

**APPROVED DECEMBER 3, 2009**

The regular meeting of the Douglas County Board of Commissioners was held on November 5, 2009 in the Douglas County Commissioner Meeting Room of the Douglas County Administration Building, 1616-8<sup>th</sup> Street, Minden, Nevada, beginning at 1:04 p.m.

**COMMISSIONERS PRESENT:** Nancy McDermid, Chairman; Greg Lynn, Vice Chairman; David J. Brady; Michael Olson and Doug Johnson.

**STAFF PRESENT:** Ted Thran, Clerk-Treasurer; T. Michael Brown, County Manager; Stephen Mokrohisky, Assistant County Manager; Michael McCormick, Assistant District Attorney; Tod Carlini, EFFPD Chief; Mimi Moss, Community Development Director; Carl Ruschmeyer, Public Works Director; Steve Eisele, Deputy Fire Chief; Sergeant Jim Halsey, DCSO; Claudette Springmeyer, Comptroller; Keith Kallman, Airport Manager; Undersheriff Paul Howell, DCSO; Scott Morgan, Community Services Director; Mahmood Azad, County Engineer; Dirk Goering, Assistant Planner; Mark Malnack, Road Maintenance Supervisor; Jeff Foltz, Senior Civil Engineer; Heather Field, Management Analyst and Lorraine Diedrichsen, Clerk to the Board.

**PLEDGE OF ALLEGIANCE**

Undersheriff Paul Howell led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION by Brady/Lynn to approve the agenda as presented; carried unanimously.

**APPROVAL OF PREVIOUS MINUTES**

- **October 15, 2009**

MOTION by Brady/Olson to approve the minutes as presented; carried unanimously.

- **October 20, 2009 Joint Meeting**

MOTION by Brady/Lynn to approve the minutes as presented; carried unanimously.

**PUBLIC INTEREST COMMENTS (NO ACTION)**

Donna Buddington commented on the process employed during the board meetings and emphasized the need for a collective vision.

Claudette Springmeyer, Comptroller, invited the Board to attend the staff Christmas party.

Public comment closed.

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**DOUGLAS COUNTY AWARDS PRESENTATION**

**1. Discussion and possible action to present employee service awards to Brian Fitzgerald from the Recreation Division of the Community Services Department and Ellen Nelson from the East Fork Fire & Paramedic Districts.**

- Brian Fitzgerald-Recreation-20 years

Scott Morgan, Community Services Director, spoke about the excellent job Mr. Fitzgerald does representing Douglas County.

Brian Fitzgerald expressed his thanks and spoke about his 20 years with Douglas County.

- Ellen Nelson-East Fork Fire and Paramedic Districts-25 years

Tod Carlini, EFFPD Chief, talked about Ms. Nelson's dedication to her job.

Ellen Nelson spoke about living and working in Douglas County and expressed her thanks.

**CONSENT CALENDAR**

Donna Buddington asked to remove item **13** (Discussion and possible action to authorize the County Manager to sign a Memorandum of Understanding between Douglas County and the Center for Regional Studies at the University of Nevada for the Center to perform analysis concerning the fiscal impact of residential and commercial development on public agencies within Douglas County for a cost not to exceed \$23,500.) for discussion.

MOTION by Johnson/Brady to approve the Consent Calendar minus item 13;

**ADMINISTRATIVE SERVICES/COMPTROLLER**

**2. Review status of treasury funds through November 5, 2009 per NRS 251.030.**

MOTION to approve;

**3. Discussion and possible action to amend the employment contract for T. Michael Brown, correcting the base pay amount.**

MOTION to approve;

**CLERK-TREASURER**

**4. Cumulative voucher sheets for checks issued.**

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MOTION to approve;

**5. Discussion and possible action to approve an Outdoor Festival Permit submitted by Bill Chernock, Executive Director of the Carson Valley Chamber of Commerce & Visitors Authority for the Annual Parade of Lights, scheduled for December 5, 2009 from 3 p.m. to 7:30 p.m., beginning at Lampe Park, down State Route 756 to Highway 395, left down Highway 395 to Esmeralda Avenue, and ending at Minden Park, Minden, Nevada.**

MOTION to approve;

**SOCIAL SERVICES**

**6. Discussion and possible action to authorize Chairman to sign a renewal of the Intrastate Interlocal Contract between Public Agencies (State of Nevada, acting by and through its Department of Health and Human Services, Division of Welfare and Supportive Services, and Douglas County Social Services) for assisting individuals with completion of Energy Assistance Program applications effective retroactively to July 1, 2009 and extending to June 30, 2012.**

MOTION to approve;

**AIRPORT**

**7. Discussion and possible action on Airport real property Assignment of Lease, William L. Hussman (LL011) to Ronald M. Snedecor (LL096).**

MOTION to approve;

**ALTERNATIVE SENTENCING**

**8. Discussion and possible action to accept a grant in the amount of \$21,050 per year for three years from the Office of Traffic Safety to hire a part time case manager for the Department of Alternative Sentencing.**

MOTION to approve;

**SHERIFF**

**9. Discussion and possible action to approve a contract with American Extradition Specialists LLC for extradition services on an as needed basis.**

MOTION to approve;

**COMMUNITY DEVELOPMENT**

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**10. Discussion and possible action on the transfer/donation of a color plotter (Inventory #49065) from the Douglas County Community Development Department to the Douglas County Sheriff's Department for Search and Rescue.**

MOTION to approve;

**HUMAN RESOURCES**

**11. Discussion and possible action to adopt the revised Douglas County Administrative Policy 200.44 (Sick Leave Program) including a provision allowing supervisors to send employees home who exhibit signs of illness in order to help prevent the spread of flu.**

MOTION to approve;

**COUNTY MANAGER**

**12. Discussion and possible action to approve \$16,500 for the relocation of fiber and facility improvements for the Douglas County Cable Access Television channel at the Carson Valley Arts Council.**

MOTION to approve;

**13. Discussion and possible action to authorize the County Manager to sign a Memorandum of Understanding between Douglas County and the Center for Regional Studies at the University of Nevada for the Center to perform analysis concerning the fiscal impact of residential and commercial development on public agencies within Douglas County for a cost not to exceed \$23,500.**

This item was removed for discussion.

**14. Discussion and possible action regarding direction to staff to move forward with the acquisition of parts of the Seeman Ranch located at 1650 Buckeye Road in Minden (Parts of APNs 1320-29-301-001 and 1320-29-301-003). This includes direction to staff on the use of State Lands Question 1 grant funding for portions of the property in the floodplain along the Martin Slough.**

MOTION to approve;

**STAFF REPORTS**

**CLERK-TREASURER**

**15. Accept Treasurer's September 30, 2009 report on the following:**

- a. Schedule of investments as of 09-30-09**
- b. Schedule of investment income by fund**
- c. Treasurer's bank balances as of 09-30-09**
- d. Fund balances for September 30, 2009**

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MOTION to approve;

**ADMINISTRATIVE SERVICES/COMPTROLLER**

**16. Accept Comptroller reports on the status of funds per NRS 354.290 for the quarters ending June 30 and September 30, 2009**

MOTION to approve;

**REPORT OF FEES**

**17. Civil Clerks – September 2009**

**18. Court Clerks – September 2009**

**19. Tahoe Township Justice Court – September 2009**

**20. Recorder – September 2009**

**21. Tahoe General Services – September 2009**

**22. East Fork Constable – July through September 2009**

**23. Tahoe Constable – July through September 2009**

MOTION to approve;

MOTION; carried unanimously.

**ADMINISTRATIVE AGENDA**

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION**

**13. Discussion and possible action to authorize the County Manager to sign a Memorandum of Understanding between Douglas County and the Center for Regional Studies at the University of Nevada for the Center to perform analysis concerning the fiscal impact of residential and commercial development on public agencies within Douglas County for a cost not to exceed \$23,500.**

**PUBLIC COMMENT**

Donna Buddington thought the organization was business oriented and the study may not provide the information the county desires.

Jim Slade thought the group was pro-business and has a pro-development attitude.

Public comment closed.

T. Michael Brown, County Manager, said this model will help in the process used to evaluate the economic and other impacts of developments or projects as they come forward. This center has done a number of analyses on the impact of development on public agencies. The outcome of this study is expected to be neutral and objective.

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MOTION by Brady/Olson to authorize the County Manager to sign a Memorandum of Understanding between Douglas County and the Center for Regional Studies at the University of Nevada for the Center to perform analysis concerning the fiscal impact of residential and commercial development on public agencies within Douglas County for a cost not to exceed \$23,500; carried unanimously.

**CONSENT CALENDAR DISCUSSION CONCLUDED**

**DOUGLAS COUNTY LIQUOR BOARD**

**24. Discussion and possible action to approve a Cabaret Class A (Full Bar) Liquor License for Walter and Cynthia Otto, owners of Buona Sera Ristorante & Bar, located at 1799 "B" Ironwood Drive, Minden, Nevada. (approx. 5 min)**

Sergeant Jim Halsey, DCSO, stated the applicants have purchased an existing restaurant and are requesting the same license held by the prior owner. All requirements have been completed and passed.

Walter and Cynthia Otto were available to answer questions.

No public comment.

MOTION by Brady/Olson to approve a Cabaret Class A (Full Bar) Liquor License for Walter and Cynthia Otto, owners of Buona Sera Ristorante & Bar; carried unanimously.

**TOWN OF GARDNERVILLE**

**25. Discussion and possible action to approve Resolution 2009R-088 allowing the installation of two additional stop signs at the intersection of Harvest Avenue and Chichester Drive.**

Jim Park, Gardnerville Town Manager, introduced Tom Dallaire, Town Engineer.

Mr. Dallaire indicated this request was community driven due to limited visibility issues.

**PUBLIC COMMENT**

Jeanne Lamb commented on the visual problems at the corner and her concern for the safety of the pedestrians.

Public comment closed.

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MOTION by Johnson/Lynn to adopt Resolution 2009R-088 for the installation of two additional stop signs at the intersection of Harvest Avenue and Chichester Drive; carried unanimously.

**COUNTY MANAGER**

**26. Presentation of the Douglas County Community Assessment Final Report by the Nevada Rural Development Council (NRDC).**

Steve Lewis, UNR Cooperative Extension, presented the contents of the report which focused on three segments. Major themes and sub-themes were developed and recommendations were provided along with possible resources to assist in addressing the issues. Priority setting results and the comments received during the listening sessions were included in the report.

Kathy Halbardier, UNR Small Business Development Center, said the EDA study will move forward and will aid in setting up the priorities at Lake Tahoe.

Ron Radil, Western Nevada Development District, explained the use of a Vista volunteer to work with the Community Assessment. Economic development, job creation and preservation of the present environment were topics discussed often in the listening sessions.

T. Michael Brown, County Manager, explained the role of the county in this process and how the results will be linked to the county's Strategic Plan.

**PUBLIC COMMENT**

Bob Ballou, a participant in the process, commended the group for their work on this project and thought the recommendations could be used to update the Strategic Plan.

Jim Slade complimented the group for the effort and said the purposes and goals are well intentioned. However, the report will be of no value if the recommendations are not followed and implemented. Any development should follow the guidelines in the assessment.

Public comment closed.

This was a presentation only and no action was taken.

**EAST FORK FIRE AND PARAMEDIC DISTRICT BOARD**

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**27. Discussion and possible action to adopt Ordinance 2009-1299 amending Douglas County Code, Title 8 Burning Restrictions, section 8.12.030 to remove the provision that sets the burning hours and allows the fire chief or his designee to set the hours, and providing for other properly related matters. (2nd reading)**

Chairman McDermid read the ordinance by title.

Steve Eisele, Deputy Fire Chief, stated there have been no changes to the ordinance since its introduction.

PUBLIC COMMENT

George Keele discussed the progress being made at the Minden Gateway Center and thanked the county for their role in the project.

Public comment closed.

MOTION by Lynn/Olson to adopt Ordinance 2009-1299 amending Section 8.12.030 of Ordinance 2003-1039 to allow the East Fork Fire and Paramedic Districts to set the burning hours; carried unanimously.

PUBLIC WORKS

**28. Discussion and possible action on adoption of Resolution 2009R-085 amending certain rates, fees and charges for water service for the East Valley Water System.**

Carl Ruschmeyer, Public Works Director, stated there were no changes to the interim rates which were presented to the board on October 1, 2009. At this time, the connection fees will remain the same.

No public comment.

MOTION by Brady/Olson to adopt Resolution 2009R-085 amending Certain Rates, Fees and Charges for Water Service for the East Valley Water System; carried with Lynn absent.

**29. Discussion and possible action on a presentation of a proposed water rate increase for the West Valley Water system for consideration and adoption at a subsequent meeting.**

Carl Ruschmeyer, Public Works Director, presented the rate drivers, forecast assumptions, financial policies, CIP, revenue requirements, fund balances and uses, existing and proposed rate schedules, and a sample bill impact.



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- ❖ Rate Drivers: salary reallocation, capital project, and system replacement
- ❖ Forecast Assumptions: a five year study, FY 09-10 adopted budget plus annual escalation, no use of connection fees for debt, no growth, and a customer base of 794 meter equivalents.
- ❖ Financial Policies: depreciation will be phased in over five years for existing assets and new assets will be depreciated 100% at completion, operating reserves will be funded at 25% of the annual operating expenses, capital reserves will be funded at 2% of the total cost of fixed assets, emergency reserve minimum will be \$50,000, and debt service coverage at 1.25.
- ❖ CIP: the major project was identified as the addition of a new well. The cost estimate assumes a \$900,000 contribution through the Clear Creek Special Assessment District. This contribution will be tied to the documents that create the Special Assessment District.
- ❖ Revenue Requirements: coverage and cash tests were done and have a shortfall which needs to be funded. The rate increase will be 21.92%.
- ❖ Fund Balances & Uses: operating account meets the county's financial policies, emergency reserve will be set at \$75,000, and the rate stabilization reserve will be transferred to the capital account to meet future needs.
- ❖ Rate schedule: currently based on a fixed charge and consumptive use; the proposed rate will be an across the board multiplier based on the 21.92% increase.
- ❖ Sample bills: a typical residential user's bill would go from \$35.69 to \$43.53. A typical commercial bill would go from \$38.21 to \$46.56 and a typical irrigation bill would go from \$185.56 to \$227.13. Connection fees will remain the same.

PUBLIC COMMENT

Meredith Swanson Jessup submitted public comment in opposition to the rate increase.

Bob Ballou questioned the CIP and the expense projections relating to the Hollister Well.

Jack Van Dien asked if the \$900,000 covers all the costs Clear Creek is adding to the system. How was it calculated?

Public comment closed.

T. Michael Brown, County Manager, responded Clear Creek is contributing substantially more to the system; they are responsible for a variety of costs as part of the Assessment District. The \$900,000 is appropriate for the amount of work the county has to do over the life of the Special Assessment District.

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MOTION by Brady/Olson to direct staff to bring to the December 3, 2009 Board meeting a resolution establishing interim water rates for the West Valley Water System; carried unanimously.

**30. Presentation from the Public Works Road Maintenance Division on the challenges and issues regarding the state of Douglas County maintained roadways.**

Carl Ruschmeyer, Public Works Director, and Mark Malnack, Road Maintenance Supervisor, presented the road maintenance operations, conditions, issues and challenges. An overview of the miles of roadway maintained, services offered, reduction in revenues and staffing levels, standard road maintenance and its costs and a proposed pavement management program was explained. Staff recommended possible policy and code changes including a reduction in the dedication of roadways, changes to the snow removal policy, reduction in the current roadway inventory, and the need to change the design manual standards. The focus needs to be on identifying new funding sources for road maintenance that are long term and sustainable.

The board discussed with staff the possibility of budget based road maintenance scheduling and possible sustainable funding sources.

Mahmood Azad, County Engineer, commented property tax revenue for transportation needs is taken away in difficult times so a permanent direction of those funds would be required to make that funding source work.

Only 15-20% of a project being constructed by the private sector and subsequently turned over to the public sector is inspected. A greater level of inspection is needed to prevent acceptance of sub-standard projects.

Jeff Foltz, Senior Civil Engineer, explained the road maintenance list was established on a historical basis and is being adjusted when it is determined a road does not meet county standards.

Commissioner Johnson thought the board may have to consider a policy decision to reduce the road inventory.

T. Michael Brown, County Manager, stated roads are part of the quality of life issue as well as a public safety item. Perhaps we could prioritize the roads and focus our attention on the most important ones.

PUBLIC COMMENT

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Jack Van Dien complimented staff on the presentation and discussed the lack of modern fueling facilities in Douglas County. Actual population of Douglas County may be the reason the gas tax is flat.

Jim Slade commended staff for laying out options. He discussed the chip sealing of Fredericksburg Road and thought the road is now uneven and dangerous to bicyclists.

Public comment closed.

Staff responded to issues raised in public comment regarding the ingress/egress of fueling facilities, the basis for gas tax revenues and the road surface on Fredericksburg Road.

This was a presentation only and no action was taken.

### **AIRPORT**

#### **31. Discussion and possible action to revise the Airport Capital Improvement Program (ACIP) for 2010-2014 and submit to the FAA.**

Keith Kallman, Airport Manager, presented the 2010-2014 ACIP highlighting the airport infrastructure, maintenance projects, and equipment needs.

### **PUBLIC COMMENT**

Ed Hayes requested approval of the program as it follows the Airport Master Plan and supports the efforts to establish soaring.

John Morgan said AIP grants funds are derived from air travel in the U.S. and money generated at the airport. He recommended approval of the plan.

Fred LeSor requested support for the program and echoed Mr. Hayes' comments.

Mike Bradford thought it was important to move forward with these projects largely because there is a huge economic benefit to Douglas County. Getting these projects on the books will put us in line for federal money.

Jack Van Dien stated the CIP is not entirely maintenance and includes moving the gliders to the east side. No member of the public should pay any portion of that. He asked what part is necessary maintenance and what part are improvements.

John Morgan explained moving the gliders is a safety enhancing move and is eligible for ACIP funds.

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Public comment closed.

MOTION by Brady/Olson to approve the revised Airport Capital Improvement Program (ACIP) for 2010-2014 and submit to the FAA; carried unanimously.

**32. Discussion and possible action on public comments regarding draft options for an Airport Use Ordinance and to direct County staff to analyze potential options for maintenance of the Airport without federal funding.**

Steve Mokrohisky, Assistant County Manager, provided an explanation of the issue with the current weight ordinance and the goal to adopt an airport use ordinance that reflects the community's desires and complies with federal law.

Draft ballot language was drafted and presented to the public over a number of workshops and community meetings. Feedback from the public has been mixed but the majority has focused on draft option C. Option C was modified to include language based on public input. The next steps will include options for maintaining and funding the maintenance projects without the use of federal funds, if the county is held in non-compliance.

PUBLIC COMMENT

John Morgan commented on tax monies paid possibly going to other airports if the county is held in non-compliance, the language regarding a permanent control tower and a precision landing system.

Jim Baushke noted option C is the preferred option among the public because it is explicit regarding what can and cannot be done at the airport. The airport is a valuable economic asset to the community. He thought the unfunded mandated services should be quantified in an economic analysis to make all aware of the costs in the event the ballot question does not pass.

Mike Bradford thought the money received from the federal government is linked to the local economy. AIP monies are collected from national aviation uses and placed into a federal pool; they are not taxes. If we don't take from the pool, we will not get them. The residents of Douglas County are not going to be directly taxed in order to obtain the funds. The airport annually contributes \$250,000 to the General Fund and if it does not get the improvements it needs it will not continue to make the economic contribution it does.

Jack Van Dien commented on the proposed overweight aircraft penalty and his review of the airport fund financial statements.

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Jim Slade spoke in support of modified option C.

John Garvin likes the approach being taken but is reserving final judgment until outside counsel reviews the proposed language.

Public comment closed.

Commissioner Brady stated the predicament the county is in is the direct result of the word “assurances”. To rectify the situation, we will need to be clear and concise about the assurances being providing to the community at large and the FAA. This option goes a long way in addressing those issues.

Commissioner Johnson said the county itself is not going to pursue a control tower. If the FAA requires it, we will have to comply.

Mr. Mokrohisky said, to the extent the county can control it; this will be the guiding policy.

Chairman McDermid stated it would be a good course of action to have an attorney who is cognizant of FAA compliance issues review the language. It is her hope the final language will have FAA approval in order to avoid advocating something the FAA will not agree with.

Mr. Mokrohisky stated staff did not want to fix one problem and cause another. The FAA may not have a vested interest in agreeing to any of this. Outside counsel will provide a legal opinion on the county’s proposed language and that opinion will be provided to the board prior to the adoption of the final language.

MOTION by Johnson/Brady to accept all the public and board comments and go forward with draft option C and direct staff to analyze potential options for the maintenance of the Airport without federal funding; carried unanimously.

**ADMINISTRATIVE SERVICES/COMPTROLLER**

**33. Public hearing on the County’s intent to issue General Obligation (Limited Tax) Water Bonds (additionally secured by pledged revenues) in the maximum amount of \$1,200,000 for the purpose of financing a water project for the Job’s Peak Water System.**

Claudette Springmeyer, Comptroller, stated this is a legally required public hearing. The next step will be adoption of the bond ordinance.

No public comment.

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**34. Discussion and possible action on the final FY08-09 and the first quarter update of the FY09-10 operating revenues and expenditures.**

Heather Field, Management Analyst, and Claudette Springmeyer, Comptroller, presented the total revenues and expenditures for the General Fund, Room Tax Fund, Social Services Fund, and Senior Service Fund.

No public comment.

MOTION by Olson/Brady to approve the final FY08-09 and the first quarter update of the FY 09-10 operating revenues and expenditures; carried unanimously.

**COMMUNITY DEVELOPMENT**

**35. Discussion and possible action to authorize the Chair of the Board of Commissioners to certify the right-of-way for portions of Jacks Valley Road and Dresslerville Road to the Nevada Department of Transportation.**

Jeff Foltz, Senior Civil Engineer, explained this action will satisfy a requirement for receipt of \$379,000 of stimulus funding for road projects.

No public comment.

MOTION by Lynn/Olson to authorize the Chair of the Board of Commissioners to certify the right-of-way for portions of Jacks Valley Road and Dresslerville Road to the Nevada Department of Transportation; carried unanimously.

**36. Discussion and possible action regarding Resolution 2009R-087 to accept the dedication of right-of-way for Jacks Valley Road between US 395 and the Jacks Valley Elementary School where the right-of-way was previously offered and not accepted by the Board of Commissioners.**

Jeff Foltz, Senior Civil Engineer, asked the board to accept the right of way in order to remove any clouds on the certification to NDOT.

No public comment.

MOTION by Olson/Lynn to adopt Resolution 2009R-087 to accept the dedication of right-of-way for Jacks Valley Road between US 395 and the Jacks Valley Elementary School where the right-of-way was previously offered and not accepted by the Board of Commissioners; carried unanimously.

**37. Discussion and possible action to introduce Ordinance 2009-1300, the Second Amendment to the Development Agreement between Monterra 270, LLC**

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**and Douglas County to amend the timing of the dedication of land for Muller Parkway and Heybourne Road, the phasing plan/development schedule for the Monterra planned development, construction of public improvements for Muller Parkway and Heybourne Road, and providing for other properly related matters. (1<sup>st</sup> reading)**

Chairman McDermid read the ordinance by title.

Mimi Moss, Community Development Director, presented the tentative map, phasing plan, right of way dedications, key components of the amended agreement, status of the property taxes, and addressed questions raised by a Winhaven resident.

The board commended Ms. Moss for getting the right of way and public use dedications upfront.

Commissioner Brady questioned the type of security being held by the county to complete any necessary improvements.

Ms. Moss responded there is a LOC security for Phase I.

PUBLIC COMMENT

Bob Pohlman, Winhaven Gardens HOA president, expressed concerns regarding a LOMA and its effect on the drainage within Winhaven.

Public comment closed.

Ms. Moss provided information on the historic natural flooding within Winhaven and how Phase 2 could be impacted by the new FIRM map.

Rob Anderson, on behalf of Syncon Homes, said the improvement plans for the entire project have been submitted and the grading for Phase 2 has raised the lots and taken them out of the floodplain. The necessary drainage and flood studies have been done to show the impacts on the adjoining property owners.

MOTION by Lynn/Olson to introduce Ordinance 2009-1300, the second amendment to the Development Agreement between Monterra 270, LLC and Douglas County, based on the discussion and findings in the attached staff report; carried unanimously.

Ms. Moss noted Exhibit H will be adjusted with a legal description for the second reading.

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**38. Discussion and possible action on the report of the Planning Commission on a Master Plan Amendment request (ref. DA 09-033) and Board Resolution Number 2009R-068 modifying the following: 1) Chapter 2, *Framework of the Master Plan*, adding a note under Chapter 10 adjusting the density for Multiple-Family Residential from 25 dwelling units per acre to 16, 2) Chapter 10, *Land Use Element of the Douglas County Master Plan*, Figure 10.2, adjusting the range of density in the Multiple-Family Residential land use designation from 25 dwelling units per acre to 16, 3) adjusting the text under Residential Uses, Multiple-Family Residential, from 25 to 16 dwelling units per acre, 4) adjusting the text under Future Development and Receiving Areas from 25 to 16 dwelling units per acre, and 5) amending Figure 10.3, *Land Use Designation and Zoning Relationship*, adjusting the maximum density for Multiple-Family from 25 to 16 dwelling units per acre.**

Dirk Goering, Assistant Planner, provided a summary of the item and noted the Planning Commission has indicated agreement with the Board's decision regarding the density standard.

No public comment.

MOTION by Olson/Brady to accept the report of the Planning Commission, and acknowledge that the approval of Board Resolution 2009R-068 is now in effect; carried unanimously.

**39. Discussion and possible action to adopt Ordinance 2009-1293 (Ref. DA 09-033), for Douglas County Community Development, a Zoning Text Amendment, amending Title 20, Section 20.650.010, *Purpose, MFR (Multi-family residential) and MUC (Mixed-use commercial)*, Section 20.656.010, *Residential district development standards (Table)*, and Section 20.664.125, *Multi-family housing (mixed-use commercial zoning district)*, adjusting the maximum density from 25 dwelling units per acre to 16 dwelling units per acre in the Multi-Family Residential zoning district. (2<sup>nd</sup> reading)**

Chairman McDermid read the ordinance by title.

Dirk Goering, Assistant Planner, noted the action would codify the change to the land use element. There have been no changes to the ordinance since its introduction.

No public comment.

MOTION by Olson/Lynn to adopt Ordinance 2009-1293, approving the Zoning Text Amendment (ref. DA 09-033), for Douglas County Community Development, modifying the Multi-Family Residential code provisions by decreasing the maximum dwelling units per acre from 25 to 16; carried unanimously.



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**40. Discussion and possible action on the report of the Planning Commission on a Master Plan Amendment request (ref. DA 09-031) and Board Resolution 2009R-069 modifying Chapter 14, Implementation Element of the Douglas County Master Plan allowing the Master Plan map amendment process up to twice a calendar year and allowing Master Plan text amendments, including element changes, at anytime.**

Mimi Moss, Community Development Director, provided a summary of the item and noted the Planning Commission has indicated agreement with the Board's decision regarding Master Plan map and text amendment cycles.

PUBLIC COMMENT

Jim Slade stated he would have preferred one time a year for the convenience of the public.

Public comment closed.

MOTION by Lynn/Brady to accept the report of the Planning Commission, and acknowledge that the approval of Board Resolution 2009R-069 is now in effect; carried unanimously.

**41. Discussion and possible action to adopt Ordinance 2009-1294 (ref. DA 09-031), amending Title 20, Section 20.608.010, *Procedures for amending master plan text*, and Section 20.608.020, *Procedures for amending master plan map*, allowing amendments more than once per calendar year, setting the months for submittal, and setting the timelines for hearing by the Planning Commission and Board of Commissioners, and providing for other properly related matters. (2<sup>nd</sup> reading)**

Chairman McDermid read the ordinance by title.

Mimi Moss, Community Development Director, stated this will enact the Master Plan Amendment approval. No changes have been made since the introduction of the ordinance.

PUBLIC COMMENT

Jim Slade questioned the language of "more than once per calendar year" in the title of the agenda item.

Michael McCormick, Assistant District Attorney, responded it is done to explain what it is being changed from; it will only be twice per year.

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Public comment closed.

MOTION by Olson/Brady to adopt Ordinance 2009-1294 amending Douglas County Code Title 20, Section 20.608.010, *Procedures for amending master plan text*, and Section 20.608.020, *Procedures for amending master plan map*; carried unanimously.

**42. Discussion and possible action on Land Division Application (LDA) 09-016, a Final Division of Land into Large Parcels Map for W.R. Technology Park, LLC, dividing 121.26 acres into three parcels, the smallest being 40.42 gross acres in area. The subject site is located at 1280 Sawmill Road, within the LI (Light Industrial, one acre minimum net parcel size) zoning district in the East Valley Community Plan Area. (APN: 1220-02-002-009).**

Dirk Goering, Assistant Planner, presented the vicinity map, land use map, zoning district map, final map, and staff's recommendation for approval.

No public comment.

The applicant was available to answer questions.

MOTION by Brady/Olson to approve Land Division Application (LDA) 09-016, a Final Division of Land into Large Parcels Map for W.R. Technology Park, LLC, based on the recommendation from the Planning Commission and the applicant meeting the required conditions of approval; carried unanimously.

**43. Discussion and possible action on Development Application (DA) 09-057, for Sierra Nevada SW Enterprises, requesting the abandonment of the following: 1) 8,898 square feet, more or less, of a 50-foot radius temporary turn-around easement over APN 1220-10-510-006; 2) 45,515 square feet, more or less, of a 37-foot wide ditch irrigation and maintenance easement "Old Virginia Canal" over APN 1220-03-000-038; 3) 13,545 square feet, more or less, of a 20-foot wide storm drainage easement over APN 1220-10-510-006; 4) 62,160 square feet, more or less, of a 41-foot wide ditch irrigation and maintenance easement "Company Ditch" over APNs 1220-10-510-002 and 1220-03-000-038; and 5) nine public utility easements ranging from five-foot to 30-foot in width over APNs 1220-03-000-038, 1220-10-510-002, 1220-10-510-006, 1220-10-110-007, and 1220-10-110-008. The parcels are located in the GC (General Commercial, 10,000 square-foot minimum parcel size) and A-19 (Agricultural, 19-acre minimum parcel size) zoning districts in the Town of Gardnerville.**

Michael McCormick, Assistant District Attorney, stated Mr. Slade has expressed concerns regarding the noticing of this item but his legal advice is the board may proceed if they wish.

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Dirk Goering, Assistant Planner, presented the vicinity map, site plan, easements (public utilities, irrigation, storm drainage, and radius turnaround), comments from the Town of Gardnerville, absence of any public comment, NRS guidelines regarding material damage to surrounding properties, and staff's recommendation for approval.

The board discussed with staff questions regarding beneficial water rights attached to the ditches, if approvals by EFFPD and Water Conveyance Advisory Committee had been obtained, flood drainage ditches, and possible rerouting of the irrigation ditches.

Rob Anderson, on behalf of Sierra Nevada SW Enterprises, provided information on the previously approved conditional abandonments, abandonment of the temporary turn-around, irrigation easements to be abandoned, existing access easement, public utility easements to be abandoned, and the future of the existing water/sewer line easements.

PUBLIC COMMENT

Linda Kleiner commented on the BLA application, irrigation ditches, circulation plan and the principal land use within the Virginia Ranch Specific Plan.

Donna Buddington talked about the vision of the Virginia Ranch Specific Plan and thought the commercial development should tie into the residential area. She added comments regarding the mitigation of run-off from developments.

Jim Slade agreed with Ms. Buddington and said this does not fit with the Master Plan and the Virginia Ranch Specific Plan. Easements should not be abandoned just for the asking. Before any abandonment is granted, it should be determined if an environmental assessment is needed. He addressed the discrepancies with the name of the applicant and urged denial.

Carla Kuhn addressed a letter from Resource Concepts and thought additional detail is needed therefore the request should be denied until more information is available. There needs to be buy in from all parties involved.

John Hunter is upstream from this project and would like the flood implications considered.

Mark Forsberg, attorney representing Sierra Nevada SW, provided a history of this land and noted all decisions made were made in a public forum. These easements will be *conditionally* approved and will have to meet the requirements of all entities involved. He asked the board to focus on whether these abandonments will cause any material damage to the public.

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Jack Van Dien thought the project has much mystery revolving around it. Many comments suggest this project does not conform to the Virginia Ranch Specific Plan. He urged the board to make any necessary modifications visible to the public.

Carla Kuhn said the conditional approval is being given in the spirit of future development; the proposal is insufficient. Unless the abandonment pieces are clarified, a material damage discussion cannot go forward.

Jim Slade thought Mr. Forsberg should have spoken during the applicant's presentation. He feels someone should enforce the clear intention of the Virginia Ranch Specific Plan and the Master Plan; the public is asking the words and intent by abided by.

Public comment closed.

Ms Moss responded to public comment saying:

- All the drainage and public utility easements will have to be approved by the appropriate agencies. Because of this, staff was able to make the findings the public is not being materially damaged.
- The temporary turnaround is a standard practice on a dead end street. Often turnarounds are abandoned because of what is going to occur on the property.
- It is not unusual for an open ditch to feed into a piped ditch.
- The BLA will set the street locations based on the overall layout and the abandonments.
- The flood zone is X-shaded and the applicant will have to meet the requirements of that zone.

Commissioner Olson asked if the process would be same for a box store or a neighborhood center.

Ms. Moss answered it would be required for any development on this property since there are so many easements that bisect the site. The issues would be the same regardless of the development on the property. The SIP or any permits cannot be accepted until the abandonments have occurred and the lot lines have been adjusted; this is the first step before anything gets approved on the property.

Mr. Anderson responded to the issues raised in public comment. He clarified concerns relating to issues raised by Ms. Kleiner, the letter from Resource Concepts, and drainage/floodplain matters. There is nothing in this application that violates the Master Plan, the Virginia Ranch Specific Plan or the Virginia Ranch PD for the commercial phase, or any provision of Douglas County Code or Ordinances.

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Vice Chairman Lynn stated, regardless of the type of development on this property, the environmental impact would be exactly the same as far as circulation, impervious surfaces, etc. All of these things would have to be relocated to make the property commercially viable.

Commissioner Johnson felt he did not have enough information to determine if there is material damage because some agencies have requested more specific information. If additional clarification is needed by those agencies, then the board should have more clarification. Having the other agencies approval prior to any decision by the board would be beneficial to making any decision.

Mr. McCormick reminded the board the issue before them is material injury to the public and staff has not determined that. This is *conditional* approval and staff will have to make sure the conditions are met; safeguards are in place to insure the conditions are met before the easements are abandoned.

Ms. Moss added the conditions of approval have to be met before the abandonment is recorded. It is the county's responsibility to insure all the conditions have been met before the Order of Abandonment is recorded.

*At this point, the Board of Commissioners took a recess to meet with their legal counsel.*

Mr. McCormick noted no deliberation took place during the recess only discussion regarding possible litigation.

Chairman McDermid asked if the abandonments and realignments were required when the Virginia Ranch Specific Plan was approved.

Ms. Moss said portions were spoken to but there was no site layout at that time. Until you have a plan, you do not know what needs to be abandoned or what property lines need to be moved.

MOTION by Lynn/Olson to approve Development Application (DA) 09-057, for Sierra Nevada SW Enterprises, based on the discussion in the Staff Report and subject to the recommended conditions and language set forth; carried unanimously.

**COUNTY MANAGER**

**44. Reports/updates from the Board of Commissioners concerning the various boards and/or commissions that they may be a member of or a liaison to. These boards/commissions include but are not limited to the: Nevada Association of Counties; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber and Visitors Authority; Tahoe Douglas Visitors Authority; Tahoe**

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**Basin Transportation Authority; Lake Tahoe South Shores Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District; and the Debt Management Commission. There will be no action taken on these reports/updates. A public hearing is not legally required on this item thus there will be no public comment. Anyone wishing to comment should do so at the beginning of the meeting during the public interest comment section.**

Commissioner Olson reported on the Finance Committee meeting for the Carson Water Subconservancy District.

Commissioner Johnson reported on the V & T Railroad Commission meeting, which was held in the Board of Commissioners chambers.

MOTION by Olson/Johnson to adjourn the meeting; carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 7:51 p.m.

Respectfully submitted:

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Nancy McDermid, Chair  
Douglas County Board of Commissioners

ATTEST:

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Ted Thran, Clerk-Treasurer