to determine the impact to the surrounding neighborhood.

Commissioner Galloway stated he could not make the findings required to grant this application. He said he is concerned about the precedent this would set in this fragile area.

Commissioner Sferrazza stated he believes the applicant has taken reasonable steps to present a beautiful property and does not see how his particular property may violate all the conditions. However, increasing the number of employees would be inconsistent with the neighborhood.

Commissioner Weber stated she thinks most of the findings could probably be made, and it makes it difficult when the neighbors cannot seem to work together.

Following further deliberation and having determined that the findings for approval could not be made, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the request of Mark R. Thierman to modify the home-based business license development standards be denied.

Commissioner Galloway said he would hope the standard procedure of staff would be to bring the matter back if subsequent violations occur on these types of applications that are denied by the Board. Mr. Webb advised that staff's goal is always for voluntary compliance, and a last measure would be to go through the criminal proceedings, which is a misdemeanor citation. He said it is rare for staff to bring licenses before the Board for suspension or revocation. Chairman Humke stated he believes staff does a good job and their procedure is appropriate. Commissioner Sferrazza said he has faith in staff and believes the applicant will comply. He noted, if the applicant does not comply, staff would enforce the matter.

**03-980            “DE NOVO” APPEAL – VARIANCE CASE NO. V03-027 –  
APPEAL CASE NO. AX03-010 – JOHN ENLOE – COMMUNITY  
DEVELOPMENT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing mailed to affected property owners by the Department of Community Development dated August 15, 2003 to consider a request to construct a detached barn in the front halves of a corner lot, as authorized in Article 804 of the Washoe County Development Code. The project is

located at 5400 Brookmeadow Lane, on the southwest corner of Brookmeadow Lane and Callahan Ranch Road. The ±2.3-acre parcel is designated Low Density Suburban (LDS) in the Forest Area Plan, and is situated in a portion of Section 2, T17N, R19E, MDM, Washoe County, Nevada. The property is located in the Galena/Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 047-210-04). Proof was made that due and legal notice had been given.

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

Sharon Kvas, Community Development, provided a map on the overhead camera and reviewed the factors that prohibit the applicant from placing the proposed barn on any other area of the subject parcel. She said that staff believes a special circumstance exists in this case, the proposed structure would fit in the neighborhood and be approved by the Montreux Architectural Committee, will not be a detriment to the neighborhood, and all the findings can be made. She advised that the Galena Steamboat Citizen Advisory Board unanimously approved this request.

John Enloe, applicant, provided additional information concerning his property and the variance request. He advised there are three other property owners along Brookmeadow Lane that are within the CC&R's, and a letter was provided to the Board stating they had no objection to the variance.

Gary Schmidt, County resident, said he supports the variance request. He discussed specifics of some of the abuses of the code section that applies to this issue. He said the Board should consider modifying that section of the code so it is more reasonable.

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

Having made the following findings in accordance with Washoe County Development Code Section 110.804.25, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Variance Case No. VA03-027 for John and Karen Enloe be approved, subject to the conditions noted below:

1. Special Circumstances. Because of the special circumstances applicable to the property, including an extraordinary and exceptional situation or condition of the property and/or location of surroundings (namely the placement of the existing home, pond and septic system that prohibits placement of the structure in the rear corner of the lot), the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

\* \* \* \* \*

**CONDITIONS OF APPROVAL FOR  
VARIANCE CASE NO. VA03-027**

**FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY,  
“MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.**

**GENERAL CONDITIONS**

**UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.**

**ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.**

**WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.**

**SPECIFIC CONDITIONS FOR VARIANCE CASE NO. VA03-027**

1. The applicant shall obtain a valid building permit for the barn with **twelve months** from the date of approval by Washoe County. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).
2. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applicants issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.

**03-981      DEVELOPMENT AGREEMENT – CASE NO. DA03-001 – TOM C. AND LANNETTE PRATT – COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners by the Department of Community Development on August 15, 2003 to consider review and potential execution of a Development Agreement for Development Agreement Case No. DA03-001 (Tom C. and Lannette Pratt) and potential Introduction and First Reading of the Ordinance adopting said Development Agreement - To review the Tom C. and Lannette Pratt Development Agreement, as defined in Article 110.814 of the Washoe County Development Code, and as required by the Warm Springs Specific Plan and, if approved, to introduce and conduct the first reading of the ordinance adopting the Development Agreement. The Development Agreement would facilitate the development of a 5.0-acre lot and a remaining 42.11-acre lot as approved by Parcel Map Case No. PM02-011. Title to Parcel 1B of the Parcel Map is proposed to be vested in the United States Department



of the Interior, through its Bureau of Land Management (BLM), for use as a fire station, or other public purpose. The property is located at the northwest corner of the intersection of Whiskey Springs Road and Grass Valley Road, east of Pyramid Lake Highway (SR 445). The property is designated Specific Plan (SP) within the Warm Springs Area Plan and has potential zoning of High Density Rural (HDR) in the Warm Springs Specific Plan. The property is within the NW/4 of Section 4, T22N, R21E, Washoe County, Nevada. The property is within the area reviewed by the Warm Springs Citizens Advisory Board and is in Washoe County Commission District No. 4. (APN: 077-340-75). Proof was made that due and legal notice had been given.

Sharon Kvas, Community Development, provided background information regarding this item.

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

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Development Agreement for Development Agreement Case No. DA03-001 for Tom C. and Lannette Pratt be approved and Chairman Humke be authorized to execute the same.

**03-982            BILL NO. 1395 – APPROVING DEVELOPMENT AGREEMENT -  
TOM C. PRATT AND LANNETTE PRATT**

Bill No. 1395, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING A DEVELOPMENT AGREEMENT FOR TOM C. PRATT AND LANNETTE PRATT. THE AGREEMENT FACILITATES THE DEVELOPMENT OF A ± 47.11 ACRE PARCEL INTO TWO PARCELS OF 42.11 AND 5.0 ACRES IN SIZE. THE PROPERTY IS DESIGNATED SPECIFIC PLAN WITHIN THE WARM SPRINGS AREA PLAN AND HAS POTENTIAL ZONING OF HIGH DENSITY RURAL IN THE WARM SPRINGS SPECIFIC PLAN WITH THE APPROVAL OF THIS DEVELOPMENT AGREEMENT. THE PROPERTY IS LOCATED WITHIN A PORTION OF THE NW 1/4 OF SECTION 4 T22N, R21E, WASHOE COUNTY, NEVADA (APN: 077-340-75)" was introduced by Commissioner Shaw, the title read to the Board and legal notice for final action of adoption directed.

**03-983            FY 2003 VOLUME CAP ALLOCATION – RESOLUTION  
TRANSFERRING VOLUME CAP TO DEPARTMENT OF  
BUSINESS AND INDUSTRY**

Katy Singlaub, County Manager, noted this is not County money and does not represent General Obligation backed bonds. She said these economic development revenue bonds are issued by the State Department of Business and Industry.

Adrian Freund, Director, Community Development, advised this bonding capacity is essentially set up under the County Economic Development Revenue Bond Law. He said this particular bonding capacity would go to Whittell Pointe Apartments II to provide 108 units of affordable housing. He noted this project would provide affordable housing for a family of four with an annual income of \$29,000, which is a substantial level of affordability for people classified as very low income. Mr. Freund advised this was the only application received for this year's Volume Cap.

Chairman Humke disclosed he had an ex parte contact with Helen Foley of Las Vegas who represents the applicant, Fore Property Company.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that \$3,750,000 of Washoe County's FY2003 Volume Cap in the amount of \$4,990,891 be allocated to Whittell Pointe Apartments II. It was further ordered that the following Resolution Authorizing the Transfer of \$4,990,891 of Washoe County's Volume Cap to the Director of the Department of Business and Industry be adopted and Chairman Humke be authorized to execute the same:

**RESOLUTION - A RESOLUTION AUTHORIZING THE TRANSFER OF \$4,990,891 OF WASHOE COUNTY'S 2003 VOLUME CAP (AS PROVIDED IN NRS 348A.010 et seq.) TO THE DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY.**

**WHEREAS**, Washoe County, a political subdivision of the State of Nevada, (hereinafter "County") is authorized by the County Economic Development Revenue Bond Law now constituting Nevada Revised Statute (NRS) 244A.669 to 244A.763, inclusive, to issue revenue bonds to finance, inter alia, one or more projects which promote the social welfare of the residents of the County by financing the acquisition, development, construction, improvement, expansion and maintenance of affordable housing in Washoe County; and

**WHEREAS**, In accordance with the provisions of Chapter 348A of the Nevada Revised Statutes, as amended, the regulations adopted thereunder by the Director of the Department of Business and Industry (NAC 348A.010 to 348A.300, inclusive, as such regulations may be amended from time to time), Nevada's State Ceiling for each calendar year is allocated 50% to the Director and 50% to the local governments, with the local governments' share being allocated between cities and counties on the basis of population; and

**WHEREAS**, In accordance to the provisions of NRS 348A.010 to 348A.040, inclusive, and the regulations issued thereunder and referred to herein, the Director of the Department of Business and Industry has determined that the County's share of the Nevada State Ceiling ("Volume Cap") for 2003 is \$4,990,891; and

**WHEREAS**, the County desires to facilitate the development and rehabilitation of affordable housing in the region;

**NOW, THEREFORE, BE IT RESOLVED** By the Board of Commissioners of Washoe County that Washoe County hereby transfers the following amount of its 2003 Volume Cap to the State of Nevada, Department of Business and Industry, Housing Division: \$3,750,000 for the Whittell Point II Apartments consisting of new construction of approximately 108 new apartment units to be developed by the Fore Property Company. The remaining portion of the County's share is returned to the Department of Business and Industry, Housing Division for allocation to a project or projects of its choosing. The Washoe County Commission requests that the remaining Volume Cap be used for projects in this region.

**BE IT FURTHER RESOLVED**, By the Board of Commissioners of Washoe County that if for any reason these bonds are not issued within two years of this date, the Board requests that the State Housing Division carry the Volume Cap forward to prevent its loss, and that the Volume Cap be used for other affordable housing projects in Washoe County.

**BE IT FURTHER RESOLVED**, By the Board of Commissioners of Washoe County that County staff be directed to forward a copy of this Resolution to the Director of the Department of Business and Industry and to the Secretary of the State Board of Finance and that staff is authorized to provide and execute the transfer of said Volume Cap as provided herein.

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 9:45 p.m.

\_\_\_\_\_  
**DAVID E. HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

\_\_\_\_\_  
**AMY HARVEY**, County Clerk  
and Clerk of the Board of  
County Commissioners

*Minutes Prepared by  
Melissa Ayrault and Barbara Trow  
Deputy County Clerks*