

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. MAY 9, 1995

PRESENT:

Jim Shaw, Chairman
Steve Bradhurst, Vice Chairman
Joanne Bond, Commissioner
Mike Mouliot, Commissioner
Grant Sims, Commissioner

Betty Lewis, Chief Deputy County Clerk
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

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

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the agenda for the May 9, 1995, meeting be approved with the following amendments: Item 16, consideration of amendments to Administrative Permit AP5-7-94 and Special Use Permit SPW5-14-94 requiring Bridges in Consciousness to connect to a public sewer was properly noticed as a public hearing and should be considered during the public hearings portion of the meeting.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the corrected minutes of the regular meeting of March 21, 1995, be approved.

PUBLIC COMMENTS

Dan Anderson, Verdi resident, advised that the CAB discussed the proposed Indian Colony Smoke Shop in Verdi and are 100 percent opposed to the project being located in this residential area. He urged the Board to continue to attempt a land exchange with the Colony.

Chris Sewell, Chairman, Verdi Citizen Advisory Board, reiterated Mr. Anderson's comments regarding the Smoke Shop and stated that the residents are hoping that the whole five acres can be swapped. Mr. Sewell also stated that at the CAB meeting the continuation of the five-cent gas tax was also discussed, and he will be forwarding reports to the Commission regarding the community comments on both of these items.

95-339 PROCLAMATION - TRY TRANSIT WEEK

Dave Jickling, Planner, Regional Transportation Commission, stated that the RTC appreciates the Board's support of "Try Transit Week," and that he hopes the Board members will try alternative transportation methods themselves.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following

Proclamation, which was read into the record by Chief Deputy County Clerk Betty Lewis, be adopted and duly executed:

P R O C L A M A T I O N

WHEREAS, Increased public investment in transit services provides the potential to create jobs and enhance business prosperity; and

WHEREAS, The nation, our communities and our citizens face the consequences to health and the environment that are brought on by automobile emissions; and

WHEREAS, Transportation consumes more than 60 percent of all petroleum used in the United States and increases the nation's reliance on foreign oil; and

WHEREAS, Public transportation is vital to the quality of life and economic well-being of the citizens of the State of Nevada; and

WHEREAS, Workers, school children, senior citizens, people with disabilities, and those unable to afford an automobile use public transportation to gain access to jobs, schools, medical facilities, and other fundamental services; and

WHEREAS, Traffic congestion which wastes productive time can be alleviated through the increased availability and use of public transportation and other forms of high-occupancy, shared-ride services; and

WHEREAS, The Regional Transportation Commission, the American Public Transit Association, the National Association of Counties, the National Association of Regional Councils, the National League of Cities, the United States Conference of Mayors, and America's Coalition for Transit now have declared May 15-19, 1995, to be "TRY TRANSIT WEEK" and have called upon all citizens to join in a nationwide effort to promote transit's benefits, honor transit employees, and encourage new riders; now, therefore be it

PROCLAIMED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That May 15-19, 1995 is "TRY TRANSIT WEEK." All citizens are called upon to examine their personal travel choices, to give consideration to commute via transit or share the ride during "TRY TRANSIT WEEK," and to become more active in education and advocacy efforts to promote the vital role of public transit in Washoe County and across the United States.

95-340 AUTHORIZATION TO ADVERTISE FOR BIDS - PAVING OF PARKING LOTS AND PATHS - SEVEN COMMUNITY PARKS - PARKS DEPARTMENT

Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the Public Works Department be authorized to advertise for bids for paving of parking lots and paths in South Hills Park, New Washoe City Park, Black Springs Park, Lemmon Valley Horse Arena Park, Sun Valley (Gepford) Park, Silver Knolls Park, and Golden Valley Park, which is necessary to satisfy the Americans With Disabilities Act (ADA) requirements for accessibility.

95-341 BID NO. 1829-95 - FLEET TRUCKS - EQUIPMENT SERVICES RECOMMENDATION TO RESCIND REJECTION OF ITEM NO. 3

A recommendation was received from the Purchasing Department that the Board rescind their previous action rejecting Bid Item No. 3, 15,000 GVWR trucks, under Bid No. 1829-95 for fleet trucks on behalf of the Equipment Services Division; and, further, that one of the trucks be awarded to Winkel Pontiac-GMC. County Manager John MacIntyre stated that a question was raised at Caucus as to whether or not the change in cab configuration would necessitate rebidding this item. Madelyn Shipman, Legal Counsel, stated that District Attorney staff was concerned that this might be a violation of the local government purchasing act; that Mike Sullens, Purchasing, has convinced her that if this were rebid, Winkel would still be the only bidder; and that she believes if the Board can make that same finding after hearing the testimony, they can approve the recommendation if that is their desire.

Mr. Sullens reviewed the background of this bid and explained why he believes Winkel would still be the only bidder if the truck was rebid without the extended cab, stating that it is getting too late in the year for dealers to guarantee delivery.

Commissioner Bradhurst expressed concern that if the bid had been for a regular cab instead of an extended cab, there might have been more vendors responding. Commissioner Mouliot stated his belief that there would have been a different response had it not been for the request for an extended cab. Commissioner Bond stated that no one should be eliminated from the opportunity to bid this vehicle. In response to Commissioners Mouliot and Sims, Mr. Sullens stated that he did call Jones West Ford and a dealer in Stockton, both of whom said they did not have one of these trucks available.

Commissioner Sims asked if Mr. Sullens would be contacting the other suppliers to see if they wanted to bid. Mr. Sullens stated that the two he called are major truck dealers who handle Ford and GMC and he feels that that, in combination with the original bid results, indicates that no one else has one of these trucks readily available.

On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that this recommendation to rescind the rejection of Bid Item No. 3 on Bid No. 1829-95 for fleet trucks and to award the item to Winkel Pontiac-GMC be continued to the next meeting, and that Mr. Sullens contact the vendors and provide a written report to the Board indicating what each vendor said about whether or not they would bid if this were rebid and the availability of the vehicle.

95-342 AWARD OF BID - 200 KW TRAILER MOUNTED GENERATOR - BID NO. 1815-95 - UTILITY DIVISION

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette- Journal on February 21, 1995, for one 200 kw Trailer mounted (Genset) Generator for the Utility Division of the Public Works Department. Proof was made that due and legal Notice to Bidders had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Nevada Energy Systems, Inc.
- Nevada Generator Systems, Inc.
- C.R. Drake Sons Inc.
- Smith Detroit Diesel Allison
- Cashman Equipment
- Sierra Detroit Diesel

Nevada Tractor Equipment Company submitted a "No Bid" response. All-Gen Services, C R PartsEquipment, Inc. (Holly Generator), Cummins International, Inc., and Zintek Electric, Inc., failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contract Administrator, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Bid No. 1815-95 for one 200 kw Trailer mounted (Genset) Generator for the Utility Division, Public Works Department, be awarded to the lowest, responsive, responsible bidder, Nevada Energy Systems, Inc., in the amount of \$33,750.

95-343 AWARD OF BID - EXPANSION OF CENTER STREET MISSION - HUMAN SERVICES

Pursuant to questions at Caucus, County Manager John MacIntyre advised that this is for the construction of residential units and not a duplication or expansion of the existing feeding facility and drew the Board's attention to a letter from Nancy Paolini, Executive Director of Project ReStart. It was further noted that \$100,000 of the Center Street Mission project is available through a Community Development Block Grant and the remainder of the funds will come from the Center Street Mission.

Upon recommendation of Michael McMahon, Human Services Coordinator, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the bid for the expansion of the Center Street Mission be awarded to the low bidder, Denny Froom Construction, in the total amount of \$450,000, and Chairman Shaw be authorized to execute the contract documents upon receipt.

It was noted that the other bids were from Joseph Pace Construction \$482,000, and Reyman Bros. Construction-\$513,400.

95-344 ACCEPTANCE OF CABLE TELEVISION RATES - CONTINENTAL CABLEVISION

Upon recommendation of John Balentine, Purchasing and Contract Administrator, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Continental Cablevision's rates, as calculated in their FCC 1200 Series Forms Filings for the Basic Tier of Service and Equipment, be accepted.

95-345 ACCEPTANCE OF CABLE TELEVISION RATES - TCI CABLEVISION OF CALIFORNIA, INC. (INCLINE VILLAGE) TCI CABLEVISION OF NEVADA (RENO/SPARKS) AND ORDER FOR AN ACCURATE ACCOUNTING THEREFOR

Upon recommendation of John Balentine, Purchasing and Contract Administrator, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that TCI Cablevision's rates, as calculated in their FCC 1200 Series Forms Filings for the Basic Tier of Service and Equipment, for both Incline Village and the Reno/Sparks area be accepted. It was further ordered that TCI Cablevision of California, Inc. (Incline Village) and TCI Cablevision of Nevada (Reno/Sparks area) be directed to keep an accurate accounting therefor to preserve both the subscribers' and regulator's rights relative to these rates.

95-346 TRAVEL

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the following travel requests and advancement of travel funds be approved:

Name	Department	Destination	Date	Amount
C. Greear	Sheriff	Carson City, NV	5/15/95 - 5/19/95	\$ 90.00
C. McLelland	Sheriff	Carson City, NV	5/15/95 - 5/19/95	90.00
M. McMahon	Manager	Albuquerque, NM	5/17/95 - 5/20/95	700.00
R. Towery	Sheriff	Phoenix, AZ	6/08/95 - 6/11/95	331.00
R. Young	Sheriff	Arlington, TX	9/10/95 - 9/14/95	1,100.00

95-347 INTERLOCAL COOPERATIVE AGREEMENT - REGION-WIDE ROADWAY MAINTENANCE MANAGEMENT SYSTEMS IMPLEMENTATION PROJECT

Upon recommendation of Derek Morse, Regional Transportation Commission Engineering Manager, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that an interlocal cooperative agreement between the County of Washoe, the City Council of Reno, the City Council of Sparks, and the Regional Transportation Commission, concerning the Region-wide Roadway Maintenance Management Systems Implementation Project be approved and that Chairman Shaw be authorized to execute on behalf of Washoe County.

95-348 AGREEMENT - CARLOS M. GONZALEZ - INTERPRETERS - RENO SPARKS JUSTICE COURTS

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an independent contractor agreement between Washoe County and Carlos M. Gonzalez concerning interpretive services for Spanish-speaking criminal defendants who appear before Reno and Sparks Justice Courts be approved and Chairman Shaw be authorized to execute.

95-349 APPOINTMENT - AIRPORT NOISE ADVISORY PANEL

County Manager John MacIntyre advised that these appointments should be continued due to the Airport Authority reviewing the bylaws of the Airport Noise Advisory Panel.

On motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that

appointments to the Airport Noise Advisory Panel be continued.

95-350 REAPPOINTMENT - BOARD OF ADJUSTMENT

Pursuant to discussion at Caucus, Mike Harper, Director, Department of Development Review, advised that the 5-year term length for Board of Adjustment members was established by ordinance, not by the State legislature.

On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Bill Hilke be reappointed to a new term on the Board of Adjustment to expire June 30, 2000. It was further ordered that staff be directed to amend the ordinance making Board of Adjustment terms four years in length to correspond with other boards.

95-351 APPOINTMENTS - CITIZEN TASK FORCE TO STUDY REGIONALIZATION OF LAW ENFORCEMENT SERVICES IN WASHOE COUNTY

Upon recommendation of John Slaughter, Strategic Planning Manager, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Michael J. Hoover and John Greene, alternates, be appointed as full voting members of the Truckee Meadows Regional Planning Governing Board Citizen's Task Force to Study Regionalization of Law Enforcement Services. It was noted that membership of this task force was expanded by the Regional Governing Board and that, with these appointments, Washoe County has only one remaining alternate.

95-352 RESOLUTION - REQUESTING ASSISTANCE OF ATTORNEY GENERAL - PROSECUTION OF CERTAIN CRIMINAL MATTERS - DISTRICT ATTORNEY

Upon recommendation of Maureen Sheppard-Griswold, Deputy District Attorney, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Shaw be authorized to execute on behalf of Washoe County:

RESOLUTION: Requesting the Assistance of the Attorney General in the handling of certain criminal matters.

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently been called upon to review a police report for the purpose of determining whether to prosecute; and

WHEREAS, one of the accused is employed at the same law firm that employs relatives of an employee in the Criminal Division of the Washoe County District Attorney's Office; and

WHEREAS, if the Washoe County District Attorney's Office proceeds to handle this matter as it relates to both of the accused, there may be some suggestion of impropriety or conflict of interest; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal case in the matter of Washoe County Sheriff's Office Case No. 27902-95.
2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

Noting that no other bids were received for subject parcel, upon recommendation of James Gale, Senior Property Agent, through Craig McConnell, Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Shaw be authorized to execute on behalf of Washoe County:

RESOLUTION

SALE OF COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 5,167 sq.ft. parcel located in the Panther Valley area at W. Ranger Road and U.S. 395 North within Section 23, T20N, R19E, MDBM, Assessor's Parcel Number 082-456-02; and

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property; and

WHEREAS, Washoe County has received a written offer to purchase the property at the appraised value of \$550.00 plus expenses, for a total offer of \$845.51; and

WHEREAS, pursuant to NRS 244.282 the Board of County Commissioners of Washoe County held a public hearing on April 18, 1995 to receive other bids; and

WHEREAS, at the public hearing held on April 18, 1995 no other bids were received.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County accepts the bid of \$845.51 from Don M. and Rosamond Gordon to purchase Assessor's Parcel Number 082-456-02 and hereby directs the Chairman to execute a quitclaim deed transferring said property to Mr. and Mrs. Gordon.

95-354 SPECIAL USE PERMIT CASE NO. SPW2-4-95, TENTATIVE SUBDIVISION MAP CASE NO. TM2-2-95, VARIANCE CASE NO. V2-4-95 - GALENA JUNCTION APPEAL OF DAVID KLADNEY (APN: 49-242-01 PORTION OF 49-242-05)

6:00 p.m. This was the time set in a Notice of Public Hearing sent to affected property owners on April 28, 1995, by the Department of Development Review to consider the appeal of Attorney David Kladney from the decision of the Washoe County Planning Commission to conditionally approve Special Use Permit Case No. SPW2-4-95, Tentative Subdivision Map Case No. TM2-2-95, and Variance Case No. V2-4-95 for Wall Street Property Company/Redfield Land Company to develop Galena Junction, a community shopping center located at the northeast corner of Mt. Rose Highway and Wedge Parkway. The appeal involved three design issues, to-wit: undergrounding of utilities, signage, and roof color.

Mike Harper, Director, Department of Development Review, advised that the appeal on this matter has been withdrawn since the appellant and the developer have reached agreement regarding the disputed items. He further advised that staff concurs with the proposed changes.

Chairman Shaw opened the public hearing and called on anyone wishing to speak regarding this matter.

Appellant David Kladney confirmed that the developer has agreed to make appropriate changes that address his concerns; and that he is, therefore, withdrawing his appeal. Correspondence from Michael Perry, Wall Street Property Company, to Mr. Kladney outlining changes the developer has agreed to make regarding the roof, the signage for the shopping center, parking lot lighting, and undergrounding of utilities was placed on file with the Clerk. Mr. Kladney also asked if the \$150.00 appeal fee could be refunded.

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

On motion by Commissioner Sims, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the withdrawal of the appeal of David Kladney from the recommendation of the Planning Commission to conditionally approve Special Use Permit Case No. SPW2-4-95, Tentative Subdivision Map Case No. TM2-2-95, and Variance Case No. V2-4-95 for Wall Street Property Company/Redfield Land Company to develop Galena Junction be accepted based on the aforesaid agreement between Mr. Kladney and the developer; that the request of Mr. Kladney for a refund of the \$150.00 appeal fee be denied; and that the following development permits be granted subject to the conditions listed:

SPECIAL USE PERMIT CASE NO. SPW2-4-95

A request to construct a community shopping center containing a maximum of 138,850 square feet for commercial use. The 15.47 acre portion of the 24.95 acre site is located at the northeast corner of Mt. Rose Highway (SR 445) and Wedge Parkway. The property is designated General Commercial (GC) in the Southwest Truckee Meadows Area Plan and is within Section 29, T18N, R20E, MDM, Washoe County, Nevada.

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 DEVELOPMENT REVIEW.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, 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 SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

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

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Development Review shall be responsible for determining compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within five years from the date of approval by Washoe County.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site (APN: 49-242-01 and 05) and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a party to the covenant. The District Attorney's Office and the Department of Development Review shall be responsible for determining compliance with this condition.
5. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

6. Prior to ground-disturbing activity, the applicant shall submit an archaeological/historical survey to the Department of Development Review. The Department of Development Review shall submit the survey to the State Historic Preservation Office of the Department of Museums, Library and Arts for review. Following that review, the State Historic Preservation Office shall submit a letter to the Department of Development Review that indicates whether the survey was acceptable. An acceptable survey must be presented to be able to proceed.

7. Prior to the issuance of a grading permit, a grading bond of \$750 per acre of disturbed area shall be submitted to the County Engineer unless the financial assurances for the final site improvements have been accepted with the recordation of a final map.

8. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Development Review to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Development Review of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

TRAFFIC

9. Approved Occupancy Permits shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from, or under roads and highways maintained by NDOT and a copy of the said permit sent to the County Engineer. The improvements required by the NDOT shall be completed prior to the issuance of the first Certificate of Occupancy or a construction schedule prepared by NDOT will be submitted to the County Engineer. The County Engineer shall be responsible for determining that the requirements of NDOT have been met.

10. Prior to ground-disturbing activity, the applicant shall submit a Construction Traffic Haul Route Plan to the County Engineer for review and approval. When existing local roadways are to be used as construction haul routes, the Engineering Division requires a geotechnical exploration and analysis to determine load supporting capabilities and, in accordance with the geotechnical report, may require reconstruction sufficient to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavements.

11. In order to accommodate access for construction vehicles, the traffic signal at the intersection of Mount Rose Highway and Wedge Parkway shall be required. Prior to issuance of any administrative permit, a traffic control plan for construction traffic will be approved by the County Engineer and the Department of Development Review. The traffic control plan will address, among other items, the timing for the construction of the signal at Mount Rose Highway and Wedge Parkway. Since this signal is on the Regional Master Plan of Streets and Highways and serves a regional purpose, the signalization of this intersection will receive credit against the Interim Traffic Facility Collection Program (ITFCP) fee.

12. In order to avoid disruption to the orderly flow of other traffic on Wedge Parkway, the traffic signal on Wedge Parkway at the main project entrance shall be required prior to the issuance of the first Certificate of Occupancy. The County Engineer and Department of Development Review shall be responsible for determining compliance with this condition. The applicant may submit a request for consideration of credit for this signal to the Department of Development Review. The Director shall consider the direction of the Washoe County Planning Commission in his determination of the credit.

13. The applicant shall submit a detailed geotechnical analysis and report for pavement design recommendations to the County Engineer for review and approval. The report shall be based upon the estimated traffic loadings for a 20-year design life and shall include assumptions concerning the distribution of trucks, including project construction traffic. The resultant pavement thickness' in the geotechnical analysis must be used if the report indicates a structural section that is stronger than minimum requirements is necessary. The minimum pavement requirements for on-site paving shall be 3 inches of asphalt on 6 inches of granular base. The minimum pavement requirements for off-site paving shall be 4 inches of asphalt on 6 inches of granular base. The County Engineer shall be responsible for determining compliance with this condition.

14. All paving and driveway improvements necessary to serve the project shall be designed and constructed to Washoe County

standards. Driveway approaches shall have a minimum width of 36 feet. The County Engineer shall be responsible for determining compliance with this condition.

15. All regulatory traffic signs shall meet the standards of Washoe County and the Manual on Uniform Traffic Control Devices. The County Engineer shall be responsible for determining compliance with this condition.

16. The applicant shall acquire, construct, and dedicate the remaining full width right-of-way for Wedge Parkway to minor arterial standards with acceptable tapered transitions into the existing paving. The County Engineer shall be responsible for determining compliance with this condition.

17. The access from Mount Rose Highway shall be limited to only right-in movements. Other than the main project entrance on Wedge Parkway, the access point on that street shall be limited to right-in and right-out movements only. The County Engineer and Department of Development Review shall be responsible for determining compliance with this condition.

18. No open cutting of Wedge Parkway or Mount Rose Highway shall be allowed. The County Engineer shall be responsible for determining compliance with this condition.

19. The applicant shall comply with the applicable provisions of the Bicycle/Pedestrian Element of the Regional Transportation Plan. The Regional Transportation Commission and Department of Development Review shall be responsible for determining compliance with this condition.

20. The applicant shall either (1) enter into an agreement with Washoe County, requiring financial assurances, approval by the District Attorney's Office, and execution by the Board of County Commissioners, to pay the future off-site road impact fee upon its adoption or (2) pay any interim fee imposed by Washoe County, be released from the responsibility of paying the future impact fee, and be eligible for a refund should the future impact fee charge less than the interim fee.

DRAINAGE

21. Since the property is within the limits of the most recent, accepted study for the Whites Creek Drainage Basin Area, the finished floor elevations for structures shall be in accordance with the interim policies of the second draft of the Whites Creek Basin Management Study. An engineer registered in the State of Nevada shall provide certification of elevation prior to Certificate of Occupancy. All recommendations shall be reviewed and approved by the County Engineer.

22. Any increase in stormwater runoff resulting from the development and based upon the 100-year storm shall be detained on-site. Detailed plans for the detention facilities, outlets, and overflow protection shall be submitted to the County Engineer for review and approval.

23. Washoe County will only maintain drainage easements that are a minimum of 15 feet in width and are piped. The County Engineer shall be responsible for determining compliance with this condition.

24. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip-rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts. The County Engineer shall be responsible for determining compliance with this condition.

25. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site. The County Engineer shall be responsible for determining compliance with this condition.

WATER AND WASTEWATER

26. The applicant shall request annexation into the South Truckee Meadows General Improvement District. The Utility Division shall be responsible for determining compliance with this condition.

27. Appropriate backflow prevention devices shall be installed on all fire protection and domestic water services. The Utility Division shall be responsible for determining compliance with this condition.

28. Any existing wells on the project site which are regarded as "improperly abandoned", shall be properly abandoned in accordance with applicable regulations. A permit for well abandonment will be required by the District Health Department.

29. Additional water rights to serve specific tenants may be required to be dedicated to Washoe County prior to the issuance of a building permit. The rights must be in good standing with the State of Nevada Division of Water Resources and must reflect a point of diversion and place and manner of use acceptable to the Utility Division. The Utility Division shall be responsible for determining compliance with this condition.

30. All annexation fees shall be paid in accordance with the Annexation Agreement. The Utility Division shall be responsible for determining compliance with this condition.

31. In accordance with the applicable ordinance, all sewer connection privilege fees will be paid prior to issuance each building permit. Determination of the fees will be based upon fixture counts. Fixture unit counts of 25 or less will result in a connection privilege fee equal to a single family dwelling. The Utility Division shall be responsible for determining compliance with this condition.

32. Any offsite sanitary sewer and potable water infrastructure constructed by the applicant must be dedicated to Washoe County and accepted by the Utility Division prior to the approval of a Certificate of Occupancy.

33. Appropriate easements for all public water and sewer facilities shall be dedicated to Washoe County. The Utility Division shall be responsible for determining compliance with this condition.

FIRE PROTECTION

34. A complete fire flow water system capable of meeting the calculated commercial fire flow requirements as prescribed by Washoe County Ordinance #786 and the Uniform Fire Code Appendix III-A shall be installed prior to delivery of any combustible materials to the project site. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

35. All fire hydrant locations shall be reviewed and approved by the Nevada Division of Forestry. Fire hydrants shall be in proximity to streets to facilitate removal of snow accumulations during routine plowing operations.

36. All roadways within the project shall meet the requirements of paved all-weather surface in accordance with Uniform Fire Code 10.207 and shall be designated no parking zones where less than 24 feet in width. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

37. At least two project access roadways with a minimum width of 24 feet each shall be completed prior to delivery of any combustible materials to the project site. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

38. A fuels management/reduction program a minimum of 30 feet around all structures shall be maintained in accordance with Uniform Fire Code Appendix II A-16. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

39. In accordance with Uniform Fire Code Appendix II A-17, the applicant shall maintain the appropriate clearance of vegetative growth from the roadways. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

40. All structures shall be constructed with fire retardant roofing materials in compliance with NRS 472.100. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

41. In accordance with Uniform Fire Code Article 10 Section 10.301(a), Approved numbers or addresses shall be placed on all buildings. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

42. Pursuant to NRS 475.600, any internal combustion equipment used on this project shall be properly equipped with maintained spark arrestor systems. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

43. Pursuant to Uniform Fire Code Article 10 Section 10.302, key boxes (Knox Box) shall be provided for emergency access. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

44. Building fire alarm systems shall comply with Uniform Fire Code Article 14. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

45. Buildings over 5,000 square feet shall be fully fire sprinklered in accordance with the Uniform Fire Code and Washoe County Code. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

46. All cut banks, slopes with a 2:1 or steeper gradient, drainage plans, creek crossings, and soil stabilization must be reviewed and approved by the Resource Forester (702-849-2500) of the Nevada Division of Forestry.

* * * * *

TENTATIVE SUBDIVISION MAP CASE NO. TM2-2-95

A request to divide a proposed community shopping center site into 10 parcels to facilitate ownership of various portions of the development. The 15.47 acre portion of the 24.95 acre site is located at the northeast corner of Mt. Rose Highway (SR 445) and Wedge Parkway. The property is designated General Commercial (GC) in the Southwest Truckee Meadows Area Plan and is within Section 29, T18N, R20E, MDM, Washoe County, Nevada.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. 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.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR DEPARTMENT OF DEVELOPMENT REVIEW.

THE APPLICANT SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF DEVELOPMENT REVIEW AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF APPROVAL BY THE PLANNING COMMISSION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES. NO FINAL MAP WILL BE SCHEDULED FOR A PLANNING COMMISSION MEETING DATE THAT IS LESS THAN SIXTY (60) DAYS FROM THE DATE OF THIS MANDATORY MEETING.

A REQUEST FOR AN EXTENSION OF TIME FOR THE RECORDING OF A FINAL MAP MUST BE SUBMITTED TO THE DEPARTMENT OF DEVELOPMENT REVIEW AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS ONE YEAR FROM THE DATE OF APPROVAL OF THE TENTATIVE MAP OR A SUBSEQUENT FINAL MAP BY THE BOARD OF COUNTY COMMISSIONERS OR, WHEN APPLICABLE, BY THE PLANNING COMMISSION.

GENERAL CONDITIONS

1. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the applicant and approved by the applicable agency, those in effect at the time of approval of the final map.

2. Final maps shall be in substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority. Substantial compliance shall be determined by the applicable agency and the Department of Development Review.

3. Conditions, covenants, and restrictions (CCR's), including any supplemental CCR's, shall be reviewed, approved, and recorded by the District Attorney's office and Department of Development Review. All tenants and owners shall be subject to the CCR's. Washoe County shall be made a party to the portions of the CCR's that address shared access, common parking and open space, common area maintenance, access to adjoining property, one-story height limitation for structures on pads, and the size limitation on pads.

4. A note shall be placed on all grading plans and construction drawings stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

5. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map, the applicant shall submit an archaeological/historical survey to the Department of Development Review. The Department of Development Review shall submit the survey to the State Historic Preservation Office of the Department of Museums, Library and Arts for review. Following that review, the State Historic Preservation Office shall submit a letter to the Department of Development Review that indicates the survey was acceptable.

6. Prior to acceptance of public improvements and release of any financial assurances, the applicant shall furnish to the Utility Division and/or Engineering Division a complete set of reproducible 'as built' construction drawings prepared by a civil engineer registered in the State of Nevada, when field conditions mandate construction other than that shown in the original drawing.

7. The final map shall designate faults that have been active during the Holocene epoch of geological time and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time. The Department of Development Review shall be responsible for determining compliance with this condition.

8. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices and shall include detailed plans for grading and drainage on each lot, erosion control, slope stabilization, mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

9. Prior to ground-disturbing activity and if required by the Nevada Division of Environmental Protection, a copy of the Stormwater Discharge Permit for Construction shall be submitted to the County Engineer.

10. The applicant is to provide written approval from the US Postal Service for the plans for the installation of mail delivery facilities. The system must be shown on the project construction plans and installed as part of the on-site improvements. The County Engineer shall be responsible for determining compliance with this condition.

11. The applicant and all successors shall direct any potential purchaser of the site to meet with the Department of Development Review to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Development Review of the name, address, telephone number, and contact person of the new purchaser within 30 days of the final sale.

TRAFFIC

12. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to county standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

13. Approved Occupancy Permits shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from, or under roads and highways maintained by NDOT and a copy of the said permit sent to the County Engineer. The improvements required by the NDOT shall be completed prior to the issuance of the first Certificate of Occupancy or a construction schedule prepared by NDOT will be submitted to the County Engineer. The County Engineer shall be responsible for determining that the requirements of NDOT have been met.

14. The applicant shall provide legal access to all parcels within the subdivision. The County Engineer shall be responsible for determining compliance with this condition.

15. The applicant shall acquire, construct, and dedicate the remaining full width right-of-way for Wedge Parkway to minor arterial standards with acceptable tapered transitions into the existing paving. The County Engineer shall be responsible for determining compliance with this condition.

16. The applicant shall dedicate a site for a future bus turnout at a location acceptable to the Regional Transportation Commission. The Department of Development Review shall be responsible for determining compliance with this condition.

17. The applicant shall be required to provide and allow joint access to adjoining properties through the project site. The County Engineer and Department of Development Review shall be responsible for determining compliance with this condition.

18. Street names, if any, shall be reviewed and approved by the Regional Street Naming Coordinator.

19. The final map shall contain the following note and the Department of Development Review shall be responsible for determining compliance with this condition:

NOTE

An off-site road construction fee is applicable to all parcels created by this map. Any applicant for a permit to construct or otherwise use this land shall either (1) enter into an agreement with Washoe County, requiring financial assurances and approval by the District Attorney's Office, to pay the future off-site road impact fee upon its adoption or (2) pay any interim fee imposed by Washoe County, be released from the responsibility of the future impact fee, and be eligible for a refund should the future impact fee charge less than the interim fee. All options to pay existing interim fees expire upon the subsequent adoption of a replacement interim fee or an impact fee.

DRAINAGE

20. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that phase, prepared by a registered engineer, shall be submitted to the County Engineer for approval.

21. A master storm drainage plan, based upon the approved hydrology/hydraulic report, shall be submitted to the County Engineer

prior to the finalization of any portion of the tentative map.

22. The 100-year floodplain boundaries and flood elevations shall appear on each final map. The County Engineer shall be responsible for determining compliance with this condition. If the floodplain boundary has been changed by a Federal Emergency Management Agency (FEMA) Conditional Letter of Map Amendment or Conditional Letter of Map Revision, the date of that letter and a note to that effect shall appear on the final map. Grading or building permits shall not be issued for areas currently shown as "A" zones on the FEMA floodplain maps until a Letter of Map Amendment or Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer.

23. The applicant shall submit to the District Health Department a letter approving the proposed methods of erosion control and soil stabilization from the Washoe-Storey Conservation District.

24. Prior to finalization of any portion of the tentative map, or prior to submittal for a grading permit, the applicant will furnish to the County Engineer and Department of Development Review, written confirmation from the Steamboat Ditch Company that they have reviewed any ditch crossings, protective fencing, or stormwater discharge facilities that may impact the ditch.

WATER AND WASTEWATER

25. The District Health Department and the Utility Division shall review and approve the design, construction, bonding, and inspection of all minor infrastructure for sewer collection. Grease interceptors and/or other means of pretreatment shall be installed where appropriate.

26. Responsibility for design of any pump stations and interceptors to provide sewer service to the project will rest with the Utility Division. The Utility Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Division and the applicant shall jointly select that engineer. Funding of design and infrastructure in excess of the minimum requirements or that to serve the development as determined by generally accepted engineering calculations, shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate number of service hookups to the applicant at the time of recordation of the final map.

27. The design engineer for the water supply and community sewerage systems shall submit a plan for the periodic inspection of the construction of those systems to the District Health Department. The design engineer shall, pursuant to the approved inspection plan, periodically certify in writing to the District Health Department that the improvements are being installed in accordance with the approved plans and recognized practices of the trade.

28. No sewage works shall be installed in the 100-year floodplain. The District Health Department shall be responsible for determining compliance with this condition.

29. A letter, which can be a will-serve letter, from the appropriate provider committing sewer service, must be submitted to the District Health Department. This letter shall indicate that the treatment facility will not be brought beyond its permitted capacity by this service.

30. The District Health Department and the Utility Division shall review and approve the design, construction, bonding, and inspection of all minor infrastructure for potable water distribution.

31. Responsibility for design of wells, pump structure, controls, telemetry, and appurtenances, storage tanks, and transmission lines to the edge of the subdivision, all necessary to provide water service to the project, will rest with the Utility Division. The Utility Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Division and the applicant shall jointly select that engineer. Funding of design and infrastructure in excess of the minimum requirements or that to serve the development as determined by generally accepted engineering calculations, shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall

credit an appropriate number of service hookups to the applicant at the time of recordation of the final map.

32. Water rights for each parcel must be dedicated to Washoe County. The Utility Division shall be responsible for determining compliance with this condition. The rights must be in good standing with the State of Nevada Division of Water Resources and must reflect a point of diversion and place and manner of use acceptable to the Utility Division.

33. A letter, which can be a will-serve letter, from the appropriate provider committing water service must be submitted to the District Health Department. This letter shall indicate that the facility will not be brought beyond its permitted capacity by this service.

34. No water meters will be set until the water system is operationally approved by the Utility Division. Certificates of Occupancy shall not be issued until the water and sewer facilities have been completed, and accepted by the Utility Division.

FIRE PROTECTION

35. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Nevada Division of Forestry. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys. Access and fire flows concerns shall be addressed prior to the introduction of any combustible materials to the site. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

36. A fuels modification plan for the entire acreage, including a minimum 20-foot fuel break at property line, shall be completed. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

37. The applicant shall enter into talks with the Nevada Division of Forestry for any other requirements, such as manpower and equipment needs, or for coordination with other developments that have similar requirements.

AIRPORTS

38. The property owner shall grant an aviation easement over the entire property. The property owner shall provide the Building and Safety Division and Department of Development Review with appropriate documentation indicating the aviation easement has been granted and accepted by the Airport Authority of Washoe County.

* * * * *

VARIANCE CASE NO. V2-4-95

A request to vary the side and rear setbacks from 10 feet to 0 feet to facilitate construction of the commercial buildings within the shopping center. The 15.47 acre portion of the 24.95 acre site is located at the northeast corner of Mt. Rose Highway (SR 445) and Wedge Parkway. The property is designated General Commercial (GC) in the Southwest Truckee Meadows Area Plan and is within Section 29, T18N, R20E, MDM, Washoe County, Nevada.

95-355 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA94-SS-1 - SUN VALLEY- SPANISH SPRINGS INTERTIE

6:00 p.m. This was the time set for consideration (continued from April 11, 1995, BCC No. 95-257) of the Washoe County Planning Commission recommendation to amend the Sun Valley and Spanish Springs Area Plans, being part of the Washoe County Comprehensive Plan, to add a new east-west minor arterial from the current terminus of Sun Valley Boulevard in Sun Valley to connect with Pyramid Lake Highway at or near the proposed extension of Sparks Boulevard in Spanish Springs. The amendment will also modify the northern terminus of the minor arterial shown on the Spanish Springs Streets and Highways Plan map by replacing the east-west portion with a northerly extension to Eagle Canyon Drive. The request also involves an amendment to any corresponding text in the

Sun Valley and Spanish Springs Area Plans regarding the proposed alignment modifications.

Cynthia Herman, Planner, stated that staff is still working with affected property owners and is requesting that consideration be continued to June 13, 1995.

Chairman Shaw opened the public hearing by calling on those wishing to speak regarding this comprehensive plan amendment. There being no response, the hearing was closed.

On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that consideration of Comprehensive Plan Amendment Case No. CPA94-SS-1, Sun Valley- Spanish Springs Intertie, be continued to June 13, 1995, at 6:00 p.m.

95-356 ABANDONMENT CASE NO. AB1-2-95 - BRIDLE PATH HOMEOWNERS ASSOCIATION

6:00 p.m. This was the time set for consideration (continued from April 11, 1995, BCC No. 95-255) of the Washoe County Planning Commission recommendation to conditionally approve Abandonment Case No. AB1-2-95 for the Bridle Path Homeowners Association to abandon certain public equestrian easements within Bridle Path Subdivision, currently being developed. The subdivision involves 660.34 acres and 351 homesites, is designated Low Density Suburban (LDS) in the Spanish Springs Area Plan, and is situated in portions of Sections 25, 26, 35, and 36, T21N, R20E, MDM, Washoe County, Nevada. Staff displayed color coded maps at the hearing and stated that the public easements shown in brown and light green are the ones that would be retained and all remaining public equestrian easements within the subdivision are proposed to be vacated.

Don Young, Department of Development Review, distributed maps and additional information and reviewed the background of the subdivision. Mr. Young stated that when the project was first submitted to Washoe County, the applicant represented to the County and to the Citizen Advisory Board that these equestrian easements and the common area would be open to the public; and that when the current developer, who was not involved in the initial review process, presented the fifth final map, it was then learned that they wanted to restrict access to the easements solely to the residents of the subdivision. He stated that the developer was told at that time, that that was not acceptable to the County. Mr. Young further advised that the County has always considered these easements to be public and has included them in the adopted trails master plan. He stated that staff has been meeting with the developer and residents for approximately eight months and the request before the Board is the result of those negotiations. Mr. Young then answered numerous questions of the Board.

Chairman Shaw opened the public hearing by calling on those wishing to speak regarding this abandonment request.

Greg and Claudia Smith, Bridle Path residents, stated that they were told by the homeowners association and by the developer that the bridle paths and the common areas were for use by Bridle Path homeowners only, and voiced their opposition to the easements being public, citing safety and liability concerns. John Christens and Randy House, Bridle Path residents, both stated that they were also told these easements were private when they purchased their homes and each spoke in opposition to opening the trails up to the public. Mr. Christens stated that it was his understanding that the attorney had requested that this abandonment request be withdrawn so that they could keep negotiating with County staff. Chairman Shaw explained that since this had been noticed as a public hearing, that the Board must conduct the public hearing.

Bud Lamkill and Jim Monahan, Spanish Springs Ranchos residents whose properties abut Bridle Path, expressed displeasure and frustration regarding unfulfilled promises and misrepresentations by the Bridle Path developers.

Ann Kirsten and Greg Ebner, 20 Nevez Court, both spoke in support of maintaining the equestrian easements as public trails and warned that if Bridle Path is allowed to close the trails, the other developers will want to do the same and the trail system will be lost. Ms. Kirsten advised that signs have been put up on the paths stating that they are for the private use of the homeowners only.

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

Mr. Young addressed some of the issues raised by the citizens and reiterated staff's recommendation to abandon some of the easements and let staff continue to negotiate for better replacement easements. He stated that the Parks Department has also been involved in this and is working toward developing and maintaining the trails. The Board asked several questions, which were answered by Mr. Young.

Commissioner Sims stated that he cannot support the recommendation because the developer has requested a continuance and because it appears the homeowners are requesting additional time so that they can formulate a better plan of easements. Mr. Young stated that this cannot be continued and a different plan brought back to this Board because if the request is substantially changed, it will have to go back through the Planning Commission. Mr. Young also noted that he did not receive a copy of the letter from the homeowner's attorney withdrawing the application.

Commissioner Bradhurst stated that he feels the issues are ownership of the easements and preserving the trail system and the Spanish Springs master plan; and that he thinks the request should be denied and a concerted effort made to resolve those issues. Commissioner Sims stated that he would be uncomfortable voting for denial since the applicant's representative is not in attendance and because he believes the necessary findings could be made to approve the request with the conditions in place to preserve the integrity of the master plan.

Following further discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried with Commissioner Sims voting "no," Chairman Shaw ordered that AB1-2-95 be denied because of the absence of a legal determination concerning the ownership of the easements and common areas, and with the stipulation that the ownership issue being unresolved makes this a controversial matter and therefore a basis for a declaratory judgment, which legal staff is directed to seek from the Court on this property. It was further ordered that staff continue negotiations with the property owners in an effort to maintain and preserve the trails system and the Spanish Springs Master Plan.

95-357 SPECIAL USE PERMIT CASE NO. SPB3-4-82 - EXTENSION - SMITH FAMILY TRUST/LEE S. SMITH, TRUSTEE - APPEAL OF WINSTON LOGAN (APN: 84-150-06)

6:00 p.m. This was the time set in a Notice of Public Hearing, properly noticed by the Department of Development Review on April 28, 1995, to consider the appeal of Louis Test, Attorney, on behalf of Winston Logan, from the decision of the Washoe County Planning Commission to extend a special use permit for the Smith Family Trust, Lee S. Smith, Trustee, to operate an aggregate materials pit and to modify conditions to revise access utilizing Paiute Pit Road, being a 14.63-acre parcel designated General Rural (GR) in the Truckee Canyon Area Plan and situated in a portion of Section 3, T20N, R24E, MDM, Washoe County, Nevada.

Mike Harper, Director, Department of Development Review, provided background information regarding this special use permit.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak.

Louis Test, attorney representing appellant Winston Logan, distributed photographs of the subject site to the Board; stated that the sagebrush growing on all the piles of sand show that there is not much activity occurring; and stated that a permit cannot be extended if operations have ceased. Commissioner Mouliot pointed out that in picture number 2 there is no growth on those stockpiles and there are tracks indicating something has been going on. Mr. Test contended that there are no receipts of sales or records proving any activity. Mr. Harper stated that staff has been unable to confirm or deny Mr. Test's contentions. Commissioner Bradhurst asked whether there is currently litigation between the parties regarding the access. Mr. Test stated that there is an action in the United States District Court.

David Hoy, attorney representing the Smith Family Trust, stated that the lawsuit in District Court has nothing to do with access to this property; that it is concerning ownership of a piece of property in the middle, displaying a map for the Board and explaining the access; and that the pictures submitted by Mr. Test show that the roadway is well traveled.

Mr. Hoy also explained that this pit is not an operation such as the pit at Patrick; that the material from this pit is topsoil and sand; that the Smith's sell as much of it as they can, when they can; and that they have not ceased operation of the pit.

Chairman Shaw asked whether there are records of sales. Mr. Hoy stated that there are and also that Mr. Smith does give some material away. When asked by Chairman Shaw for a specific sale, Mr. Smith stated that he sold some material to Crosby Construction approximately 6 weeks ago.

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

In response to Commissioner Sims, Mr. Harper confirmed that this is not a gravel or hard rock pit, but stated that it does fall under the definition of an aggregate pit. A discussion ensued as to how to determine if this is a viable operation and Mr. Harper stated that staff does check to make sure the operators have renewed their business license when they request these extensions.

On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the appeal of Louis Test, attorney, on behalf of Winston Logan, be denied and that an extension of Special Use Permit Case No. SPB3-4-82 be granted subject to the following conditions which have been amended by this Board to include record keeping as evidence of a viable operation:

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE OPERATOR, ITS SUCCESSORS IN INTEREST, AND ALL OWNERS AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST.

THIS SPECIAL USE PERMIT SHALL EXPIRE 3 YEARS FROM THE DATE OF APPROVAL BY WASHOE COUNTY . FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE DEVELOPMENT REVIEW STAFF.

ALL PLANS SHALL BE IN COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL STATUTES, ORDINANCES, RULES, AND REGULATIONS AND POLICIES IN EFFECT AT THE TIME OF SUBMITTAL FOR ANY REQUIRED PERMIT.

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

1. All plans submitted for any required permit shall be in substantial compliance with the plans and documents approved and made a part of this special use permit to the satisfaction of the development review staff. A copy of the approved special use permit shall be attached to any application for a required permit.
2. Should water rights and/or water and sewer facilities be required, said rights and facilities shall be offered for dedication to Washoe County pursuant to Ordinance 586.
3. If water is necessary, the applicant shall execute an agreement with an appropriate water purveyor acceptable to Washoe County for water supply or shall show evidence of an ability to supply water service. A copy of said agreement or evidence must be submitted to the Utility Division and the Nevada Division of Water Resources.
4. The applicant shall obtain the appropriate business license from the Washoe County Department of Development Review.
5. During the period of operation, the applicant shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.
6. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.
7. The applicant must demonstrate to the District Health Department that the wastewater facilities conform to the District Board of Health regulations governing sewage, wastewater, and sanitation.

8. If explosives are to be used, the applicant shall develop a plan for use and notification of affected property owners to the satisfaction of the applicable fire protection agency.
9. During the period of operation, the applicant shall notify the development review staff and any other applicable agencies of any temporary, seasonal, or permanent shutdown occurrences.
10. The applicant shall obtain an occupancy permit from the Nevada Department of Transportation (NDOT), if required, for access to and from roads and highways maintained by NDOT.
11. The applicant shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon cessation of mining for each phase of the operation to the satisfaction of the Engineering Division and the District Health Department. The Washoe-Storey Conservation District shall review the slope stabilization and the phased revegetation portion of the mining plan. Once the plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer. The Engineering Division shall annually review the financial assurance and adjust its amount as deemed appropriate by that division upon approval of the Board of County Commissioners.
12. During the period of operation, the applicant's mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
13. If the District Health Department determined the proposed project falls under the prevention of significant deterioration (PSD) regulations, any requirements to be met and any subsequent permits issued by the District Health Department, shall be made a part of this special use permit.
14. If the operation should cease for a period of 12 months, this special use permit shall become null and void. The applicant will be required to file a new application with the development review staff for appropriate review and approval, including submission of proof of conducting operations in the form of sales receipts and/or records kept of bartered transactions, material given away, etc.
15. The applicant and any successors shall direct any potential purchaser of the site and/or special use permit to meet with the development review staff to review the conditions of approval prior to final sale. Any subsequent purchaser shall notify the development review staff of the name, address, and contact person of the new purchaser.
16. The applicant shall ensure that any financial assurances required by the provisions of this special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, this special use permit shall become null and void.
17. The applicant shall provide evidence to the Washoe County Department of Development Review of legal access from a county or state maintained roadway to the site prior to the commencement of the aggregate operation. Compliance with this condition shall be determined by the Washoe County District Attorney.

95-358 SPECIAL USE PERMIT CASE NO. SPW11-24-94 - TAHOE NUGGET, INC. - APPEAL OF BRUCE JAMES (APN: 123-042-12)

6:00 p.m. This was the time set in a Notice of Public Hearing, properly noticed by the Department of Development Review, to consider the appeal of Stephen Mollath, attorney, on behalf of Bruce James, from the decision of the Washoe County Planning Commission to approve Special Use Permit Case No. SPW11-24-94, a request by the Tahoe Nugget to hold 4 special events, outdoor musical concerts, involving a maximum of 1,000 spectators and support personnel, between June 1, 1995 and September 30, 1995. The events are proposed to be held in an outdoor theater which has been erected in the Tahoe Nugget parking lot, involving a .84-acre parcel on State Route 28 at Stateline in Crystal Bay, and the property being designated Specific Plan (SP) in the Tahoe Area Plan and situated within Section 30, T16N, R18E, MDM, Washoe County, Nevada.

Mike Harper, Director, Department of Development Review, reviewed the history of this special use permit and answered questions that had been raised at Caucus regarding measurements of noise levels, whether the Nevada Department of Transportation had concerns with the proposal, and whether Tahoe Regional Planning Agency approval would be required.

Chairman Shaw opened the public hearing by calling on those wishing to speak regarding this special use permit.

Mr. Mollath stated that Mr. James' residence is located in very close proximity to the area where the concerts will be held and that Mr. James will definitely be adversely impacted if this special use permit is granted. He further stated that their sound expert, Mr. Reynolds, is out of the country and requested that this be continued so that he can testify. Commissioner Bradhurst stated that the issue he sees is not the average noise level for the day, but the actual noise level of the events. Mr. Mollath agreed and stated that they do not believe that can be mitigated and requested that the appeal be upheld in accordance with Washoe County Code 110.810.30(d) because of the detrimental effect on surrounding properties.

Stacy Fitzpatrick, attorney representing Stillwater Cove Homeowners, stated that the residents of Stillwater Cove are still adamantly opposed to these concerts because of the noise that they will have to endure, as well as the traffic and the trash.

Lea Kaufman, planning consultant for the Tahoe Nugget, stated that they have diligently tried to work with the residents to mitigate impacts, as evidenced by the scaled-down proposal before the Board, and reviewed the changes that have been made from the original proposal. Ms. Kaufman also stated that they are adamantly opposed to another continuance.

Carl Yanchan, Acoustical Engineer with Lakeside Associates, described in technical detail the proposed mitigating measures that will be taken to ensure that the noise generated by the concerts will meet the criteria established and answered technical questions of the Board.

Jim Kelly, President, Tahoe Nugget, Inc., stated that they have taken great pains to mitigate the noise impacts, especially in regard to Mr. James and also explained their plans to build a solid wall between the properties, which will forever after screen Mr. James' property from the casino parking lot, as well as closing the back of the stage, lowering the speakers, having all ingress/egress to the concerts from Highway 28 or through the casino, etc. He further described the types of concerts they are planning and the market they are targeting. Mr. Kelly also stated that the economic benefits these concerts will bring to North Lake Tahoe should be weighed against the impacts they will create and referred the Board to letters of support they have received from other organizations in the area.

Juliette Howell, Dream-Maker Wedding Chapel, relayed details of traffic and noise problems that occurred during one of these concerts last summer when she was trying to perform weddings at the Fire Station lookout.

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

Board discussion ensued regarding lowering the noise level of the events and Chairman Shaw expressed a concern that the Board is getting too detailed. On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried with Chairman Shaw voting "no," it was ordered that the appeal of Stephen Mollath on behalf of Bruce James be denied and that Special Use Permit Case No. SPW11-24-94 be granted subject to the following conditions, condition no. 2 having been amended by the Board:

ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT, UNLESS OTHERWISE SPECIFIED.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, 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 SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE DEPARTMENT OF DEVELOPMENT REVIEW.

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

GENERAL CONDITIONS

1. The applicant shall complete construction of all structures and sound attenuation devices proposed as part of the report/site plan of the acoustical engineer prior to the issuance of the first special events license from Washoe County Business License Division.
2. The maximum of 55 CNEL (Community Noise Equivalent Level) shall be monitored during the event at the adjacent residential units by an independent agent and, if necessary, the amplification shall be decreased during the event. During the period of the concerts, the noise level shall not exceed an average of 60 dBA per hour; and if exceedence does occur in any one hour, the applicants will be given 20 minutes to reduce the volume in order to comply. Should they refuse to do so, or are found to be in violation after 20 minutes, Department of Development Review staff is authorized to close down the event. County will contract for noise monitoring services and the expense for same will be paid by the applicant. A report of sound levels for each event shall be submitted to the Department of Development Review within 5 working days of each event. Should noise levels exceed the maximum levels, the Department of Development Review may require additional acoustical engineer reports or additional sound barriers to be erected before issuance of a special events license for the next event to bring the sounds to mandatory levels.
3. The applicant shall demonstrate substantial conformance with the plans approved as part of this special use permit. Modification to the site plan may require amendment to and reprocessing of the special use permit. Conformance shall be determined by the Department of Development Review.
4. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County. Building plans and special events license applications will not be reviewed unless the final order and site plan are attached.
5. All traffic control measures mandated by the Nevada Department of Transportation permit shall be effectuated for each event.
6. Prior to construction of any sound attenuation measure, the applicant shall submit an architectural design plan to the Department of Development Review for review and approval by the Design Review Committee. Said plan shall address the harmonious blend of the sound attenuation measures with the neighboring community, type and color of building materials, signage, exterior lighting. The Design Review Committee may require removal of any construction which is deemed visual clutter the day after the event.
7. Adjacent casinos shall allow parking for concert spectators in lots and parking structures in accordance with the traffic plan submitted.
8. Any tents or canopies shall be certified to the North Lake Tahoe Fire Protection District as flame retardant. The applicant shall monitor the side streets near the event to assure access for emergency vehicles.
9. All lighting shall be directed within the perimeters of the property to the satisfaction of the Department of Development Review.
10. All food handling facilities shall comply with the applicable requirements in the Washoe County District Health Department (DHD) Regulations Governing Food Establishments and non sewerred toilets shall comply with applicable requirements of the Regulations Governing Sewage, Wastewater, and Sanitation.

11. The applicant shall contact the Washoe County District Health Department (DHD) for information on emergency medical services.
12. The applicant shall obtain a special events permit from the Washoe County Department of Development Review, Business License Division for each event. The special events permits shall limit each event to no more than 1,000 spectators and support personnel, to no more than three hours in duration, and to no later than 10:00 p.m. The special events permits are limited to the following 1995 time periods: a weekend date in June and September and a weekday date in July and August.
13. Sanitary facilities shall not be visible from adjoining residential areas to the satisfaction of the Development Review staff.

95-359 ADMINISTRATIVE PERMIT CASE NO. AP5-7-94 AND SPECIAL USE PERMIT CASE NO. SPW5-14-94 - BRIDGES IN CONSCIOUSNESS - REQUEST TO MODIFY CONDITIONS

6:00 p.m. This was the time set in a Notice of Public Hearing, properly noticed by the Department of Development Review, to consider the request of Joel Korotkin, attorney, on behalf of Bridges in Consciousness, a group care home, to amend Condition No. 10 of Administrative Permit Case No. AP5-7-94 and Special Use Permit Case No. SPW5-14-94, requiring connection to a public sewer, so that they may be permitted to repair and use an existing septic system.

Mike Harper, Director, Department of Development Review, provided background information to the Board.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak.

Joel Korotkin, attorney representing applicant, distributed a package to the Board which included copies of his attempts, by certified correspondence, to gain access to the private sewer line or private easement necessary for his client to connect to the public sewer, which requests were emphatically denied. He stated that they have acted in good faith in trying to comply with the conditions; that it appears this will not be possible; and that they are therefore requesting that the permit conditions be modified to allow them to use the septic system.

James Hardesty, attorney, representing several residents on Ponderosa Drive, stated that the sewer line in the street is a private line which was constructed by two of the property owners; that there are no regulations requiring them to allow anyone else use of the line; and that they denied access to the sewer line because of maintenance issues with the line. He further stated that the applicants should not be allowed to use a septic system because they cannot meet the requirements of the Washoe County Code or the County health regulations, citing District Board of Health Regulations Governing Sewage, Wastewater and Sanitation, Section 120.030, requiring that a septic system serve only one building, reminded the Board that there are two buildings on this site, and detailed the history of the project. Mr. Hardesty then stated that a concern has been raised regarding waste discharge from HIV positive patients and referred the Board to a Sierra Pacific Power Company employee handout which discusses a study that determined that the AIDS virus can survive about 12 hours in wastewater; and that that is a major concern to his clients.

Mr. Korotkin addressed the issue of two dwelling units on the property and suggested the Board could further amend the conditions so that they are not permitted to have a kitchen in the accessory dwelling. He also stated that the issue of transmission of the HIV virus through the sewer was addressed in the original hearings. Mr. Korotkin stated that he takes issue with the fact that this being a private sewer line prevents them from accessing the public sewer and advised that they first offered to put their own sewer pipe in the easement, which would take care of the neighbors' maintenance concerns as well as their other concerns, but they were also denied that access.

Mario Frugoli, one of the owners of the sewer line, stated that the County Code requires that these patients be ambulatory, which they are not, and that he believes the applicants will not comply with any of the conditions or regulations.

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

Mr. Harper explained to Mr. Hardesty that the ordinance has been changed; that a kitchen is not required in an accessory dwelling unit, but a permit is still required; and that the Board could condition that no kitchen be placed in the accessory dwelling unit.

Chairman Shaw asked whether the condition of the existing septic system is known. Mr. Harper read portions of a letter from Bryan Tyre, District Health Department, indicating there is a problem with it and they are requesting a new septic system be installed. Mr. Harper also pointed out that giving the applicant the opportunity to pursue a septic system does not guarantee that the District Health Department will issue a permit, because they will only do so if and when all of their requirements are met.

On motion by Commissioner Sims, seconded by Commissioner Bradhurst, which motion duly carried with Commissioners Mouliot and Shaw voting "no," it was ordered that Condition No. 10 of Administrative Permit Case No. AP5-7-94 and Condition No. 3 of Special Use Permit Case No. SPW5-14-94 be deleted and that Bridges in Consciousness be allowed to pursue the use of a septic system instead of connecting to the existing public sewer.

95-360 ORDINANCE NO. 927, BILL NO. 1102 - AMENDING ORDINANCE NO. 801 - REVISING RATES AND CHARGES FOR PROVISION OF WATER SERVICE WITHIN LEMMON VALLEY SERVICE AREA

6:00 p.m. This was the time set for continued consideration (see April 25, 1995, BCC No. 95-314) of the second reading and adoption of Bill No. 1102. Utility Division staff, John Collins, Paul Orphan and Steve Rowell, were present to answer questions of the Board. Mr. Collins distributed additional written information addressing questions asked at Caucus and issues/concerns that had been raised at the public hearing in Lemmon Valley, which he reviewed in detail, specifically the costs of operating and maintaining the system.

The Chairman opened the public hearing and called on those wishing to speak for or against the adoption of said Ordinance.

Bryan Leipper, Lemmon Valley resident, stated that he believes the issues are where does the County get the \$2,000,000 that is needed and how will that be paid back. He also stated that if the systems are going to be pooled, then do so, but if individual systems are going to be evaluated, that should be done fairly and equitably, one way or the other, not a combination of the two. Mr. Leipper further said that it already appears they are paying more than their fair share; and that he does not believe the Lemmon Valley residents should have to pay the full cost of bringing the system up to par. He thanked Mr. Collins for all the information he provided and stated that he has worked very hard to understand and explain what the County is trying to accomplish.

Barry Bouchard, President of the Lemmon Valley Association, stated that the pooling issue needs to be clarified and made consistent; that the money that was spent installing meters, which was not supposed to be done until after the repairs were made, could have been used to repair the system; and that there is no need to "fast track" this issue to ensure that the State grant money will still be available. He then reviewed some of the figures presented. Mr. Bouchard requested that this rate increase be postponed and that an ad-hoc committee be established to study this and develop fair and equitable rates, as well as study the pooling issue, which he feels could be done in about 3 months. He stated that this has been going on for 7 years and he believes this is the opportunity to deal with these issues once and for all and explore all options.

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

Mr. Collins addressed some of the issues raised, citing figures showing that much more has been spent in repairing the Lemmon Valley system than is being generated by the water users; stating that he feels it is important to make sure that a "place-holder" is in place for the State grant, advising that if the Board chooses not to accept the grant, all that is necessary is to notify the State; and explained that systems are not pooled until they are brought up to a certain standard. Mr. Collins and Mr. Rowell then answered specific questions of the Board regarding the income, expenses and capital expenditures associated with the Lemmon Valley water system. Mr. Collins also advised that the \$8.75 surcharge does not take effect until the County actually receives the money.

Following further discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Ordinance No. 927, Bill No. 1102, entitled, "An Ordinance amending Ordinance No. 801 by revising a schedule of rates and charges for provision of water service by Washoe County within the Lemmon Valley service area of Washoe County; requiring the Department of Public Works, Utility Division, to submit billings to all water users within the certain areas, requiring payment thereof; and providing other matters properly relating thereto," be approved, adopted and published in

accordance with NRS 244.100.

It was further ordered that staff take the necessary steps to obtain the State of Nevada Board for Financing Water Projects grant to help finance the improvements necessary for the Lemmon Valley water system (see, BCC No. 95-363), with the Board's intent that a rate study be done in the future; and if it can be shown that Lemmon Valley rates can be reduced, those rates will be adjusted accordingly.

95-361 ORDINANCE NO. 929, BILL NO. 1104 - AMENDING WCC CH. 5 - JOINT AGENCY PERSONNEL RECRUITMENT'S

6:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on April 28, 1995, to consider second reading and adoption of Bill No. 1104. Proof was made that due and legal notice of hearing has been given.

The Chairman opened the public hearing and called on those wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that Ordinance No. 929, Bill No. 1104, entitled, "An Ordinance amending the Washoe County Code by adding thereto a provision to allow for a joint appeal process for joint agency recruitment's and providing other matters properly relating thereto," be approved, adopted and published in accordance with NRS 244.100.

95-362 ORDINANCE NO. 930, BILL NO. 1105 - AMENDING WCC CH. 53 - ADDING MISDEMEANOR OFFENSE OF USING OR POSSESSING DRUG PARAPHERNALIA

6:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on April 28, 1995, to consider second reading and adoption of Bill No. 1105. Proof was made that due and legal notice of hearing has been given.

The Chairman opened the public hearing and called on those wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Ordinance No. 930, Bill No. 1105, entitled, "An Ordinance amending the Washoe County Code by adding thereto the misdemeanor crime of using or possessing with primary intent to use drug paraphernalia; and providing other matters properly related thereto," be approved, adopted and published in accordance with NRS 244.100.

95-363 ACCEPTANCE OF GRANT - STATE OF NEVADA BOARD FOR FINANCING WATER PROJECTS - LEMMON VALLEY WATER SYSTEM - UTILITY DIVISION

Upon recommendation of John Collins, Chief Sanitary Engineer, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the State of Nevada Board for Financing Water Projects grant in the amount of \$643,500, to partially fund the Lemmon Valley water system repairs, be accepted and that Chairman Shaw be authorized to execute the Funding Agreement upon its receipt from the State.

95-364 FISCAL YEAR 1995-96 - COMMUNITY SUPPORT FUNDS

County Manager John MacIntyre stated that this recommendation, if approved, will incorporate the recommended funding levels for community support projects into the 1995-96 County budget and final action will occur when the Board adopts the fiscal year 1995-96 budget.

Chairman Shaw asked if there was anyone in the audience that wished to address the Board regarding this item. There was no response.

Upon recommendation of the Washoe County Human Service Consortium Advisory Board, on motion by Commissioner Sims, seconded by

Commissioner Bond, which motion duly carried, it was ordered that the fiscal year 1995-96 allocation of Community Support funds, in the amount of \$246,017 be approved. It was noted that the agencies and their funding levels are as follows, and that individual contracts will be brought back to the Board for final approval:

Truckee Meadows Fair Housing	\$17,000.00
Northern Nevada Amputee Support	6,500.00
Nevada Aids Foundation - Teen Community Outreach Program	5,000.00
Nevada Aids Foundation Hand In Hand	8,600.00
Northern Nevada Black Cultural Awareness Society - Youth Program	22,417.00
Salvation Army Family Shelter	4,500.00
The National Conference	5,500.00
The Food Bank of Northern Nevada	73,000.00
Project ReStart - Family Case Management	10,000.00
Child Abuse and Neglect Task Force	10,000.00
The Crisis Call Center	25,000.00
Truckee Meadows Community College Welcome Immigrants to Nevada	10,000.00
Northern Nevada Literacy Council	5,000.00
Care Chest	6,000.00
Haven of Hope	20,000.00
NASAC	11,000.00
Volunteer Lawyers of Washoe County	6,500.00
TOTAL	\$246,017.00

95-365 AUTHORIZATION TO PURCHASE AUTOMATED CHEMICAL CONTROLLER SYSTEM - BOWERS MANSION SUN VALLEY POOLS - PARKS DEPARTMENT

Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the Parks Department be authorized to purchase one automated chemical controller system for Bowers Mansion Pool and one for Sun Valley Pool and that the following account transfers to shift appropriated funds be approved:

Decrease:		Increase:	
01-1421-70021	\$18,340.00	01-1421-7878	\$18,340.00

95-366 SALE OF COUNTY PROPERTY - APN 047-010-06 - MT. ROSE/GALENA - CONSIDERATION OF SIMPSON/ALTMANN OFFER

County Manager John MacIntyre noted that there was significant discussion on this item at Caucus and that Jim Gale, Senior Property Agent, is present to answer any further questions.

Commissioner Bradhurst stated that he feels the buyer's conditions tying the property up for 120 days, making their offer contingent upon their investigation of the property, is not acceptable to him. Commissioner Mouliot agreed and stated that he is not sure this is a legitimate offer.

In response to Commissioner Bond, Mr. Gale stated that there are no provisions for negotiating public land sales, and the Board's

only choices are accepting or rejecting the offer. Commissioner Bond stated that on any future sales, she would prefer to see selling costs split between buyer and seller as is customary.

In response to Commissioner Sims, Mr. Gale stated that the buyer did supply an addendum to the offer stating that they would agree to go 50-50 on the escrow fees. Commissioner Sims agreed that tying the property up for 120 days with no compensation to the County for that is not in the best interest of Washoe County.

Following further discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the offer from Dr. and Mrs. Graham D. Simpson and D. Fred Altmann, et al., to purchase APN 047-010-06 be rejected.

95-367 GRANT APPLICATION - STATE OF NEVADA, OFFICE OF TRAFFIC SAFETY - YOUTH ALCOHOL COUNTERMEASURES GRANT - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the Sheriff be authorized to submit a grant application to the State of Nevada, Office of Traffic Safety, for a Youth Alcohol Countermeasures Program Grant. It was noted that the amount of the grant has not yet been determined and that no matching funds will be required.

95-368 AUTHORIZATION FOR CAPITAL EXPENDITURE - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Mouliot, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that a capital expenditure of \$8,689 to purchase a commercial quality VHS camera and supporting equipment for use by the Sheriff's Office be authorized.

95-369 AUTHORIZATION FOR CAPITAL EXPENDITURE - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that a capital expenditure to purchase one 1984 Winnebago 30-foot motorhome, in the amount of \$16,000 from drug forfeiture funds, be authorized.

95-370 WASHOE COUNTY HUMAN SERVICE HOME CONSORTIUM FY 1995/96 CONSOLIDATED PLAN

Upon recommendation of Michael McMahon, Human Services Coordinator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the Washoe County Human Service and HOME Consortium Consolidated Plan for fiscal year 1995-1996 be approved.

95-371 REQUEST FOR ENDORSEMENT AND SUPPORT OF SECOND FAMILY COURT JUDGE - DISTRICT COURT

Pursuant to discussion at Caucus concerning the request of the District Court for Board endorsement and support of the addition of a second Family Court Judge, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the request be continued pending the joint County Courts workload study.

95-372 PERFORMANCE AUDIT - DEPARTMENT OF DEVELOPMENT REVIEW AND BUILDING AND SAFETY DIVISION - FINANCE

Pursuant to discussion at Caucus, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that consideration of the performance audit by the Finance Division of the Department of Development Review and the Building and Safety Division and associated recommendations be continued to May 23, 1995.

95-373 BARTLEY RANCH INTERPRETIVE CENTER- ACCEPTANCE OF DONATIONS AND AGREEMENT - MUSEUM OF THE HORSE - "HORSE TALES" EXHIBIT

Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner

Sims, which motion duly carried, it was ordered that the following actions be taken regarding the "Horse Tales" exhibit to be displayed at Bartley Ranch Park from May 15, through September 20, 1995:

1. The following donations be acknowledged and accepted with the Board's gratitude:

\$7,500.00		from the Reno Rodeo Association
\$5,000.00		from the Robert Z. Hawkins Foundation

2. A contract between Washoe County and the Museum of the Horse to provide the exhibit be approved and the Chairman be authorized to execute.

3. The following account transactions be approved:

Increase	01-14055-5802	(donations)	\$12,500.00
Increase	01-14055-7321	(contracts)	\$12,500.00

4. The Parks Department be authorized to establish admission fees appropriate to the various individual exhibits obtained for Bartley Ranch's Western Heritage Interpretive Center.

5. Parks Department staff, Karen Mullen, Bob Thomas, and Julie Briggs were acknowledged by the Board for their work in seeking and obtaining these donations.

95-374 LEMMON DRIVE BICYCLE/PEDESTRIAN IMPROVEMENTS - DEPARTMENT OF PUBLIC WORKS

Upon recommendation of Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that:

1. A modification to the construction contract of the Regional Transportation Commission for their Lemmon Drive Rehabilitation Project, to add bicycle/pedestrian improvements along the west side of Lemmon Drive, from Patrician Drive to Fleetwood Drive, as described in the scope of work, in an amount not to exceed \$15,000, be approved; and
2. The Finance Division be directed to arrange the funding necessary for accomplishment of the work; and
3. Payment to the Regional Transportation Commission for the actual cost of said work, as completed, upon receipt and verification of an itemized invoice, be authorized.

95-375 STATUS REPORT - MEMORANDUM OF AGREEMENT - SIERRA PACIFIC POWER COMPANY - SINGLE WATER PURVEYOR SYSTEM

Bob Webb, Department of Comprehensive Planning, submitted reports to the Board regarding tax related issues associated with Sierra Pacific Power Company acquisition of County water systems, valuation and ownership of County water systems prepared by consultants from RMI, and synopsis of the public meetings that have been held concerning this. He also stated that it appears that acquisition by SPPCo of the County water systems is not feasible because of the tax related issues; and that staff is seeking direction from the Board as to how to proceed at this point. Mr. Webb further advised that there have been some initial discussions with SPPCo on the operating or management agreement concept.

Mary Henderson, Government Affairs Director, discussed the proposed legislation regarding regional water planning, stated that the bill draft is finally completed, and advised that staff is reviewing it. Commissioner Bradhurst stated that he would rather see the actual bill draft and have time to properly study it.

Sam McMullen, Lobbyist, reviewed section-by-section a summary of the proposed legislation, noting that Section 29 is one that the

Board should review carefully, and answered questions of the Board.

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12:30 a.m. - Commissioner Sims left the meeting.

* * * * *

Commissioner Bradhurst asked several questions, which were answered by Mr. McMullen, Ms. Henderson and John Hester of the Department of Comprehensive Planning, and Mike Reed of Sierra Pacific Power Company.

Chairman Shaw asked Ms. Henderson if she has been working with the Cities of Reno and Sparks on this. Ms. Henderson responded that both cities have been involved in this process from the beginning with everyone working together towards the single purveyor concept.

Regarding acquisition of water systems, Mr. Reed advised that it was previously determined that Sierra could not sell its water system to the County; that it has now been established that it would be very difficult for the County to sell its water systems to Sierra; and that Sierra is willing to look at other alternatives. He reiterated Sierra's concern of being regulated by a competitor.

Commissioner Bradhurst noted that according to the RMI reports, an operating and management agreement would also be difficult to accomplish.

Following further discussion, the Board directed that staff table the acquisition ideas and continue meeting with Sierra Pacific Power Company staff to explore all facets of the management and operating agreement concept and to try to simultaneously address other issues of friction, such as service territory, and identifying benefits and disadvantages to all concerned, including water user customers, with the goal being establishment of a single purveyor water system.

95-376 LEGISLATIVE UPDATE

Mary Henderson, Government Affairs Director, briefed the Board regarding occurrences in the State legislature. She stated that she does need direction from the Board regarding SB84, the NACO legislation concerning salaries of elected officials. Commissioner Bradhurst stated that the 20 percent increase that is currently proposed does nothing more than bring the salaries up to equal what the cost-of-living increase has been since the last time those salaries were adjusted. Ms. Henderson reminded the Board that in the beginning, the Board chose not to make a recommendation regarding their own salaries. Chairman Shaw stated that he feels the Board should support the increase for everyone and not delete any positions.

Commissioner Bradhurst agreed stating that this just keeps the dollar whole and that should be communicated to NACO.

Ms. Henderson also advised that the Senate Government Affairs Committee is looking into a constitutional amendment that will give the power for setting elected officials salaries to the Board of County Commissioners.

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There being no further business to come before the Board, the meeting adjourned at 1:05 a.m., Wednesday May 10, 1995.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk