

TUESDAY 3:00 P.M. APRIL 13, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Jim Shaw, Commissioner
- Amy Harvey, County Clerk
- Katy Simon, County Manager
- Madelyn Shipman, Legal Counsel

ABSENT:

- Pete Sferrazza, Commissioner

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

**99-300 AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the agenda for the April 13, 1999, meeting be approved with the following amendment:

Delete: Item 19, a proposal from Lyon County concerning transferring three sections of Washoe County land north of the town of Fernley to Lyon County.

**PUBLIC COMMENTS**

Jerry Lazzari and James Inman, representing the Veteran's Memorial Commission, explained that since Pearl Harbor Day, 1996, three monuments honoring veterans have been dedicated in Reno, Sparks and Fernley and that they have been going out to the schools teaching patriotism and distributing American flags. They presented a flag to Chairman Galloway along with a list of 219 names of men from Washoe County who died in military service and requested that the Board consider naming streets after these brave soldiers.

On behalf of the Board, Chairman Galloway expressed appreciation for all of the veterans and what they did for America. He stated that the list of names will be posted in the lobby and published in the minutes; and that he will proudly display the flag in his office.

DEDICATED TO THE MEMORY OF THOSE BRAVE AMERICANS FROM WASHOE COUNTY WHO DIED IN THE SERVICE OF THEIR COUNTRY WORLD WAR I, WORLD WAR II, KOREA AND VIETNAM. MAY THEIR ETERNAL SOULS REST IN PEACE AND THEY SHALL BE ENSHRINED IN THE HEARTS OF THEIR FELLOW COUNTRYMEN FOREVER:

- |                    |                    |                |
|--------------------|--------------------|----------------|
| LEONARD AITKEN *   | FRANCISCO CHILLEMI | SAM GIBSON JR. |
| JOHN ALECK         | JACK CHRISTENSEN   | DONALD GOOD    |
| ROBERT ALLEN       | KERRY CLARK        | CHARLES GORE   |
| ROBERT ANDREWS JR. | JAMES CLARK        | JOHN GOREMAN   |

WILLIAM ANGER JR.  
GEORGE ARNOLD  
ROBERT BAKER  
PAVAO BALAJIC  
GERALD BARNES  
BENJAMIN BARRON  
CHARLES BATH  
DALE BEDELL  
TAYLOR BEGAY  
LORAN BERGER  
DAVID BIDART  
WILLIAM BLAKE  
JEFFREY BOGUE  
LESLIE BOLTON  
CLINTON BONSER \*  
KENNETH BOOTH \*  
VICTOR BOWDEN  
MICHAEL BRAEUTIGAN  
RUSSELL BRANNON  
LAWRENCE BROE \*  
THOMAS BROOKS \*  
DANIEL BRUCE \*  
GLENN BURT  
HARRIS BUTLER \*  
RUSSELL BYINGTON  
ARCHIE CAMPBELL \*  
DONALD CAMPBELL  
EDWARD CARRUTHERS  
ROBERT CARTER \*  
TIMOTHY CARTER  
PATRICK CARTWRIGHT  
ALDO CASAGRANDE  
CHARLES CASEY  
LELAND CHAVEZ  
JAY CHEEL  
RAYMOND LUCEY  
WILLIAM MACKAY  
LOUIS MARTINI

FREDERICH COALWELL  
GEORGE COLLINS  
PAUL COMPTON  
ADEBERT CONOVER  
EDGAR CORBIERE  
MARSHALL CREEL  
MICHAEL DARRAH  
ARTHUR DAVIES  
AMIE DAVIN \*  
LUTE DAVIS \*  
RICHARD DE LORNE  
BOVEE DODS  
DARRELL DUNKLE \*  
CHARLES DUNLAP  
VERN DURGIN  
GLEN DUTTON  
PAUL EATON  
THOMAS EDSALL \*  
DWIGHT ELDER  
WILLIAM ELLITHORPE \*  
KNUD ERICKSEN \*  
RAY EVANS  
LEWIS FIREY JR.  
CLEO FLUTY  
TOM FOREMAN JR.  
EUGENE FRANCOVICH  
GEORGE FREEMAN  
WENDALL FRITZ  
CHARLES FOX JR.  
ELMO GABRIELLI  
ONORATO GADDA \*  
PETER GALLI \*  
FRANK GANDOLFO  
BENJAMIN GARRETT  
AUGUSTINO GATTI \*  
ERNEST PLACK \*  
BRYCE PLATT  
C. PORTERFIELD JR.

HARRY GOSSE \*  
ALFRED GREEN  
SCOTT GREENE  
LEANDER GRUBBS \*  
RAYMOND HAGAR  
RICHARD HANSEN  
GEORGE HARDMAN  
JOESPH HASLETT  
LLOYD HENLEY  
RAYMOND HEUER  
THEODORE HILLARD  
CHARLES HOBBS \*  
CHARLES HODGE  
WILLIAM HORGAN \*  
ROBERT HOWARD  
JACK HUGHES  
PAUL INDART  
ALTON INMAN  
CLARENCE JAMES  
ARTHUR JONES  
JOHN JORGENSEN  
MEREDITH JOHNSON  
ROBERT KEENAN  
WALTER KELLISON  
AUSTIN KERNEK \*  
GEORGE KERR  
DANNY KEOGH  
WILLIAM KOSKELLA  
FRIEDRICH KRUPPA  
BRUCE LAGUE  
LARRY LAKEY  
ANDREW LA BEAU JR.  
HAROLD LINVILLE  
DENNIS LONDON  
RICHARD LOWREY  
GEORGE STAPLETON JR.  
KENNETH STATES  
EDWIN STEWART

EMELIO MASINI  
JAMES MCANDREW  
GEORGE MCCALL \*  
CHARLES MCCLURE  
CLINTON MCKINLEY  
CHARLES MCNAMEE \*  
FRANCIS MENANTE  
MYLES MILLER \*  
ROBERT MILTNER  
ROBERT MINETTO  
ROBERT MORGAN  
ROBERT MORTON  
CLAIR MUMMAH  
WILLIAM MYERS  
WAYNE NELSON  
OSCAR NEUNDORFER  
EDWIN NICKLES  
JOHN OAKY  
FRANK OLIVER JR.  
SAMUEL OPDAL \*  
STANLEY OSBORNE  
DARHL PACKER  
WILLIAM PALMER  
RICHARD PARDINI  
BILLIE PARKER  
FRANK PARKER  
JOHN PARKER  
MICHAEL PARSONS  
HOMER PECK  
JOHANNES PERSSON \*  
W.H.A. PIKE \*

FRANK PUCCINELLI  
DONALD PURDY  
WILLIAM PURDY  
JOHN QUAID  
DEANE QUILICI  
DORRANCE RADCLIFFE  
MELVIN RADCLIFFE  
JOHN REINMILLER  
JOHN RICABERT  
MAXIE RICE  
JOHN RHODEHAMEL  
ROBERT ROBERTS  
THOMAS ROBERTS \*  
RENO ROBUSTELLINI  
ARTHUR ROWE  
FITCH ROWLEY  
FRANK SALAZAR  
CARL SALMON  
KEITH SAUNDERS  
RICHARD SAWYER  
MICHAEL SBRIGLIA  
FRANCIS SHAW  
WILLIAM SHAW JR.  
MICHAEL SHEA  
GEORGE SHOGREN  
EDWARD SIMPSON  
GEORGE SMITH  
GLEN SMITH  
CHARLES SPAULDING  
EARL ST. JOHN  
LEE STAFFORD

DAVID STRANG  
CLARENCE STRASSER  
JAMES STONE  
RAYMOND STONE JR.  
NEIL TAYLOR \*  
JOHN TERZI \*  
CHARLES THRALL \*  
JOHN TILLMAN  
WILLIAM TILLSON  
GENE TRANKLE  
CARROLL TROWBRIDGE  
ERNEST TWADDLE \*  
HERMAN UBBINS  
JOHN VALDEZ \*  
SIMON VALDEZ  
ARIST VALLAS \*  
HARLAN VIDOVICH  
DANIEL WAIN  
RICHARD WALKER  
MILTON WARKENTIEN  
RALPH WAYNE  
MICHAEL WESSELL  
WILFORD WHATCOTT  
LLOYD WILLIAMS  
STANLEY WINNEMUCCA  
RAYMOND WINTER  
WALTER WISE \*  
WILLIAM WUYOVICH \*  
BIRCHARD YOGUM \*  
ERIC YOUNG  
ELMO ZUNINO

\* - WORLD WAR I

\* \* \* \* \*

## PUBLIC COMMENTS (cont.)

Frank Partlow, area resident, encouraged everyone to support the County's team at the celebrity Spelling Bee to be held at the Atlantis on April

21st, which is a fund raising event for the Northern Nevada Literacy Council and stated that illiteracy is a very serious problem.

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Pauline Lamoya, a Lemmon Valley resident, reported that Sha Neva continues to exceed prescribed dust and noise levels at the sand pit in Lemmon Valley; that the berms are not in compliance with the Code; that Sha Neva is not in compliance with their special use permit in several areas; and that she is requesting that the County take a close look at the situation and enforce the conditions of approval.

## **MINUTES**

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the minutes of the regular meetings of February 16 and 23, 1999, be approved.

### **99-301 APPEARANCE: ROBERT MURRAY, VICE PRESIDENT, DMG-MAXIMUS**

Joanne Ray, Human Resources Director, introduced Robert "Bob" Murray of DMG-MAXIMUS, and stated that DMG has been engaged to conduct the recruitment for the Registrar of Voters position and that Mr. Murray has been provided organizational information, budget and general information about Washoe County, the job description established for the Registrar of Voters, and minutes of the Election Task Force meetings.

Mr. Murray stated that he is scheduled to meet with the task force next Monday. He also solicited feedback from the Board concerning their view of the ideal candidate, which was provided by all Board members present, and stated that he would take that information and the information from the task force and develop a candidate profile. Chairman Galloway asked that the Board be given a copy of the profile. Mr. Murray also introduced Nicole Kaylor, his associate, and advised that she is his right-hand person and always knows where he is if someone needs to get in touch with him.

He then responded to Board questions concerning his background in recruiting for high-profile government positions and provided an estimated timeline for bringing possible candidates forward.

### **99-302 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT**

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 16 sexual assault victims in an amount totaling \$9,049.00 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated March 11, 1999, and placed on file with the Clerk.

### **99-303 CONTINGENCY TRANSFER - HUMAN RESOURCES DEPARTMENT- RECRUITMENT FOR REGISTRAR OF VOTERS**

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the following transfer of funds from contingency to the Human Resources

Department for contract service for recruitment and screening process for the Registrar of Voters position by the outside agency of DMG-MAXIMUS be approved and the Comptroller be directed to make the necessary account changes:

Decrease:	001-1890-7328	Contingency	\$22,000
Increase:	001-1091-7363	Recruitment	\$22,000

**99-304 CONTINGENCY TRANSFER - HUMAN RESOURCES DEPARTMENT - MANAGEMENT RECRUITMENT'S**

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the following transfer of funds from contingency to the Human Resources Department for the recruitment of five top management positions (Registrar of Voters, Director of General Services, Assistant County Manager, Finance Director and Labor Relations Manager) be approved and the Comptroller be directed to make the necessary account changes:

Decrease:	001-1890-7328	Contingency	\$35,000
Increase:	001-1091-7363	Recruitment	\$35,000

It was noted that if any funds remain after the recruitment's, they will be returned to the Contingency account.

**99-305 CHANGE FULL-TIME POSITION (PLANS/PERMITS/APPLICATION/AID) TO PART-TIME - HEALTH DEPARTMENT**

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the change in the Health Department position control #89, Plans/Permits/Application/Aid, from a full-time position to a part-time 21 hour/week position be approved and that the Human Resources Department be directed to make the change. It was noted that this was a grant-funded position and the grant can no longer support the full-time position.

**99-306 ACCEPTANCE OF GRANT AWARD - AIR QUALITY EQUIPMENT - U.S. ENVIRONMENTAL PROTECTION AGENCY - HEALTH DEPARTMENT**

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the grant of \$22,000 worth of PM 2.5 air quality monitoring equipment awarded to the Washoe County District Health Department's Air Quality Division by the United States Environmental Protection Agency be accepted.

**99-307 ACCEPTANCE OF DONATION - SELF-CONTAINED BREATHING APPARATUS - UNIVERSITY OF NEVADA, RENO - HEALTH DEPARTMENT**

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the donation of four Mine Safety Appliances, Model 401, Self-Contained Breathing Apparatus Units from the University of Nevada, Reno, be accepted with the Board's gratitude.

It was noted that acceptance of this donation will save the Washoe County District Health Department approximately \$12,000 when the current units expire their life use next year; and that they will be used by Health Department staff who are an integral part of the Truckee Meadows Regional Hazardous Materials Response Team as well as the Sheriff's Drug Lab Task Force Team and work alongside fire and law enforcement personnel in haz-mat situations.

**99-308 BUDGET AMENDMENT - FY 1998/99 AIDS PROGRAM - HEALTH**

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that an amendment to the District Health Department Fiscal Year 1998/99 Aids Program budget in the amount of \$7,785 in federal funds be approved and the following account transactions be authorized:

Account Number	Description	Amount of Increase
002-1700-1712G1-4301	Federal Funds	\$7,785.00
-7001	Salaries	\$7,785.00

**99-309 BUDGET AMENDMENT - FY 1998/99 WIC PROGRAMS - HEALTH**

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that an amendment to the District Health Department Fiscal Year 1998/99 WIC Marketing Program and WIC Programs budgets in the amount of \$53,953 in federal funds be approved and the following account transactions be authorized:

Account Number	Description	Amount of Increase
002-1700-1707G1-4301	Federal Funds	\$13,515
-7140	Other Prof. Services	14,395
-7230	Educational Materials	17
-7250	Office Supplies	35
-7261	Postage	33
-7307	Auto Expense	49
-7322	Copy Machine	(196)
-7357	Printing	(812)
-7364	Registration	(306)
-7382	Telephone	125
-7620	Travel	175
	Total Expenditures	\$13,515
002-1700-1746G1-4301	Federal Funds	\$40,438
-7001	Salaries	19,853
-7002	Part Time	8,302
-7160	R & M General	1,000
-7213	Books & Subscriptions	(300)
-7230	Educational Materials	200
-7237	PC Software	1,000
-7247	Medical Supplies	1,833
-7250	Office Supplies	4,000
-7322	Copy Machine	500
-7329	Dues	150
-7358	Licenses	250
-7364	Registration	1,000
-7396	Laundry	100

Total Expenditures

\$40,438

**99-310 BUDGET AMENDMENT - FY 1998/99 UNDERGROUND STORAGE TANK PROGRAM - HEALTH**

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that an amendment to the District Health Department Fiscal Year 1998/99 Underground Storage Tank Program budget in the amount of \$1,500 in federal funds be approved and the following account transactions be authorized:

Account Number	Description	Amount of Increase
002-1700-1726G1-4301	Federal Funds	\$1,500
-7620	Travel	\$1,500

**99-311 ALCOHOL BEVERAGE PROHIBITION WAIVER - DAUGHTERS OF NORWAY ANNUAL SMORGASBOARD EVENT--SENIOR SERVICES**

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the prohibition of serving alcoholic beverage at the Reno Senior Services Center be waived for the Daughters of Norway annual smorgasbord event to be held on Saturday, May 8, 1999, from 5:30 p.m. to 9:00 p.m. with approximately 250-275 people anticipated. It was noted that the Daughters of Norway have held this function annually for 13+ years with this waiver; that there have been no disruptive instances during past events; and that the applicants have provided the appropriate insurance coverage.

**99-312 ESTABLISH TRAVEL EXPENDITURE LINE ACCOUNT - ENHANCED 911 FUND & AUTHORIZE COMMITTEE MEMBERS TO ATTEND CONFERENCE - GENERAL SERVICES**

Katy Simon, County Manager, responded to questions raised at Caucus advising that this is a request for one representative from each of the jurisdictions plus one additional person from the E-911 Advisory Committee to attend a conference on the new federal E-911 legislation and that Washoe County pays for everyone because it receives the funds from the E-911 25-cent surcharge. Chairman Galloway expressed the Board's concern about the cost and whether it was necessary for all four people to attend the conference.

Upon recommendation of Ralph Jaeck, Chairman, E-911 Advisory Committee, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that a travel expenditure line account (0801-7620), in the amount of \$8,000.00, for the Enhanced 911 Fund (Fund 008) be established and that four E-911 Committee Members (or their duly appointed representatives) be authorized to attend the National Emergency Number Association's 1999 Annual Conference in North Carolina June 13-17, 1999.

It was noted that several individuals attending on behalf of the E-911 Advisory Committee are not County employees; therefore, a funding adjustment reducing contractual wages (008-7036) and establishing a travel line account (008-7620) in the amount of \$8,000.00 is required.

**99-313 ACCEPTANCE OF FINANCIAL REPORT AS OF JANUARY 31, 1999 - GENERAL, HEALTH AND PUBLIC WORKS CONSTRUCTION FUNDS - COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the General, Health and Public Works Construction Funds Financial Report for the seven months ended January 31, 1999, be accepted.

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the General, Health and Public Works Construction Funds Financial Report for the eight months ended February 28, 1999, be accepted.

**99-315 RESOLUTION - DISTRICT NO. 24 (GROUNDWATER REMEDIATION) - SET PUBLIC HEARING ON BOUNDARY AMENDMENTS**

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution concerning amending the boundaries of the Groundwater Remediation District No. 24 be adopted and Chairman Galloway be authorized to execute on behalf of Washoe County:

**A RESOLUTION** CALLING A HEARING ON THE AMENDMENT OF THE BOUNDARIES OF DISTRICT NO. 24 (GROUND-WATER REMEDIATION) IN WASHOE COUNTY, NEVADA; PROVIDING FOR A NOTICE OF HEARING, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

(1) WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada has created a district for the remediation of the quality of water (the "District" or "District No. 24") pursuant to NRS 540A.250 through 540A.285; and

(2) WHEREAS, subsection 3 of NRS 540A.250 provides that: "The District created pursuant to this section must include, without limitation:

(a) The area where the condition which requires remediation is determined by the Board to be present, or for which remediation is determined by the Board to be necessary, including any area to which the condition is expected to migrate unless remediation is carried out; and

(b) If the Board determines that the condition which requires remediation affects the quantity or quality of drinking water within the region, the wholesale and retail service area of any provider of water that has used or uses for any portion of its supply wells located in the area described in paragraph (a);" and

(3) WHEREAS, pursuant to NRS 540A.250 the Board has had prepared for it a plan for remediation designated the "Central Truckee Meadows Remediation District Final Work Plan February 22, 1996" (the "Plan for Remediation"); and

(4) WHEREAS, the Plan has been submitted to the Division of Environmental Protection of the State of Nevada (the "Division") and approved by the Division pursuant to Subsection 1 of NRS 540A.260; and

(5) WHEREAS, the Plan for Remediation indicates that, and based upon such plan the Board has determined that, the condition which requires remediation affects the quality of drinking water within the region; and

(6) WHEREAS, the boundaries of the District therefore are to include the wholesale and retail water service area of Sierra Pacific Power Company ("Sierra"), which is a provider of water service that has used and uses for a portion of its water supply, wells located in the area in which the condition that requires remediation is present; and

(7) WHEREAS, the boundaries of the District were originally filed in the office of the County Clerk on September 16, 1997, and as so filed, were made the boundaries of the District (the "Original Boundaries") by Ordinance No. 1000, duly adopted by the Board on November 12, 1997; and

(8) WHEREAS, the Original Boundaries were amended with respect to the fee collected in 1998 by a list of properties excluded from the District (the "First 1998 Exclusion List") which amendment was made to the Original Boundaries by an Ordinance duly adopted on June 16, 1998 (the "1998 Boundary Amendment Ordinance"); and

(9) WHEREAS, the Board has determined and hereby determines to propose to further amend the boundaries of the District with respect to the fee collected in 1998 to exclude from the District certain properties, included in the Original



Boundaries of the District, which properties did not receive water service involving water provided on a wholesale or retail basis by Sierra during calendar year 1997; and

(10) WHEREAS, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 1999, to add to and include in such Original Boundaries new properties added to the wholesale and retail water service area of Sierra since December 31, 1997; and

(11) WHEREAS, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 1999 to exclude from the District certain properties, which properties did not receive water service involving water provided on a wholesale or retail basis by Sierra during calendar year 1998; and

(12) WHEREAS, each of the following will be filed with the County Clerk (the "Clerk") prior to the publication of a notice of hearing as hereinafter described:

(i) a list of the properties proposed to be so excluded with respect to the fee collected in 1998 as described in the 9th preamble hereto, entitled "Second List of Properties to be Excluded from the 1998 Boundaries of District No. 24" (the "Second 1998 Exclusion List"),

(ii) a description of the areas to be so added to the District as described in the 10th preamble hereto, entitled "1999 Description of Areas to be Added to District No. 24" (the "1999 Addition List"), and

(iii) a list of the properties proposed to be so excluded with respect to the fee imposed in 1999 as described in the 11th preamble hereto, entitled "First List of Properties to be Excluded from the 1999 Boundaries of District No. 24" (the "First 1999 Exclusion List"); and

(13) WHEREAS, pursuant to NRS 540A.262, the Board is required to hold a hearing before amending the boundaries of the District; and

(14) WHEREAS, the Board desires to authorize publication of a notice of the hearing in accordance with NRS 540A.262.

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

Section 1. A hearing is hereby called on the proposed amendment to the boundaries of the District. The hearing shall be held not less than 15 days after the notice of hearing described herein is published. The Manager is authorized to schedule the hearing and request that the Clerk publish the Notice as described after materials described in preamble 11 (the "Amendments") are filed in the office of the Clerk.

Section 2. On receipt of request from the Manager as provided in Section 1, the Clerk is hereby authorized and directed to publish a notice of hearing not less than 15 days prior to the hearing in a display advertisement which is at least 3" X 5" in size in a newspaper of general circulation in the County. The notice shall state that the description of the boundaries and the amendment to those boundaries is on file at the office of the Clerk for public examination.

Section 3. The Officers of the County are directed to effectuate the provisions of the provisions of this resolution.

Section 4. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 5. The invalidity of any provisions of this resolution shall not affect any remaining provisions hereof.

Section 6. This resolution may be amended in any manner, at any time by the Board. This resolution does not obligate the Board to proceed with the District or issue bonds.

Section 7. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

**99-316 RESOLUTION - NOTICE OF INTENTION TO AUTHORIZE MEDIUM-TERM FINANCING - COUNTY FACILITIES (LIBRARY AND CHILD PROTECTIVE SERVICES) & TRUCKEE MEADOWS FIRE PROTECTION DISTRICT STATION #5 - SUN VALLEY**

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution concerning County facilities, i.e., a library building and portions of a building for child protective services, and Fire Station No. 5 in Sun Valley for the Truckee Meadows Fire Protection District, be adopted and Chairman Galloway be authorized to execute on behalf of Washoe County:

**RESOLUTION**

A RESOLUTION CONCERNING MEDIUM-TERM FINANCING; DIRECTING THE PUBLICATION OF A NOTICE OF INTENTION TO AUTHORIZE MEDIUM-TERM FINANCING UNDER CHAPTER 350 OF THE NEVADA REVISED STATUTES; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners of Washoe County, Nevada (the "Board," "County," and "State," respectively) proposes to issue general obligation medium-term notes or bonds of the County (the "Obligations") under Sections 350.085 through 350.095 of Nevada Revised Statutes ("NRS"), bearing interest at a rate or rates which do not exceed by more than 3% the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term financing or a negotiated offer is accepted, and maturing within 10 years of the date of issuance thereof, in order to pay all or a portion of the cost of acquiring, constructing, improving, furnishing and equipping public buildings, including, without limitation, a library building and portions of a building for child protective services, and by acquisition of a note issued thereby, a building for the Truckee Meadows Fire Protection District, all within the County (the "Project"); and

WHEREAS, the Board has determined and hereby determines that legally available funds of the County will at least equal the amount required in each year for the payment of interest and principal on such medium-term Obligations; and

WHEREAS, the County pursuant to Subsection 2 of NRS 350.087, proposes to publish a notice of its intention to act upon a resolution authorizing medium-term financing; and

WHEREAS, the Board proposes to incur this general obligation after adoption of an authorization resolution at a public hearing held at least 10 days after publication of the notice described above.

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

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the issuance of the Obligations, be and the same hereby are, ratified, approved and confirmed.

Section 2. The County Clerk be, and she hereby is, directed to publish a notice of intention to incur medium term financing in substantially the form as set forth one time in the Reno Gazette-Journal, a newspaper of general circulation in the County, at least 10 days prior to the date designated for a hearing thereon.

Section 3. The Board shall meet on the date, at the time and in the place designated in such notice to conduct the hearing therein mentioned.

Section 4. The Board hereby declares its intent to reimburse any expenditures it makes on the Project prior to the issuance of the Obligations with the proceeds of the Obligations.

Section 5. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 7. This resolution shall become effective and be in force immediately upon its adoption.

**99-317 AWARD OF BID - WASHOE COUNTY JAIL HOUSING UNIT #8 HVAC RETROFIT - BID NO. 2141-99 - GENERAL SERVICES DEPARTMENT**

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 January 28, 1999, for Washoe County Jail Housing Unit #8 HVAC Retrofit for the Buildings and Grounds Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

Mikennis Mechanical Contractors Inc.  
Mt. Rose Heating & Air Conditioning Inc.  
Gardner Engineering, Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Bid No. 2141-99 for Washoe County Jail Housing Unit #8 HVAC Retrofit for the Buildings and Grounds Division of the General Services Department be awarded to the lowest responsive and responsible bidder, Mikennis Mechanical Contractors Inc., in the amount of \$192,935.00; and that the Purchasing and Contracts Administrator be authorized to execute an agreement with Mikennis Mechanical Contractors, Inc., to perform the work

**99-318 CONTINGENCY TRANSFER - PUBLIC WORKS CONSTRUCTION FUND - HVAC RETROFIT - SHERIFF**

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the transfer of \$19,000 from the Contingency fund (001-1890-7328) to the Public Works Construction Fund (92024-7880, Construction Contracts) for the HVAC Retrofit for the Sheriff's Office be approved.

**99-319 ACCEPTANCE OF DONATIONS - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that a private cash donation of \$5,000 from a Washoe County citizen, a \$2,500 cash donation from the Virginia Range Wildlife Protection Association, and donations of \$1,029,489 in surplus military helicopter parts and equipment from the United States Military be accepted with the Board's gratitude. It was noted that these donations were made for the specific purpose of assisting with the operation and funding of the Washoe County Sheriff's Office Regional Aviation Enforcement - RAVEN - Unit. It was further ordered that the following budget adjustments be authorized:

Increase Revenues:	15228D-5802	\$7,500.00
Increase Expenditures:	15228D7398	\$7,500.00

**99-320 AUTHORIZATION - SOLE-SOURCE PURCHASE - LANIER TRANSCRIBING EQUIPMENT - SHERIFF**

Upon recommendation of Debi Williams, Records Manager, Washoe County Sheriff's Office, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the Sheriff's Office be authorized to sole-source the purchase of a Lanier Voice Writer 1000, 12 Port, 35 Hour Redundant Tower Model digital transcribing system. It was noted that the total cost of the equipment is \$30,289.00, which has been approved as part of the Sheriff's Carryover Plan.

**99-321 AMENDMENT NO. 1 - BID NO. 2045-98 - SCADA CONTROL SYSTEM UPGRADES - SIERRA CONTROL SYSTEMS, INC. - WATER RESOURCES**

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by

Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Amendment No. 1 to Sierra Control Systems' Bid No. 2045-98, in the amount of \$52,950 for SCADA Control System upgrades be approved.

**99-322 APPROVE GRANT SUBMITTAL - NEVADA DIVISION OF ENVIRONMENTAL PROTECTION - LEMMON VALLEY WATER SYSTEM WELLHEAD PROTECTION PROGRAM - WATER RESOURCES**

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that submittal of the Nevada Division of Environmental Protection Grant Proposal for the Lemmon Valley Water System Wellhead Protection Program be retroactively approved.

**99-323 ACCEPT LETTER OF CREDIT - HAWCO INVESTMENT AND DEVELOPMENT COMPANY - UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that HAWCO Investment and Development Company's Amended Irrevocable Letter of Credit No. 9059, in the amount of \$1,255,100, to guarantee payment of sewer connection fees for Eagle Canyon Unit 3, be approved and accepted.

**99-324 WATER RIGHTS DEED - I. MARSHALL POSTMAN - WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding the Postman parcel map, a part of APN 09-132-09:

1. The Water Rights Deed for 0.98 acre feet of surface water rights from a portion of Claim 54 between I. Marshall Postman, as Grantor, and Washoe County, as Grantee, be approved and Chairman Galloway be authorized to execute;
2. The corresponding Water Sale Agreement between Sierra Pacific Power Company and Washoe County be approved and Chairman Galloway be authorized to execute; and
3. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

**99-325 WATER RIGHTS DEED - SIERRA PACIFIC POWER COMPANY**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken on behalf of Resource Application & Development, Ltd., in support of future development:

1. The Water Rights Deed between Sierra Pacific Power Company, as Grantor, and Washoe County, as Grantee, for 45.994 acre feet of surface water rights from a portion of Permit 61877, formerly Claim 226 and 227, be approved and Chairman Galloway be authorized to execute;
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

**99-326 WATER RIGHTS DEED - M. JEROME WRIGHT**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding M. Jerome Wright's parcel map, a part of APN 016-762-27:

1. The Water Rights Deed for 6.06 acre feet of groundwater rights from a portion of Permit 64508, formerly 24493, Certificate

8058, between M. Jerome Wright, as Grantor, and Washoe County, as Grantee, be approved and Chairman Galloway be authorized to execute;

2. The Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

**99-327 CORRECTION OF FACTUAL ERRORS - 1998-99 & 1999-00 SECURED AND UNSECURED TAX ROLLS**

Upon recommendation of Jean Tacchino and Tom Sokol, Assistant Chief Deputy Assessors, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Galloway be authorized to execute on behalf of the Commission.

NAME	APN/ID #	
National Auto/Truckstops, Inc.	037-013-12	(1998/99 Secured Roll)
National Affordable Housing Coalition	2/102-681	(1998/99 Unsecured Roll)
Farmers Insurance Group	2/153-239	(1998/99 Unsecured Roll)
Cardiovision, Inc.	2/160-529	(1998/99 Unsecured Roll)
Lesley A. Stewart	2/169-125	(1998/99 Unsecured Roll)
Monroe Systems	2/190-979	(1998/99 Unsecured Roll)
Zahbuu Sports Wear, Inc.	2/200-169	(1998/99 Unsecured Roll)
Nevada Pizza Company	2/210-259	(1998/99 Unsecured Roll)
Roccos Sports Bar & Grill	2/210-351	(1998/99 Unsecured Roll)
Jonis Fashions, Ltd.	2/241-019	(1998/99 Unsecured Roll)
Mountain Lakes Diving Center	2/291-053	(1998/99 Unsecured Roll)
Freightliner Corporation	2/300-017	(1998/99 Unsecured Roll)
M F P Technology Services, Inc.	2/341-669	(1998/99 Unsecured Roll)
M F P Technology Services, Inc.	2/341-670	(1998/99 Unsecured Roll)
M F P Technology Services, Inc.	2/341-671	(1998/99 Unsecured Roll)
M F P Technology Services, Inc.	2/341-672	(1998/99 Unsecured Roll)
M F P Technology Services, Inc.	2/341-673	(1998/99 Unsecured Roll)
Trans Sierra Logging	2/500-001	(1998/99 Unsecured Roll)
Mark Yarnell & Rene Reid	2/308-144	(1998/99 Unsecured Roll)
Santa Barbara Bank & Trust	2/191556	(1998/99 Unsecured Roll)
Newcourt Financial USA	2/191-427	(1998/99 Unsecured Roll)
T & S Cleaners	2/120-026	(1998/99 Unsecured Roll)
Forsees Beauty Supply and Tanning	2/301-029	(1998/99 Unsecured Roll)
Hudson Technologies Company	2/253-071	(1998/99 Unsecured Roll)
The Drake Group, Inc.	2/182-492	(1998/99 Unsecured Roll)
Falcon Mechanical	2/463-093	(1998/99 Unsecured Roll)
Great Clips	2/100-366	(1998/99 Unsecured Roll)
Reno Karate Studio, Inc.	2/689-001	(1998/99 Unsecured Roll)

General Diagnostics, Inc.	2/117-304	(1998/99 Unsecured Roll)
Thoz Guys Productions	2/182-675	(1998/99 Unsecured Roll)
C & H Studios	2/112-123	(1998/99 Unsecured Roll)
Mobilemedia Communications, Inc.	2/472-053	(1998/99 Unsecured Roll)
Mobilemedia Communications, Inc.	2/472-054	(1998/99 Unsecured Roll)
Mobilemedia Communications, Inc.	2/472-055	(1998/99 Unsecured Roll)
Donald P. Wadsworth	036-423-23	(1998/99 Secured Roll)
Sierra Pacific Power Company	012-355-01	(1998/99 Secured Roll)
Sierra Pacific Power Company	039-161-29	(1998/99 Secured Roll)
Sierra Pacific Power Company	084-212-06	(1998/99 Secured Roll)
Alexander G. & Faye Spanos, et al.	030-241-82	(1998/99 Secured Roll)
Gail Lubawin, et al.	020-342-23	(1998/99 Secured Roll)
Forever Yours Antiques	008-243-01	(1999/2000 Secured Roll)
Sierra Pacific Power Company	012-355-01	(1999/2000 Secured Roll)
Sierra Pacific Power Company	039-161-29	(1999/2000 Secured Roll)
Sierra Pacific Power Company	084-212-06	(1999/2000 Secured Roll)
Bradley H. Herdon	043-291-07	(1999/2000 Secured Roll)
Gail Lubawin, et al.	020-342-23	(1999/2000 Secured Roll)

**99-328 RESOLUTION - INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS AND THE TRUCKEE MEADOWS LAW ENFORCEMENT CHAPLAINCY PROGRAM**

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute:

**RESOLUTION**

WHEREAS, The Truckee Meadows Law Enforcement Chaplaincy Program is a nonprofit corporation supported by private donations that is dedicated to providing assistance to local law enforcement agencies and the residents of Nevada with various tasks, including responding to emergencies, counseling, pastoral services and other means of support; and

WHEREAS, Before being certified as a member of the program, local chaplains and ministers must complete a comprehensive 140-hour training program at a Law Enforcement Chaplain Academy that provides training related to law enforcement as well as training in chaplain ministry skills including critical incident stress, death notifications, post-trauma syndrome and officer burn-out; and

WHEREAS, Since the inaugural class of the first Law Enforcement Chaplain Academy in Nevada graduated in 1996, the members of the Truckee Meadows Law Enforcement Chaplaincy have provided thousands of hours of service to local law enforcement agencies and to the residents of Washoe County; and

WHEREAS, 140 West Coast chaplains are expected to attend the International Conference of Police Chaplains' Western Region Training Seminar on April 14-19, 1999 in Washoe County, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County, Nevada that the Board hereby recognizes both the International Conference of Police Chaplains and the Truckee Meadows Law Enforcement Chaplaincy program for their invaluable service and contribution to the residents of Washoe County.

**99-329 AGREEMENT - BEST MANAGEMENT PARTNERS - WATER CONSERVATION - WATER RESOURCES**

Steve Walker, Water Management Planner, reported that as per Chairman Galloway's request for reports and back up information, he has just received a "pile" of reports from Tom Pape of Best Management Partners which he will distribute after the meeting. Mike Buschelman, Water Planning Commission, encouraged the Board to approve this item stating that it is one of their high priorities.

Commissioner Short asked whether installation of water meters when property is sold is a part of this. Mr. Buschelman stated that they have met with a lot of resistance from the realtor community on that, but they will have an opportunity, providing they have enough funding, to install the meter boxes in coordination with street paving projects.

Chairman Galloway stated that the water meters is only a part of the study, not the entire study; that this study is \$100,000; and that he wants it done right.

Commissioner Shaw expressed concern that this might duplicate efforts that have been done in the past and requested that Mr. Buschelman, as Chairman of the Water Planning Commission, update the Board of County Commissioners on a regular basis on the progress. Mr. Buschelman stated that he would be happy to do so. In response to Commissioner Bond, Mr. Buschelman stated that this is really more than a study and Best Management Practices will be assisting with implementation and putting ideas into operation.

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, it was ordered that an agreement between the County of Washoe and Best Management Partners (Thomas E. Pape), concerning assistance in implementation of a regional water conservation program, in an amount not-to-exceed \$100,000.00, be approved and Chairman Galloway authorized to execute.

It was further ordered that a monthly status report to the Board concerning this matter be agendized.

**99-330 AGREEMENT - RENO RODEO ASSOCIATION - SECURITY SERVICES - SHERIFF**

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between the County of Washoe (Sheriff) and Reno Rodeo Association, concerning security services during the 1999 Reno Rodeo be approved and Chairman Galloway be authorized to execute.

**99-331 AGREEMENT - HARTFORD LIFE INSURANCE COMPANY - DEFERRED COMPENSATION PLAN - HUMAN RESOURCES**

Joanne Ray, Human Resources Director, introduced Mike Fleiner, Senior Vice President of Bidart and Ross, the outside investment consulting firm that reviewed the employee deferred compensation plan with Hartford. Mr. Fleiner explained how they conducted their review and the items they looked at to see if the plan could be improved. He stated that their goal was to lower the fees for the plan participants, eliminate the CDSC charge to the County, and put together a list of services that could be monitored by the committee. Mr. Fleiner and Ms. Ray then answered questions of the Board.

Upon recommendation of Ms. Ray, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, it was ordered that an agreement between the County of Washoe and Hartford Life Insurance Company concerning a revised Deferred Compensation Plan Group Variable Annuity Contract and an Updated Administrative Services Agreement be approved and Chairman Galloway be authorized to execute.

**99-332 PRESENTATION - WASHOE COUNTY PARKS AND RECREATION DEPARTMENT - SENATORIAL RECOGNITION FOR SWAN LAKE NATURE STUDY AREA**

Michael Moreno, representing U.S. Senator Richard Bryan, stated that Senator Bryan asked him to express his appreciation to the Commissioners, to staff and to the many individuals and agencies, both public and private, who worked to establish the Swan Lake Nature Study Area, and presented a Senatorial Recognition award to Karen Mullen, Director, Washoe County Parks and Recreation Department. He also read a letter into the record from Senator Bryan and stated that it was a pleasure for him to work with everyone involved in this.

Chairman Galloway stated that the Swan Lake Nature Study Area will provide significant nature trails for the citizens of Washoe County; and that there are 1200 acres of marsh land that will be preserved and will be accessible to the public.

Ms. Mullen expressed her appreciation to Mr. Moreno for his help and support in getting this project accomplished.

**99-333 RESOLUTION - FINANCIAL ASSISTANCE - NORTHERN NEVADA LATINO NETWORK - CINCO DE MAYO - MIGUEL RIBERA PARK - MAY 1, 1999**

Katy Simon, County Manager, stated that a request has been received from the Northern Nevada Latino Network for financial and in-kind assistance for their Cinco de Mayo Celebration at Miguel Ribera Park on May 1, 1999.

Jesse Guiterrez, Chairman of the Northern Nevada Latino Network, stated this is the first time the Network has tried to put together the Cinco de Mayo celebration, with assistance from the Cities of Reno and Sparks and Washoe County, explained their plans and needs, and answered questions of the Board. He stated that they are a non-profit organization whereas the celebration sponsored by the Peppermill is a for-profit event; that next year NNLN will sponsor the only event; and that their event will focus more on the traditional and cultural aspects.

Ms. Simon advised that the City of Reno did approve \$5,983, plus booth fees, for this event. Mr. Guiterrez stated that they also received funds from the Sparks Redevelopment Agency.

Gilbert Cortez, President of LOLAC (League of Latin American Citizens), also requested support from the County to help them get this going and personally invited all the Board members to the event.

A discussion ensued concerning establishing a process or policy for handling these types of funding requests in the future so that they can be dealt with equitably. Ms. Simon stated that Karen Mullen, Parks and Recreation Director, had suggested that the requests first go to a review committee who could then make a recommendation to the Board. She also advised that there are sufficient funds in the contingency account.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution granting assistance be adopted and Chairman Galloway be authorized to execute:

**RESOLUTION**

Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 1998-1999 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private, nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to the Northern Nevada Latino Network, Inc., a private, nonprofit organization, a grant for fiscal year 1998-1999 in the amount of \$2,500.00.
2. The purpose of the grant is to assist in promoting the Cinco de Mayo celebration at the Miguel Ribera Park on May 1, 1999.

**99-334 RESOLUTION TO AUTHORIZE FUNDS - CHRISTMAS IN APRIL - HUMAN SERVICES**



Katy Simon, County Manager, advised that if the Board elects to provide funding to the Christmas in April P Truckee Meadows Project, former Human Services Coordinator Mike McMahon had identified a funding source from HUD, which were returned monies from a revolving loan fund, that could be used for this project.

Linda Johnson, on behalf of Christmas in April, advised that they have selected two homes in the unincorporated area for rehabilitation, one in Black Springs and one in Lemmon Valley. In response to Board questions, Ms. Johnson explained their procedures from submittal of applications to selection of the homes, as well as the membership of the committee who actually examines the homes.

Chairman Galloway asked how much is available in the proposed fund.

Ms. Simon stated there is approximately \$22,000; and that since there are only two houses to be done in the unincorporated area and there are some administrative costs, the resolution has been prepared to reflect an amount of up to \$20,000. Ms. Johnson explained that they anticipate this to be an annual event and that if the funds are committed to the program, they will be able to do their selection earlier in the year next year. Chairman Galloway stated that it was his understanding that these are one time funds and there is a maximum of \$1,500 that can be put into any one house. He stated that he would be more comfortable providing \$8,000 or \$9,000, which would provide more funds for administration than the amount actually going into the two houses.

Ms. Simon pointed out that the administration costs the County is helping out with include development and promotion of this project. Commissioner Shaw suggested an amount of \$10,000. The other Board members concurred.

On motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution, as amended to reflect the \$10,000 figure, be adopted and Chairman Galloway be authorized to execute.

It was further ordered that the Comptroller be directed to make the appropriate account budget changes, i.e., increase Key Org. # 18112D, Account # 5870 by \$10,000 and increase Key Org. # 18112D, Account # 7290 by \$10,000.

**RESOLUTION**

**Authorizing the Grant of Public Money to a Private Nonprofit Organization**

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 1998-1999 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private, nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to the Christmas in April P Truckee Meadows, a private, nonprofit organization, a grant for fiscal year 1998-1999 in the amount of \$10,000.
2. The purpose of the grant is to support the Christmas in April P Truckee Meadows Project and assist in providing housing rehabilitation to homes in the unincorporated areas of Washoe County.

**99-335 RESOLUTION - FINANCIAL ASSISTANCE - SKYFIRE, INC.**

Greg Finkler, Parks and Recreation Department, introduced Steve Kenny and Bill Johnson of Crowd Pleasers, the managing firm for RSWC Skyfire, Inc. Mr. Kenny presented the proposed budget for putting on the annual fireworks display and discussed their other

funding sources. He then answered questions of Board members.

Karen Mullen, Parks and Recreation Director, stated that the issue for the Parks Commission was that this request was not planned for in the budget and there was a concern about opening the door to other requests.

Katy Simon, County Manager, advised that there are sufficient funds available in the Contingency account. Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Galloway be authorized to execute:

**A RESOLUTION GRANTING A MONETARY GIFT TO RENO, SPARKS, WASHOE COUNTY SKYFIRE, INC.**

WHEREAS, a fireworks display (Skyfire) has been a traditional July 4th activity within the Truckee Meadows; and

WHEREAS, concerned citizens formed in 1995 the Reno, Sparks, Washoe County Skyfire, Inc. (hereinafter "RSWC Skyfire, Inc.") for the purpose of sponsoring the Skyfire display and future displays; and

WHEREAS, RSWC Skyfire, Inc. has nonprofit status as a 501(c)(3) corporation; and

WHEREAS, RSWC Skyfire, Inc. has agreed to pay Washoe County \$2,000 for facility use at Rancho San Rafael Park; and

WHEREAS, RSWC Skyfire, Inc. has requested assistance from Washoe County for 1999 in the amount of \$10,000; and

WHEREAS, RSWC Skyfire, Inc. has represented to the Washoe County Commission that cash contributions equaling \$10,000 have been sought from the City of Reno;

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Commission desires to see a continuation of the traditional Truckee Meadows fireworks display; and

BE IT FURTHER RESOLVED that a grant of \$10,000 be provided RSWC Skyfire, Inc. for the 1999 fireworks display of which \$8,000 is cash and \$2,000 is in fee waivers for facility use at Rancho San Rafael Park.

**99-336 PROCEDURE - APPOINTMENTS TO BOARDS AND COMMITTEES - MANAGER**

Katy Simon, County Manager, listed the upcoming board and committee appointments that the Board will be making in the next few months. Chairman Galloway stated that he had requested this be agendaized so that the Board could establish a policy for interviewing candidates for appointments to boards that are not district specific. He stated that currently when a board/committee is specific to a district, the Commissioner representing that district interviews the applicants and recommends the appointments.

The Chairman suggested that subcommittees of two commissioners be set up for interviewing applicants to positions that are not district specific.

Commissioner Short requested a listing of all the boards and committees as well as the current appointees and term expirations. Commissioner Shaw suggested that each Commissioner let the Chairman know which boards they are interested in and let him designate the subcommittees.

Legal Counsel Madelyn Shipman advised that if the Board formally establishes fact finding subcommittees, even if they only consist of one or two Board members, the open meeting law will apply, including all the requirements concerning noticing, clerking, preparation of minutes, etc.

Chairman Galloway then suggested that perhaps the Board should endorse the informal procedure used in the past when an appointment is district specific and establish subcommittees only for the appointments that do not pertain to a particular district.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that each Board member submit to the Chairman the names of the boards and/or committees that he/she is interested in interviewing applicants for and the Chairman will then designate the subcommittees. It was noted that this action applies to the upcoming appointments for the Airport Noise Advisory Panel, Library Board of Trustees, Regional Planning Commission, and the Truckee River Advisory Board.

\* \* \* \* \*

Chairman Galloway stated that he has just received a request from Mr. Sam Dehne to speak under "Public Comment" and that he is not going to grant the request because he does not want to set a precedent of taking public comment at different times during a meeting.

\* \* \* \* \*

**99-337 APPOINTMENT - SAFETY COMMITTEE**

Upon recommendation of Kevin Chadwick, Risk Management Division, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Jess Traver, County Building Official, be appointed to the Safety Committee to fill Sheriff Richard Kirkland's existing term, which will expire August 31, 1999.

**99-338 ACCEPTANCE OF RESIGNATION & APPOINTMENT - BOARD OF MASSAGE EXAMINERS**

Upon recommendation of Karen Carmel, Supervisor, Business License Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the resignation of Peggy Holmes from the Board of Massage Examiners be accepted and that Deborah Wenig be appointed to that Board for a term expiring June 30, 2002.

**99-339 APPOINTMENT - TAHOE TRANSPORTATION DISTRICT**

On motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that:

1. Michael Harper, Special Projects Manager, Department of Community Development, be appointed as Washoe County's representative to the Tahoe Transportation District Board;
2. Greg Krause, Planning Manager, Regional Transportation Commission of Washoe County, be appointed as Washoe County's alternate to the Tahoe Transportation District Board;
3. The continued appointments of David Jickling, Principal Planner, Regional Transportation Commission of Washoe County, to the Tahoe Metropolitan Planning Organization's Technical Advisory Committee and Greg Krause as the alternate be acknowledged; and
4. Michael Harper, Special Projects Manager, and Sharon Kvas, Planner, Department of Community Development, be affirmed as Washoe County's alternates to the Tahoe Metropolitan Planning Organization Governing Body when Commissioner Galloway is unable to attend.

**99-340 BILL NO. 1239 - AMENDING WCC CHAPTER 55 - EXPANDS SPANISH SPRINGS CONGESTED AREA RE: CONTROL OF DOGS**

Bill No. 1239, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY EXPANDING THE SPANISH SPRINGS CONGESTED AREA WITH RESPECT TO THE CONTROL OF DOGS AND OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Bond, the title read to the Board and legal notice for final action of adoption directed.

**99-341 REJECTION OF PROPOSALS - RFP 2132-99- ACQUISITION OF PERSONAL COMPUTERS FOR WASHOE COUNTY**

John Sherman, Interim Finance Director, provided background information and answered questions of the Board. Matt Beckstedt,

Director of Management Information Services, also responded to Board members' questions.

Upon recommendation of Mr. Sherman, Mark Moser of the District Attorney's Office, and Paula Wulff from the Purchasing Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that:

1. all proposals received pursuant to RFP 2132-99 be rejected;
2. the Purchasing Department be authorized to continue to acquire personal computers in accordance with current practices;
3. the hiring of one full-time permanent support technician, one full-time temporary support technician, and one full-time temporary software trainer be approved; and,
4. the Comptroller be directed to make the necessary account changes as follows:

Account	Description	Decrease	Increase
9202442-72051	Public Works Construction Fund	\$25,347	
Technology Replacement			
1080-7001 MIS	Base Salaries	\$25,347	

**99-342 UNBUDGETED MOVING EXPENSE - GIS MANAGER RECRUITMENT EXPENSES - MANAGEMENT INFORMATION SERVICES**

Upon recommendation of Matt Beckstedt, MIS Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that unbudgeted moving expenses, in an amount not-to-exceed \$7,100, for the GIS Manager's position be approved.

**99-343 EMERGENCY ASBESTOS ABATEMENT - LAW LIBRARY REMODEL PROJECT - PUBLIC WORKS**

Upon recommendation of David Roundtree, Public Works Director, and Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the emergency asbestos abatement actions, which were directed in conjunction with the Law Library remodel project, be ratified and payment for same be authorized. It was further ordered that the transfer of \$56,710 from the contingency fund to cover the costs of the asbestos abatement and monitoring work, and the transfer of \$1,500 from the contingency fund to cover the overtime expense incurred by Public Works/Engineering staff during the emergency abatement work be authorized as noted below; and that staff be directed to pursue all reasonable means of recouping costs associated with the emergency asbestos abatement.

Transfer From:

Account	Description	Amount
1890-7328	Contingency	\$58,210

Transfer To:

Account	Description	Amount
89034-7103	Law Library-Professional Services	\$56,710
1631 -7003	Engineering Overtime	\$ 1,500

**99-344 REQUEST STATUS AS COOPERATING AGENCY - ENVIRONMENTAL IMPACT STATEMENT - RETRAC PROJECT**

Chairman Galloway commented that Todd Montgomery, ReTRAC Manager with the Nevada Department of Transportation, indicated that the County would be entitled to have status as a cooperating agency in the Environmental Impact Statement (EIS) for the ReTRAC Project; and that, should the Board decide to make that request, a committee headed by David Roundtree, Public Works Director, would be appointed.

Katy Simon, County Manager, advised that discussion has been held relative to also having a representative from Water Resources and the District Health Department on that committee.

Robert Larkin, Sparks resident, advised that he has 25 years of environmental management experience including many projects dealing with this kind of expenditure and complexity; and that he would encourage the Commissioners to move forward with the cooperating agency status because

- (1) it would provide one avenue of oversight for the estimated \$87-million dollars that will be expended on the project over the next several years,
- (2) the County would be placed in a proactive rather than reactive position relative to environmental management of the project,
- (3) the environmental expertise of the County could be brought into the program, and
- (4) the County would be a full partner rather than a passenger in the process.

Mark Demuth, Environmental Consultant, MADCON, representing the City of Reno, asked about the Board's intention to be involved in the EIS process and how the Board sees its jurisdiction to become a cooperating agency under Federal Law.

Chairman Galloway stated that his understanding of an environmental impact study is to cast a wide net into the community and seek input from all sources relative to the environmental impacts of a project; that if there is some technical reason why the County does not have status that would be determined when the request is made; and that the County would like to participate at the highest level possible. Mr. Demuth stated that the City of Reno is not aware that the County has that status under Federal regulations, because there is no jurisdiction given to the Board over the project and the cooperating agency status is limited by law to those with jurisdiction or special expertise as defined by Federal Code. Mr. Demuth then responded to questions of the Board and advised that it will take approximately 14 to 16 months to complete the EIS; that the cooperating agency status is typically kept to agencies that have a legal jurisdiction to approve or disapprove the project; and that they are not aware that the Board has that authority.

Commissioner Shaw stated that this appears to be an example of micromanaging a project that the City of Reno was given authority to do.

Chairman Galloway stated that it was not his understanding that the cooperating agency status was as limited as Mr. Demuth stated.

Mr. Larkin commented that the Counsel of Environmental Qualities (CEQ) and the National Environmental Policy Act (NEPA), being the governing regulations for the project, do provide a cooperating agency status to the County because it has a vested interest and environmental expertise; and that he believes the intent of Washoe County should be to act in an oversight capacity on this project.

Further discussion commenced and Mr. Demuth advised that there will be a very public process with open solicitation for participation from everyone; that it is anticipated that a great deal of technical meetings will be held; and that he understands the County is concerned about the environment and every public agency has a responsibility to comment and participate in the public process.

Sam Dehne, Reno citizen, stated that he continues to object to the process of taking taxes from the citizens for the ReTRAC program; that he would like to know what is going to happen if the EIS fails; and that he does not believe the project should even be taking place, but, if it is going to, the County should be involved.

Chairman Galloway stated that he did not realize this issue would become so technical and suggested that the Board consider giving direction to staff to participate in the Environmental Impact Statement process, which he considers the responsible thing to do. He further stated that he would inquire as to whether the County even has the ability to be a cooperating agency and if the answer is affirmative the issue will be brought back to the Board. Commissioner Bond commented that she would prefer to obtain that answer before involving staff time, noting that she believes the County will be advised of what is going on with the project. Chairman Galloway stated that to participate does not mean to take the cooperating agency status but simply to monitor the

process, which he feels is very important because the environmental impact will affect the entire region.

Commissioner Short stated that he is no fan of the ReTRAC project, but it was approved by the previous Commission and is completely legal; that he does not believe it is the County's jurisdiction to approve the EIS, but the entire community should be utilized in the process; and that the County should comment on it and be apprised of the negative or positive impacts to the area.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, with Commissioner Shaw voting "no," Chairman Galloway ordered that a committee be appointed to monitor the ReTRAC EIS process, which is to be comprised of representatives from Public Works, Water Resources, and the Health Department, as well as possible additional staff members as determined by the County Manager.

**99-345 SPECIAL USE PERMIT CASE NO. SPW1-4-99 - SIERRA NEVADA COLLEGE (APN 127-040-08) - APPEAL - COMMUNITY DEVELOPMENT**

5:00 p.m. This was the time set in a notice of public hearing dated March 29, 1999 mailed to affected property owners by the Department of Community Development to consider the appeal of Washoe County Planning Commission's conditional approval of Special Use Permit Case No. SPW1-4-99 (Sierra Nevada College Lake Campus Residence Hall). The conditional approval would have allowed the addition of a second residence hall on the northwest corner of the campus to provide housing for an additional 84 students and one resident director in the fall of 2000. A planned conversion of some rooms to double occupancy would bring the total resident housing to 104 students. (A conversion of all rooms to double occupancy, although not planned, could bring the total to 124 students.) The property is located on a +18.44-acre parcel which is abutted by Country Club Drive and Incline Way. The parcel is designated Public and Semi-Public Facilities (PSP) within the Tourist Commercial Community Plan and is additionally within the Tahoe Area Plan. The Community Plan requires a special use permit for schools - college uses. The property is currently developed with one structure for residential housing, including a central kitchen, dining facility and meeting rooms. The Lake Campus is situated in the four corners of Sections 14, 15, 22 and 23, T16N, R18E, MDM, Washoe County, Nevada.

Sharon Kvas, Department of Community Development, presented maps and photographs of the subject area which she displayed on the document camera. She provided background information, an overview of the proposed project, and issues relative to the appeal, advising that there were 11 grounds for appeal, but staff believes the basic issues are that the mobile home park will ultimately be closed and there are few affordable housing options in Incline Village; and that Washoe County has no affordable housing element and, therefore, cannot make a decision that will affect housing. Ms. Kvas advised that Nevada Revised Statutes (NRS) requiring the housing element within the comprehensive plan became law in 1995, but no time frames were specified; that nothing in State law says that existing housing must be protected; that an extensive amount of work has been done on the affordable housing issue and this is being looked at from a variety of directions; and that NRS allows the closure of an entire mobile home park under state law requirements, emphasizing that that issue, however, is not before the Board today. She then referred to documentation presented relative to the Tahoe Regional Planning Agency (TRPA) Code of Ordinances concerning affordable housing and advised that that issue will definitely be addressed at the TRPA during their review of the proposed dormitory and the new Environmental Impact Study. She then advised that there are conditions that require the applicant to provide a letter from the TRPA indicating that they have a certified EIS under which to proceed with construction of the dormitory, and to provide documentation that approval of the residential hall would not vest them in the EIS that is currently being looked at in 1999. Ms. Kvas then responded to questions of the Board and advised that this particular project is simply adding housing for students and would not contradict any adopted affordable housing element; and that the issue relative to the closing the mobile home park would be looked at under the master planned EIS.

James Seymour, appellant, advised that the appeal and his remarks are joined by the College Park Mobile Homeowners Association. He stated his objection to the lack of notice that he received for today's hearing, advising that he received said notification through a voice mail message about 11:45 a.m. today, and noting that technically under County ordinances he is not required to be notified because he is not a landowner adjacent to the subject property. He then presented a copy of a letter and attachments from the 1993 draft EIS prepared by Sierra Nevada College and stated that their argument is that the college feels they can close the park without any further hearings or determinations of whether affordable housing needs were met; that the opposition to the dormitory application was made because the closure of the park is predicated on having those dormitory rooms for the students who are now living in the park; that once the college has that option, they will then feel they do not need the park and they will

close it; and that the appeal is not to oppose the dormitory but to request a condition that the mobile home park remain open until an application for a change of use is made, which would then provide them with the opportunity to present their position on the affordable housing issue. He then commented that the TRPA has a bare bones housing plan, but, in his view, that does not meet NRS requirements.

Chairman Galloway noted that the closure of the park is not part of the application, but Mr. Seymour is drawing a connection between moving the students into the dormitory and then closing the park. Legal Counsel Shipman stated that the statutes referred to by Mr. Seymour relative to the affordable housing element are simply legislative goals and objectives, and the fact that there may be plans to eventually close the mobile home park is an issue of interest, but cannot be considered as part of the Board's approval or denial of the application.

Further discussion was held on issues relative to affordable housing and Mr. Seymour responded to questions of the Board, stating that he does not think the Board can turn a blind eye to this issue, and adding the requested condition would provide a forum to present their issues on affordable housing and also give the County the opportunity to develop their housing element to provide criteria against which to judge these types of issues.

Dr. Vance Peterson, President, Sierra Nevada College, stated that they have spent a considerable amount of time, effort, and money preparing the plans for a second residence hall, which they consider to be vitally important at the Lake Campus.

He presented a letter of response to the appellants which he read into the record, stating that quality affordable housing, which is currently inadequate, is a critical factor in recruiting and retaining undergraduate students; and that the proposed residence hall is a critical step in their strategy to transition to a better high quality institution for Nevada.

Dr. Peterson then stated that they believe the project is fully within the scope of the EIS approved by the TRPA in 1994 and no new environmental issues have arisen since then that would impact the current EIS process; that the project is not in conflict with revised campus facilities plans currently under review by the TRPA, and they will be going before the TRPA this month for review of the application; that the location of the project is on the interior of the site and does not impact any adjacent properties not already owned by Sierra Nevada College; that they have announced the eventual closing of the mobile home park, but do not believe that those residences represent affordable housing units, noting that there is no Federal, State, or local law designating such and no criteria or guidelines determining who may live in those units; that the college believes that a number of those mobile homes are owned by part-time residents as second homes or rentals; that there is no evidence that Washoe County is in violation of the TRPA housing plan; that whether or not the special use permit is granted, Sierra Nevada College has the right, pursuant to Nevada Revised Statutes, to close the mobile home park without specific County approval; and that the Planning Commission considered all information and arguments and rendered a reasoned decision to approve the special use permit for the good of the community.

Chairman Galloway opened the public hearing and called on those wishing to speak. There being no response the public hearing was closed.

Chairman Galloway reiterated that the closing of the mobile home park is not relevant to this application, and stated that he does not see anything in County ordinances and policies that would prohibit approving the special use permit.

Commissioner Shaw concurred. Commissioner Short stated that he sympathizes with Mr. Seymour's position; and that he is a strong believer in private property rights and the property belongs to Sierra Nevada College; and that he does not see how the Board could place a condition relative to something it has no control over.

Having made the following findings:

1. That the proposed project falls within the environmental review certified by the Tahoe Regional Planning Agency (TRPA);
2. That the proposed residence hall provides additional Lake Campus housing for Sierra Nevada College's full time students;
3. That the proposed use, a residence hall for 104 (maximum 124) students is consistent with the action programs, policies,

- standards, and maps of the Comprehensive Plan, the Tahoe Area Plan, and specifically the Incline Village Tourist Commercial Community Plan which reflects the Lake Campus location of the Sierra Nevada College;
4. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities will be provided by conditions of approval and the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division 7;
  5. That the site has been determined by a certified EIS to be physically suitable for the type of development and for the intensity of development with mitigation of impacts;
  6. That issuance of the permit will not be significantly detrimental to the public health, safety, or welfare; injurious to the property or improvements of the adjacent properties, or detrimental to the character of the surrounding area;
  7. That the Washoe County Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
  8. That the Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing;

upon recommendation of the Washoe County Planning Commission, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Special Use Permit Case No. SPW1-4-99 for Sierra Nevada College be approved subject to the following conditions:

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT. COMPLIANCE WITH THE CONDITIONS OF THIS 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 provide a letter from the Tahoe Regional Planning Agency (TRPA) to the staff of the Department of Community Development for inclusion into the case file indicating the proposed residence hall has the necessary certified EIS, from that agency, to proceed with project review.

The residence hall shall demonstrate substantial compliance with both the approved EIS and with the plan 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 Community Development.

2. If the Tahoe Regional Planning Agency (TRPA) determines that the project is allowed to proceed under the 1993 Environmental Impact Statement (EIS) certified by the TRPA in January 1994, the Board of Trustees of Sierra Nevada College shall acknowledge in a letter, reflecting the action taken during an open meeting of the Board of Trustees, that the conditional approval of the project does not constitute a presumption of vesting of the proposed new EIS or Master Plan for the college.
3. The applicant shall obtain a valid Washoe County building permit within two years from the date of approval by TRPA. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).
4. The applicant shall submit a copy of the Tahoe Regional Planning Agency (TRPA) project permit to the Washoe County Engineering Division and the Department of Community Development.
5. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for



administrative permits issued by Washoe County.

6. 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.

7. Prior to ground-disturbing activity, the developer shall submit a Construction Traffic Haul Route Plan to the County Engineer for review and approval.

8. All new utilities shall be placed underground to the satisfaction of the Engineering Division.

9. The proposed new parking lot shall begin construction after the Campbell-Friedman and Patterson Residence Halls have closed for the summer and shall be completed and available for use prior to any community or college activities being scheduled or residential use recommencing at Campbell-Friedman and Patterson Hall. Exemption to this condition shall be if the existing parking lot is available for parking for an event.

DRAINAGE

10. Any increase in stormwater runoff resulting from the development and based on the 5-year storm(s) shall be detained on site to the satisfaction of the County Engineer.

11. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5 and 100 year storm flows impacting both the site and off-site areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing off-site drainage facilities and properties.

12. 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 to the satisfaction of the Engineering Division.

13. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

GRADING/LAND DISTURBANCE CONDITIONS

14. A complete set of construction improvement drawings, including an onsite 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 and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed on adjacent properties.

15. All disturbed areas left undeveloped for more than thirty (30) days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 60 days must be revegetated. Methods and seed mix must be approved by the Engineering Division with technical assistance from the Tahoe Regional Planning Agency.

16. A grading bond of \$750/acre of disturbed area shall be provided to the Engineering Division prior to issuance of a grading permit.

STREETS, PATHWAYS, TRAFFIC AND PARKING

17. A detailed traffic analysis shall be prepared by a registered engineer and shall address driveway locations, turning movements, traffic signals, acceleration/deceleration lanes, storage lengths, and access control, and shall provide recommendations. The recommendations shall be implemented and the County Engineer shall be responsible for determining compliance with this condition.

18. The minimum pavement requirements for on-site paving shall be 3 inches asphalt over 6 inches granular base.

19. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and stripping, driveway access, landscaping islands and street lighting) to serve the project shall be designed and constructed to County standards and specifications.

20. All paving and driveway improvements necessary to serve the project shall be designed and constructed to County standards and specifications. Driveway approaches shall have a 36-foot minimum width at the property line. All interior roadways shall be paved and have a minimum width of 24-feet. The roadway shall be signed "No Parking".

21. Driveway locations shall conform to Washoe County Code Section 110.436 for commercial driveways.

22. The applicant shall provide pedestrian/bike paths from the buildings within the campus to the existing paths in the public right-of-way to the satisfaction of the staff of the Department of Community Development and the Engineering Division.

23. The applicant shall complete the pedestrian path from the entrance of the access driveway to the residence halls to the corner of Country Club Drive and Incline Way to provide the connection to the existing path from Incline Way and Country Club Drive to Lakeshore Boulevard. This path shall be constructed of like materials and landscaping materials to be compatible with the path adjacent to the Hyatt Resort and Casino. Compliance with this condition shall be determined by the staff of the Department of Community Development and the staff of the Roads Division.

24. Applicant shall strip a walkway connecting the two pedestrian paths connecting the existing residence hall with the proposed residence hall across the driveway/roadway to the satisfaction of the staff of the Department of Community Development prior to the issuance of a Certificate of Occupancy.

25. The roadway shall be signed "15 MPH" throughout the campus roadway system to the satisfaction of the staff of the Department of Community Development prior to the issuance of a Certificate of Occupancy.

26. Parking calculations are based on a 104 student occupancy for the residence hall, phase 1B. The applicant shall provide an additional 10 parking spaces should the residency hall be filled to complete double occupancy to the satisfaction of the staff of the Department of Community Development.

27. Snow storage areas shall be shown on the new parking lot area to the satisfaction of the staff of the Department of Community Development.

28. The applicant shall provide a continuous, complimentary shuttle service from the Lake Campus residence hall to the Mountain Campus classrooms whenever the residence halls are occupied and shall be available during all regularly scheduled classes at the Mountain Campus until such time as all regularly scheduled classes for full-time students are moved to the Lake Campus. Compliance with this condition shall be to the determined by the staff of the Department of Community Development.

29. Bicycle racks shall be shown on the building plans and shall be installed adjacent to the residence halls prior to the

issuance of a Certificate of Occupancy to the satisfaction of the staff of the Department of Community Development.

30. The proposed new parking lot shall begin construction after the Campbell-Friedman and Patterson Residence Halls have closed for the summer and shall be completed and available for use prior to any community or college activities being scheduled or residential use recommencing at Campbell-Friedman and Patterson Hall. Exemption to this condition shall be if the existing parking lot is available for parking for an event during the summer months.

31. Construction staging activities, subcontractor parking and construction worker parking shall be restricted to the existing parking lot, only to the satisfaction of the staff of the Department of Community Development. Spillage into the new parking lot (after August 15, 1999 or the beginning of the next school year after construction begins, whichever is applicable) or on street will result in a stop work order on the project until a parking strategy is developed and implemented.

32. The applicant shall implement a parking plan for all community events and classroom/meeting room use to address assure the following parking standards are maintained:

- a. all interior roadway system shall be left clear and unobstructed. "No Parking" regulations shall be enforced;
- b. valet parking and shuttle bus scheduling shall be implemented to insure event participants will not create spillage onto adjacent roadways; and
- c. no parking will be allowed on non-asphalted surfaces.

Substantiated failure to maintain a parking plan to meet the above standards shall constitute non-compliance with conditions of approval and a parking plan to develop more permanent parking will be required and implemented prior to continued community events.

33. The applicant shall designate the new parking lot of +92 spaces as "Resident Student and Employee Parking, Only."

34. The applicant shall provide 6 handicap parking stalls to be located throughout each parking lot adjacent to the buildings. Two handicap spaces shall be shown in the existing parking lot adjacent to the walkway to the proposed new residence hall, two handicapped spaces within the new proposed lot and finally, two spaces shall be provided at the 999 Tahoe Boulevard lot. Handicapped spaces shall be shown on the building plan prior to the issuance of a building permit to the satisfaction of the staff of the Department of Community Development.

35. The current parking lot serving Campbell-Friedman and Patterson Hall shall be retrofitted for Best Management Practices (BMPs), restripped after used for construction staging, and two handicapped spaces shall be designated for the lot. The parking lot shall be designated "Guest and Non-Resident Student Parking."

#### LANDSCAPING AND DESIGN

36. All mechanical equipment, electrical boxes, tanks, ventilating fans or similar equipment, whether located on the roof or on the ground, shall be screened from view from adjoining properties and streets. Screens shall be integrated into the overall architectural style of the associated buildings and shall be measured from the highest point of the object being screened. All equipment shall be shown on building plans for approval of the staff of the Department of Community Development

37. On site lighting poles shall be restricted to 12 feet in height, when within 100 feet of residentially zoned property, and 18 feet in height on the remaining property, with the bulb entirely shielded by the fixture. Lighting on the building shall be low intensity and directed downward. All nighttime lighting shall be restricted for security purposes. The proposed lighting fixtures and poles, including intensity of lumination and containment of spillage upon the property shall be shown on the building plan submittal to the satisfaction of the staff of the Department of Community Development.

38. The applicant may substitute "soft lighting" in the parking lot areas as a substitute for traditional lighting fixtures.

39. All lighting shall be on timers and shall be set to turn off no later than 1 hour after the close of the last class or event to the satisfaction of the staff of the Department of

Community Development.

40. A landscaping plan shall be submitted with the building plans for issuance of a building permit. The plan shall include the new parking lot and area to the edge of the side of Campbell-Friedman - Patterson Hall, the old parking lot, and the area around the proposed residence hall bordering the 999 Tahoe Blvd. building, the side property line and the interior roadway. The landscape plan shall show:

- a. All existing evergreen trees in excess of 7' in height and any existing conifer in excess of 2" diameter shall be shown on the landscape plan.
- b. A tree mitigation plan shall show the opportunities to save any existing trees and incorporate these trees into landscape islands within the parking lot. Tree wells or rockery walls shall also be utilized where the grade surrounding a tree will change the natural grade.
- c. All Washoe County Development Code requirements shall be met on the building permit submittal, landscape plan. Plant canopy will be considered illustrative only. Actual installation shall provide for code requirements.
- d. Plant materials indigenous to the area are encouraged to correspond to the applicants intent to provide a natural environment;
- e. Revegetation plan;
- f. Drainage and detention pond areas;
- g. Landscaping irrigation system; and
- h. The landscape plan shall reflect the grading plan.

41. The site plan and architectural details shall show the location, type, and style of bike racks to the satisfaction of the staff of the Department of Community Development.

42. Any proposed new signage shall be consistent with existing signage and shall be shown on the building plan submittal to the satisfaction of the staff of the Department of Community Development.

#### OPERATIONAL CONDITIONS

43. Construction noise and on-going operational noise associated with the project shall meet all noise standards of the Development Code. Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be responsible for reimbursing the County for all costs incurred in the completion of two 24 hour monitoring's of the operation to assure compliance with noise standards. If improvements or changes in operation are needed to assure compliance, the applicant shall implement the necessary measures. The Washoe County Department of Community Development shall be responsible for determining compliance with this condition.

Should the noise monitoring report substantiate non-compliance with noise standards, within one (1) week, the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be

immediately implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

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

45. The applicant shall be responsible to provide snow removal of all roadways, parking lots and pathways whenever a four inch event occurs and every 24 hours thereafter to the satisfaction of Washoe County Sheriff's Office and North Lake Tahoe Fire Protection District (NLTFPD) staff.

\* \* \* \* \*

Chairman Galloway temporarily left the meeting and Vice Chairman Short assumed the gavel.

**99-346 PRELIMINARY DEVELOPMENT AGREEMENT CASE NO. DA12-4-98 - PARCEL MAP CASE NO. PM12-43-98 (APPEAL) - GEORGE STINSON (APN 077-130-14) - COMMUNITY DEVELOPMENT**

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on April 2, 1999, to consider entering into a Preliminary Development Agreement between George Stinson and Washoe County to fund infrastructure provision and to implement design standards pursuant to the Warm Springs Specific Plan (WS SP). The agreement would facilitate parcelization of ñ40.04 acre site into four parcels, 10 acres in size (see Case No. PM12-43-98). The property is located south of Whiskey Springs Road and east of Broken Spur, approximately 4.0 miles east of the Pyramid Lake Highway. The property is designated Medium Density Rural (MDR) and General Rural (GR) in the Warm Springs Specific Plan and is situated in a portion of the NW1/4 of Section 15, T22N, R21E, MDBM, Washoe County, Nevada. This item was continued from March 9, 1999.

AND

to consider the appeal of applicant, George Stinson, of certain conditions of approval by the Planning Commission of Parcel Map Case No. PM12-43-98 concerning a request to divide a ñ40.04-acre site into four parcels, 10 acres in size (see Case No. DA12-4-98). The property is located south of Whiskey Springs Road and east of Broken Spur, approximately 4.0 miles east the Pyramid Lake Highway. The property is designated Medium Density Rural (MDR) and General Rural (GR) in the Warm Springs Specific Plan and is situated in a portion of the NW1/4 of Section 15, T22N, R21E, MDBM, Washoe County, Nevada.

Proof was made that due and legal notice had been given.

Catherine McCarthy, Department of Community Development, provided background information and presented maps of the subject area which she displayed on the document camera.

\* \* \* \* \*

Chairman Galloway returned to the meeting and resumed the gavel.

Ms. McCarthy discussed the concerns presented by the applicant relating to the adopted land use map for the Warm Springs Specific Plan and advised that the map has been used for five previous development agreements; that the map shows about 1/3 acre of General Rural on Mr. Stinson's parcel which is intended for the future Spine Road, a drainage channel, and a trail system; and that if that General Rural was not included on Mr. Stinson's parcel, it would have to be placed on another property to accommodate that portion of the infrastructures. She then discussed the other issues raised by the applicant including

- (1) the question of impacts to the existing residents, advising that this was addressed by the Planning Commission in Condition No. 11 of the Development Agreement,
- (2) the advisory note used to make sure that the final parcel map is in conformance with the tentative map, and
- (3) Health Department Condition No. 13 for a plan for operation and maintenance of the nitrate reducing septic, which condition must be appealed to the District Health Board.

Randy Walter, MacKay & Soms Civil Engineers, Inc., representing George Stinson, reviewed conditions they would like modified for both the development agreement and the parcel map, advising that they relate more to technical issues than policy issues, but do affect Mr. Stinson's ability to do what he is trying to do with his parcel map. He then presented their requested language modification to Condition No. 11 relative to the requirement to bring the applicant's home into conformance with "all the terms and conditions of the Development Agreement." He explained that the home existed prior to adoption of the Development Code and the Warm Springs Area and Specific Plans, and, therefore, this requirement should apply only to "all future improvements." Mr. Walter then addressed Condition No. 7 that is contained in both the development agreement and the parcel map and deals with mapping issues and considerations. He stated that they believe that the Area Plan map is in error and advised that the original Specific Area Plan was approved in 1992 and the current land use map, which did not exist at that time, was created based on the interpretation by staff of the approved plan in 1995. Mr. Walter presented several maps displayed on the document camera and a large easel to demonstrate the discrepancies between the two maps that affect Mr. Stinson's parcel. He stated that the GR designation for open space on the first map is clearly to the south of Mr. Stinson's parcel, which was done because the original intent was for the open space to be placed on the larger adjoining properties that had the greatest ability to provide those infrastructures; and that because the GR designation on the current map is wrong and encumbers Mr. Stinson's property resulting in the ultimate elimination of one potential lot, they are requesting that it be removed from his parcel.

Mr. Walter then stated that Condition No. 9 requires an advisory note on the map stating that the minimum lot requirement is 10 acres; that the regulatory zoning indicates a minimum lot size of 5 acres; and that their request is that the advisory note reflect the current regulatory zone designation because they believe the current language will restrict the map to 10 acres into perpetuity even though the land use designation allows for 5-acre lots. He then advised that they understand they have to go to the District Board of Health to request a change to Condition No. 13, but explained that the issue relates to the requirement that a plan be in place for the long term maintenance of denitrification systems when in reality that is a County-wide issue and not just a Warm Springs or Stinson parcel map issue. Mr. Walter then responded to questions of the Board.

Chairman Galloway opened the public hearing and called on those wishing to speak. There being no response the public hearing was closed.

Upon request of Chairman Galloway, Ms. McCarthy and Dean Diederich, Planning Manager, Department of Community Development, responded to the issues presented by Mr. Walter. Ms. McCarthy advised that staff would not object to adding clarification language to Condition No. 11 that would state that all the terms and conditions of the development agreement "... shall be met for all new improvements."

Mr. Walter stated that they were satisfied with this language modification.

Mr. Diederich stated that staff reviewed both the 1992 and 1995 maps and believes that they represent the same intent, land use intensity, and geographic boundaries; and that if the Board feels the map is in error or that staff's interpretation is in error, it can identify that, but in order for the appellant to change the adopted 1995 map, a comprehensive plan amendment would be required. He further stated that the development agreement establishes the ability to collect revenues to ultimately build the required infrastructure, but there is no final alignment study for the roadway, drainage, or trail easement, and there is a shared demand on the adjoining parcel; and that the GR designation is the minimum area that was believed to be necessary to handle at least a portion of the public infrastructure requirements. Mr. Diederich then responded to questions of the Board and stated that the advisory note is a standard condition of approval that is now placed on parcel maps to make sure that a final map submitted for recordation is in substantial conformance with the approved tentative map, and is not intended to represent a limitation on further subdividing the property; and that if the regulatory zone allows for further division that is a separate issue whereby the subsequent parcel map would have its own special advisory note. Upon inquiry of Chairman Galloway, Mr. Diederich stated that staff

would be comfortable with clarifying the advisory note to say that this reflects the division applied for by the owner, but does not preclude further division.

Further discussion was held and Chairman Galloway reviewed the issues presented, stating that resolution has been reached on two issues and there is no disagreement that Condition No. 13 must be appealed to the District Health Board; that the mapping issue has not been resolved and he is not prepared to make a finding with regard to whether the current land use map is wrong; and that the map could be changed if the applicant successfully goes through a comprehensive plan amendment. Mr. Walter commented that this is a mapping error issue and has nothing to do with a comprehensive plan amendment, and to require an applicant to go through that process because the mapping is wrong is ludicrous; and that mapping errors have occurred in Washoe County in the past and he does not believe a comprehensive plan amendment is necessary to change every little thing on a map.

Legal Counsel Shipman stated that unless there is a clear error on a map, the final decision is the Planning Department, which decision is appealable through the Board of Adjustment; and that technically the Board of County Commissioners, as ultimate interpreter of the map, could state a correction to the map if it concluded that there was a mapping error.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the appeal be partially upheld and the following conditions be modified:

Condition No. 13 shall apply as presently stated or as subsequently modified by the Health Department.

Clarifying language shall be added to Condition No. 11 to indicate that the conformance requirement shall apply only to future improvements.

Clarifying language shall be added to Condition No. 9 to indicate that the advisory note reflects the lot sizes on the approved application but does not preclude future division.

Based on the following findings, it was ordered that the appeal relative to the mapping error be denied and the conditional approval of the Planning Commission of Development Agreement Case No. DA12-4-98 and Tentative Parcel Map Case No. PM12-43-98 for George Stinson be upheld, subject to the following conditions as amended:

Findings for Preliminary Development Agreement Case No. DA12-4-98

1. That the proposed preliminary development agreement is consistent with the goals, policies and action programs of the Warm Springs Specific and Area Plans, and the Washoe County Comprehensive Plan;
2. That the agreement does not propose any departures from Development Code regulations and is deemed to be in the public interest;
3. That the requested parcel map is consistent with the density provisions and lot size regulations of the Washoe County Development Code and the site is particularly suited for the density and type of residential development proposed;
4. That the physical design of the project and the manner in which the design makes adequate provision for public services and open space areas. The development agreement provides funding of public infrastructure pursuant to the Warm Spring Specific Plan (WS SP). The project will be served by individual wells and nitrate reducing septic systems, and water rights will be secured prior to recordation of the final map;
5. The terms and conditions of the development agreement are sufficient to protect the interests of the public, residents, and the owners of the land subject to the agreement in the integrity of the plan;
6. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting;

7. That the Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing; and

Findings for Tentative Parcel Map Case No. PM12-43-98

- 1. That the division is in conformance with the Comprehensive Plan and the Warm Springs Area Plan and Warm Springs Specific Plan;
- 2. That the proposal will adequately provide for access, floodwaters, utilities, wastewater disposal, water supply and fire protection; and
- 3. That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
- 4. That the Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing;

CONDITIONS FOR PRELIMINARY DEVELOPMENT AGREEMENT CASE NO. DA12-4-98 GEORGE STINSON UNLESS OTHERWISE STATED, PRIOR TO APPROVAL OF THE FINAL DEVELOPMENT AGREEMENT, ALL CONDITIONS MUST BE MET. 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 COMMUNITY DEVELOPMENT. COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS DEVELOPMENT AGREEMENT IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

GENERAL CONDITIONS

- 1. Unless specifically stated in the Final Development Agreement, all uses, densities and standards shall be consistent with the Washoe County Development Code and with the goals and policies in the Comprehensive Plan and the Warm Springs Area Plan. Unless specifically stated in the Final Development Agreement, the allowed uses, densities, and standards of the land subject to the Development Agreement shall be those in effect at the time the final agreement is approved.
- 2. Approval of the Preliminary Development Agreement shall be valid for 2 years from the date of approval by the Washoe County Planning Commission.
- 3. The fee schedule stipulated in the Preliminary Development Agreement shall be adjusted to those in effect at the time the Final Development Agreement is submitted and deemed complete by staff of the Department of Community Development.
- 4. The Final Development Agreement and Exhibits shall reflect the Staff Recommended Edits dated February 24, 1999.
- 5. The Final Development Agreement shall reference and include conditions of approval for Parcel Map Case No. PM12-43-98 as an exhibit.
- 6. The Final Development Agreement shall specify any time frames that have been extended beyond those specified by the Washoe County Code or Nevada Revised Statutes. The Department of Community Development shall be responsible for determining compliance with this condition.
- 7. The Final Development Agreement shall incorporate changes to Exhibit E, Development Standards Handbook, as specified in the Washoe County Design Review Committee (DRC) letter dated February 22, 1999. The DRC letter refers to the Technical Review Memo included with the DRC staff report dated February 3, 1999 and the applicant responses from Randy Walter of MacKay and Soms dated February 11, 1999.



8. The Final Development Agreement shall include complete Covenant, Conditions and Restrictions (CC&R's) and/or documentation of annexation to any existing CC&R's and the Master Homeowners Association.

9. The developer and all successors shall direct any potential purchaser of the tentative parcel map (prior to recordation of the final map), to meet with the Department of Community Development to review the Preliminary Development Agreement and the conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser within 30 days of the final sale.

10. Prior to submittal to the Washoe County Commission, the Final Development Agreement shall be reviewed and approved by the Office of the District Attorney of Washoe County.

11. A site plan of the existing improvements on Parcel A shall be included with the Final Development Agreement. Prior to issuance of a discretionary or ministerial permit to alter, change or expand the uses on Parcel A, all the terms and conditions of the recorded Development Agreement described in Case No. DA12-4-98 shall be met for all new improvements.

CONDITIONS FOR TENTATIVE PARCEL MAP CASE NO. PM12-43-98 GEORGE STINSON ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES SHALL BE PROVIDED IN AN APPROPRIATE FORM AND AMOUNT, TO THE SATISFACTION OF THE PUBLIC WORKS DEPARTMENT, PRIOR TO FINALIZATION OF THE TENTATIVE PARCEL MAP, UNLESS OTHERWISE STATED. COMPLIANCE WITH THE CONDITIONS OF THIS TENTATIVE PARCEL MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST.

GENERAL CONDITIONS

1. The final map shall be in substantial compliance with all plans and documents submitted as part of this tentative parcel map application, and with any amendments imposed by the Planning Commission or the County Commission. All documentation necessary to satisfy the conditions noted below shall accompany the final map when submitted to the County Engineer and the Community Development Department.

2. A note shall be placed on the final parcel map stating that the original developer, its successor in interest, and all owners, assignees, and occupants of the property, and their successors in interest shall comply with all the terms and conditions of the recorded Development Agreement described in Case No. DA12-4-98. The Department of Community Development shall be responsible for determining compliance with this condition.

3. Prior to final map recordation, the applicant shall provide proof of a recorded Development Agreement as described in Case No. DA12-4-98. The Department of Community Development shall be responsible for determining compliance with this condition.

4. According to the Warm Springs Specific Plan, development within the Medium Density Rural (MDR) land use designation is required to pay its proportionate share of fees to support future development of infrastructure. All applicable fees must be paid prior to final map recordation, as outlined in the adopted Final Development Agreement Case No. DA12-4-98. The Department of Community Development shall be responsible for determining compliance with this condition.

5. Failure of the applicant to record a parcel map within one (1) year of the date that the Final Development Agreement Case No. DA12-4-98 is approved by the Washoe County Commission terminates all proceedings, and a new application shall be required. The County Engineer shall be responsible for determining compliance with this condition.

6. The applicant shall comply with all the conditions of approval and shall submit a final map for signature by the Director of the Department of Community Development. Each agency responsible for imposing conditions may determine whether their conditions must be fully completed or whether the applicant shall be offered the option of providing financial assurances as a means of assuring compliance.

7. The following technical corrections and additions shall be shown on the final map to the satisfaction of the County Engineer:

- a. Add all fill-ins to Note 8 and correct land use designations to Medium Density Rural and General Rural.
- b. Use the updated Tax Certificate.
- c. Use the updated Title Company Certificate.
- d. The Water Rights Dedication Certificate should refer to Article 422, not Article 442.
- e. Add a return for the new road at Broken Arrow Road.
- f. Use 10' PUEs and drainage easements on all street rights-of-way.
- g. Remove the three second angle point in Broken Arrow Road.
- h. Add return information to the cul-de-sac.
- i. Pay the technical check fee.
- j. Provide the 113 foot wide drainage, trail and Spine Road easement in the southwest corner of Parcel C.
- k. Add a graphic border around the proposed division.
- l. Add a north arrow to the vicinity map.
- m. Dash all lines that are not part of the division.
- n. Access must be upgraded to a condition that will allow emergency vehicle travel, issuance of building permits and address drainage.
- o. The applicant needs to submit a letter from a PLS certifying that the roadway improvements are within the documented access and do not exceed a 14% gradient.
- p. Show parcel areas to the hundredth of an acre.

8. The following erosion and sediment control notes shall be placed on the grading plans or in the general notes, to the satisfaction of the County Engineer:

- a. Clearly delineate the proposed limits of grading. Identify the location of sediment and erosion control devices, reference them with the details, and construct prior to or concurrent with any grading activity.
- b. Stabilize construction entrances and equipment parking areas with gravel prior to grading. Channel concentrated construction flows, such as from temporary roads, to a temporary or permanent sediment treatment facility prior to grading.
- c. Before construction begins, install silt control devices at all storm drain inlets receiving runoff from the site and maintain them during construction.
- d. Remove temporary erosion control measures when erosion is stabilized and temporary measures are no longer needed.

9. An advisory note shall be included on all final maps recorded for this parcel map that states the following information:

Regulatory Zone for Review Purposes as of 3/2/99 DOES NOT PRECLUDE FURTHER DIVISION OF LAND General Rural and Medium Density Rural discounted 25% per Water Budget (Number of Lots on Parcel Map = 4 Lots)

Minimum Lot Area Required

10.0 acres

Minimum Lot Width

120 feet

Minimum Front Yard

30 feet

Minimum Side Yard

15 feet

Minimum Rear Yard

30 feet

Maximum Building Height  
35 feet / 2 story maximum

Variances to these standards may be processed as per Washoe County Code.

10. All existing and proposed main and accessory structures shall conform to property line setback requirements of the Washoe County Development Code.

11. Prior to final map recordation, 2.5 acre feet per lot of water rights shall be dedicated to Washoe County for the 2nd, 3rd, and 4th parcel created, in accordance with the Warm Springs Area Plan and the Warm Springs Water Budget. The water rights must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Utility Services Division. The Water Resources Department shall be responsible for determining compliance with this condition.

12. The water rights dedicated to Washoe County are intended for an individual domestic well and therefore shall specifically prohibit use for agricultural purposes. A totalizing meter shall be installed to monitor water resource use not to exceed 1,800 gallons per day. The Water Resources Department and District Health Department shall be responsible for determining compliance with this condition.

13. Prior to parcel map approval by the Washoe County District Health Department, a plan administered by the Washoe County Department of Water Resources shall be set up to operate and maintain the nitrogen-reducing septic systems. The proposed treatment system design, the monitoring, reporting, maintenance schedule, and enforcement procedures shall be approved by the District Health Department and the Department of Water Resources.

14. Prior to the approval of any individual sewage disposal system construction permit, the property owner shall submit to the District Health Department an operation and maintenance agreement with the Department of Water Resources.

15. Prior to parcel map recordation, the design engineer shall submit a domestic water well construction design for each of the proposed parcels. The design shall include the required elevation of the top of the well casing to ensure that it is at least two feet above the 100 year flood plain. Prior to the certificate of occupancy approval of the proposed homes or buildings, the design engineer shall inspect the wells during construction and certify to the District Health Department that the wells are constructed in a manner that will prevent commingling of the shallow and deep aquifers, pursuant to Nevada Administrative Codes 534.370 and 534.375. The Washoe County District Health Department shall be responsible for determining compliance with this condition.

16. Prior to approval of the certificate of occupancy for the proposed homes or buildings, the domestic water wells shall be sampled to verify that the water supply meets the drinking water standards. The Washoe County District Health Department shall be responsible for determining compliance with this condition.

17. Prior to parcel map recordation, the applicant shall submit a site plan showing all existing and proposed wells and proposed nitrogen-reducing individual sewage disposal systems on the property. The Washoe County District Health Department shall be responsible for determining compliance with this condition. The site plan shall include the following items.

- a. The limits of the 100 year flood plain.
- b. The design of all proposed individual sewage disposal systems within the 100 year flood plain pursuant to Section 100.070 of the Washoe County District Board of Health Regulations Governing Sewage, Wastewater, and Sanitation.
- c. The location of all proposed wells and the elevation of the top of the well casings within the 100 year flood plain.
- d. Any water system improvements required for fire protection.

18. A notice describing the conditions 13 through 18 shall be recorded simultaneously with the parcel map. The notice shall be approved by the District Attorneys Office and be recorded in a manner that will show up in a routine title search. The Washoe County District Health Department shall be responsible for determining compliance with this condition.

19. All regulations and procedures adopted by the Washoe County District Health Department must be met prior to recordation of a final map.

20. Residential addresses must be clearly visible from the street bordering the parcels. The Truckee Meadows Fire Protection District shall be responsible for determining compliance with this condition.

21. A note shall be placed on all final maps recorded, grading plans and construction drawings stating, to the satisfaction of the County Engineer:

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.

22. The final map shall contain the following jurat:

This final map is in substantial compliance with the tentative map, PM12-43-98, and all conditions of approval have been met. Therefore, this parcel map is approved on this \_\_\_day of \_\_\_\_\_200\_\_.

**99-347 TENTATIVE SUBDIVISION MAP CASE NO. TM12-9-98 - COLD SPRINGS 2000 - APPEAL - COMMUNITY DEVELOPMENT**

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on April 2, 1999, to consider the appeal of Nan Nesbitt of the decision of the Washoe County Planning Commission to grant approval to Cold Springs 2000 to develop a 2028-lot common open space, single-family subdivision on a 894.87-acre site.

Lots would range in size from 1,560-square-feet for single-family attached units to 16,000-square-feet for the largest single-family detached units, with an average lot size of 6,000 square feet. The property is located at the north end of Cold Springs Valley and is designated Medium Density Suburban (MDS), Low Density Suburban (LDS) and General Rural (GR) in the North Valleys Area Plan and situated in portions of Sections 9, 15 and 16, T21N, R18E, MDM, Washoe County Nevada (APNs: 87-021-27, 29, 87-430-03, 04, 21, 24, 87-531-01 to 04, 87-532-01 to 08, 87-541-01, 87-542-01 to 11, 87-543-01 to 16, 87-544-01 to 08, 87-591-01, 02, 87-592-01 to 03). Proof was made that due and legal notice had been given.

Commissioner Bond stated that the appellant, Nan Nesbitt has requested that she recuse herself from voting on this project because five years ago when she originally ran for Commissioner she received, indirectly and without her solicitation, financial assistance from Bob Lissner of Lifestyle Homes. She stated that she was under intense scrutiny due to that situation and passed with flying colors through the Ethics Committee and the Secretary of State; that since another election has been held since this incident occurred and she has been returned to this position, she feels that her constituency would appreciate her participation in the consideration of this major project; and that she will not, however, make any motion on this item, but will vote on whatever motion is made.

Ron Kilgore, Community Development, reviewed background information and advised that the appeal issues regarding the proposed Cold Springs 2000 project were

- (1) water, lack of and ownership of,
- (2) water table and drainage, and
- (3) several other health and safety items.

He advised that the Planning Commission considered all information presented and the appeal issues, and unanimously felt that the impacts were successfully mitigated and all required findings could be made.

Nan Nesbitt, Appellant, advised that after her presentation she would be leaving the meeting due to a serious illness in the family and Kelly Probasco would provide any additional information requested by the Board. She read her statement of appeal which incorporated several issues including that the approval of this project by the Planning Commission was called outrageous by many people and governmental representatives in the community; that several disclosures were not made by the Planning Commission members; and that the approval was in violation of NRS 278.349 which requires a finding on each article. She advised that there was no consensus on findings relative to the water situation, archeological sites, environmental issues, transportation, and traffic impacts; that the increased density is not compatible with the existing valley and defies rural integrity; that the plan encourages uncontrolled growth and urban sprawl; that they are not saying no to houses but are saying no to the density and the impact of such a large project; that they are requesting that the project be sent back to the Planning Commission for further work and to fulfill their responsibilities to the letter of the law; and that the community would like to be able to meet with the developers and seriously discuss the issues that are important to the residents.

Chairman Galloway disclosed that he met with a representative of the developer about two months ago to obtain an overview of the project. Commissioner Shaw disclosed that he met with the applicants approximately two weeks ago.

Kelly Probasco advised that he is the Chairman of the Cold Springs Citizens Advisory Board but was not representing that board tonight. Commissioner Bond commented that Ms. Nesbitt stated that certain things were not considered by the Planning Commission and noted that the minutes of that meeting indicate that those issues were discussed. Mr. Probasco discussed the concerns of the Cold Springs residents relative to rising groundwater, nitrate levels, problems with wells, septic tanks failing, and that the developer does not currently have the water to do the entire project. He advised that those concerns were presented to the Planning Commission, but there was no comment from them. Mr. Probasco responded to further questions of the Board and discussion was held relative to the sewer treatment plant, septic systems, lot sizes in the area, etc. He then advised that other issues the residents are concerned with relate to density, increased traffic, public schools, lack of water ownership, and fire protection.

Bill Thomas, Summit Engineering Corporation, representing Lifestyle Homes and Cold Springs 2000, Inc., presented several maps and graphics utilizing the document camera, and provided a brief overview of the project. He advised that the subdivision design is unique to the area in that the focus is to recreate the feeling and lifestyle of an old small town and to create a core in the center around which people can congregate and interact; and that the project contains a series of greenbelts so that people can walk into town and to the elementary school without crossing the street. He then addressed the following appeal issues:

(1) Water. Mr. Thomas advised that the subject property is within the community water system service territory and infrastructure is in place and will be expanded as needed to provide for the project; that the homes will be metered which will control and assess the water impacts of the project; that Cold Springs 2000 has acquired 1261 acre feet of water rights for the project, which is a significant number at the tentative map stage; that pursuant to state law, no final map can be recorded without adequate water being demonstrated by the State Engineer; that Cold Springs 2000 constructed a well, which is now being used, and they have offered that another well can be placed on the property if needed; and that the overall water system will be enhanced.

(2) Sewer. Mr. Thomas advised that all of the homes in the project will be connected to a community sewer system which was put in place by Cold Springs 2000 and Roston & Co., another developer in the Cold Springs area; and that adequate land has been set aside for future plant expansion.

(3) Traffic. Mr. Thomas reviewed the project's roadway system, traffic mitigation's, and conditions of the project that address traffic issues, and advised that they are very comfortable that traffic related to their project will not negatively impact the area.

(4) Drainage. Mr. Thomas reviewed issues, conditions, and County code requirements that address drainage, advising that the project contains detention ponds and water will be diverted through an open space and drainage channel into a recharge area which will provide further infiltration; and that the project will improve the current drainage situation in the area.

Mr. Thomas then responded to questions of the Board relative to nitrate levels, groundwater tables, water rights, drainage, density and build-out, traffic, etc., and advised that Cold Springs 2000 has donated land for the volunteer fire station and the

Truckee Meadows Fire Protection District as well as \$200 per home for fire facility improvements, noting that this is above and beyond what other developments have offered; and that a 10-acre site is located on the property for an elementary school, which is owned by the School District, and Cold Springs 2000 has made a commitment for a 20-acre middle school site.

Upon inquiry of Chairman Galloway, Bryan Tyre, Health Department, reviewed issues relative to nitrate levels and the procedure for monitoring the water system by the Health Department, advising that the Health Department signs all final maps and would not do so if water cannot be delivered at a certain pressure or does not meet State water quality requirements. Mr. Tyre responded to additional questions regarding wells, groundwater levels, water treatment requirements, septic systems, and nitrate levels, and advised that a 1992 study stated that existing homes would cause nitrate levels to elevate beyond the level of 10, but this particular development goes to a sewer plant which treats for nitrates and would not add substantially to that problem.

Commissioner Bond commented that she would like to see if it would be possible to plan ahead so that in the event nitrate levels go above the Health Board regulation, the cost to existing residents to hookup to a sewer system could be reduced. Mr. Tyre advised that the Health Department has suggested that a method be pursued whereby the sewerage of new homes could include some existing homes without adding to the cost of the development.

Tom Kelly, Utility Services Division, provided information relative to water and sewer issues in Cold Springs and responded to questions of the Board.

Bob Firth, Water Resources Consultant, discussed issues relative to water rights ownership, commitments currently held by Cold Springs 2000, and per lot water allocation scenarios, to support that they feel confident that sufficient water rights will be obtained for the entire project. He advised that he worked for Lifestyle Homes in their Sun Valley project; that they typically build a very water efficient home and have one of the lowest per capita water uses in Washoe County, which is also planned for this development; and that he has never seen a project of this size that had over one-half of their water rights in hand at the tentative map stage.

Chairman Galloway opened the public hearing and called on those wishing to speak in opposition to the project.

Nancy Beeman, Cold Springs resident, discussed concerns relative to water, wells running dry, septic systems failing, and hook-up fees.

Jeff Leathers, Blackbird Drive resident, expressed concern relative to the water level rising and septic tanks being destroyed because of this development.

Debra Leathers, Blackbird Drive resident, advised that she is Vice Chairman of the Cold Springs CAB, but was not speaking for that organization. She stated that she is in favor of responsible development as long as the future of the community is considered; and that water is a major concern in the community. She noted that a five-year water study is in process and requested that any development be stopped until that study is done. She then discussed concerns relative to water for the future school site, the overloading of the existing school, the need to relocate the lift station, detention pond capabilities and safety, and mosquito control, stating that these issues have not been adequately addressed and she would request that this matter be sent back to the Planning Commission for reconsideration of how to mitigate these problems.

Connie Van Dyke, Cold Springs resident discussed her concerns with air quality due to vehicle emissions, etc. and asked how many homes will have fireplaces.

Janice Boyken, Cold Springs resident, commented that her concern is about the high surface water table in the Cold Springs Valley and requested that the project be sent back to the Planning Commission for reconsideration.

June Link, Cold Springs resident, stated that in 1997 the Cold Springs Association asked for a moratorium on building until the County's water table study was completed; that there were three applications pending for approval at that time, one of which was Cold Springs 2000; that staff was directed at that time to review those pending applications to make sure they were in compliance

with new resolutions that had just been adopted; and that no one knows if this was ever done. She then read the minute resolution regarding said moratorium and direction to staff, and discussed her concerns regarding artifacts and the Indian burial sites located on the property, advising that she did not feel these issues were properly addressed.

Erik Wolf, Cold Springs resident, stated that he believes this project is more than Cold Springs can handle; that he knows the water level is rising; that run-off is always going to flow down and raise the White Lake water level; and that the community has not been offered anything to compensate for this project except a lot of extra expense down the road.

Gene Gildea, Cold Springs resident, advised that he is a member of the Executive Board of the Cold Springs Community Association, but was not representing them tonight. He stated that growth in the area is inevitable and that was laid in stone some years ago when people decided that building would be a part of the Cold Springs community; and that he is not in opposition to this project, and wanted to present the expressions of the Board of Directors of the Association that they are not opposed to growth as long as all the T's are crossed and the I's are dotted.

Chairman Galloway then requested that anyone present wishing to speak in support of Cold Springs 2000 do so at this time.

Susan Severt, Sun Valley resident, advised that she serves as Chairwoman to the Sun Valley Citizen Advisory Board but was speaking on behalf of herself and her community. She stated that when the Lifestyle Homes subdivision was first proposed in Sun Valley, she had the same reaction as those in opposition for this project, but their commitment to enhance the entire community has been an asset that has greatly benefited everyone; and that they are good neighbors and will be good neighbors in Cold Springs

Randy Pateidl, Cold Springs resident, stated that the residents have expected development and knew they would eventually have to hookup to sewers; and that development like this will bring much needed services to the valley.

Paul Kaniss, Cold Springs resident, stated that residents have known for years that septic tanks are failing, which has nothing to do with development; that the development will generate a great deal of money for Washoe County for which there is a tremendous need; that Bob Lissner is a man of honor and is socially and morally interested in the citizens; and that he has the ultimate confidence and trust that the Planning staff, Planning Commission, and Board of County Commissioners will look out for his welfare.

Claudia VanLydegraf, Cold Springs resident, advised that Bob Lissner has been at every CAB and CSCA for the last 1.5 years to get a pulse on the community; that he has been very vocal and truthful about what he wants to do and many of his plans will benefit everyone; and that she believes his development will be done right and will benefit the Cold Springs area.

Ted Heath, Sun Valley resident, advised that he is President of the Sun Valley Residents Association but was speaking on his behalf tonight. He stated that he has worked with Lifestyle Homes and finds them to be good neighbors and of great assistance to the community; that they have done many things in Sun Valley that many people do not know about; and that the pride that has come back to the people in Sun Valley is due to a great extent to the efforts of Lifestyle Homes.

Denise Schoepke, Commercial Real Estate Broker, stated that Bob Lissner is one of the top five developers in Northern Nevada and she has no doubt that he is concerned about Cold Springs and wants to do a top notch project, but she is concerned about the density, safety concerns for children due to increased traffic and no sidewalks, and police protection for increased crime.

Peter Johnson, Cold Springs resident, stated that he is concerned with traffic and impacts on air quality.

Shelby Hooks, Cold Springs resident, advised that her concern is with water.

Dave Lunsford, Cold Springs resident, stated that he is not really opposed to the project, but believes an environmental impact statement should be done.

Laura Segal, Cold Springs resident, stated that she is not clear about where the Fire Department and middle school are supposed to

be located.

Byron Burdick, Colds Springs resident, spoke in support of the project. He advised that he works for Lifestyle Homes and noted that, as far as the rising groundwater issue is concerned, the last four to five years have been the wettest years in recent history.

Frank Shenk, Cold Springs resident, stated that a friend of his who lives in Sun Valley told him that his water bill has increased by 10-15% since Lifestyle Homes moved in; and that there is litigation against Lifestyle Homes because they built more homes than they had water rights for, which should be looked into before approving this project.

There being no one else wishing to speak, Chairman Galloway closed the public hearing. He then asked staff and the applicant to respond to the questions and issues that were raised.

Steve Walker, Water Management Planner, provided information relative to concerns raised about rising groundwater levels that were suggested could occur due to

- (1) the increased impervious area of the development that could result in an increase to the surface elevation of White's Lake, and
- (2) the possibility of increased water use from Long Valley, which is another hydrographic basin.

He stated that State Law and County Code require that the developer mitigate the situation and the project is designed to not increase groundwater levels. Mr. Walker responded to questions of the Board relative to the separate hydrographic basins of Long Valley and Cold Springs Valley. He then reviewed the status of the water study, advising that it is two years from completion and would include Cold Springs 2000, if approved, which is included in the current water budget because it was already recognized as a pending project.

A discussion commenced regarding whether or not fireplaces would be installed in the homes and Bob Lissner advised that that issue has not been considered at this point. Later in the discussion, Mr. Thomas stated that Mr. Lissner has agreed to not install any woodburning devices.

Mr. Tyre responded to the issue of mosquito control and stated that, although vector people do not like detention basins, they are supposed to be designed to empty in less time than it takes a mosquito to breed; and that it is his understanding that those waters have been tested and no particular problem was found.

Mr. Kilgore stated that Condition No. 7 addresses the preservation of artifacts on the subject property and contains language that was recommended by the State Historic Preservation Office.

Mr. Thomas advised that, concerning the issue of children walking to school, the project has been designed to provide pedestrian access to the proposed school from within the project, and there is a condition that addresses pedestrian access to the existing school, which is outside the project.

Upon inquiry of Commissioner Bond, Walter West, Washoe County Engineering Division, advised that he is not aware of any specific policy requiring fencing of the drainage detention ponds, but that they would look at any potential safety problems with those facilities and if it is determined that a hazard exists, that matter would be addressed during the development process.

Commissioner Shaw asked Mr. Thomas to advise what Lifestyle Homes is bringing to the community. He stated that they constructed a well and the sewer plant was also constructed in great part by Lifestyle, noting that these were built before any homes have been constructed, which is rare for a new development; that the overall design provides for an abundance of recreational areas and open space, advising that Lifestyle is committed to expend up to twice what would normally be provided for parks and open space; that a public gymnasium is proposed which will be open for community activities; that Lifestyle Homes has contributed money to the existing elementary school and will contribute to many programs and activities as they have done in Sun Valley; and that they are



trying to do something different that will reduce vehicle trips, provide the opportunity for people to walk to and from activities, and provide open spaces to reduce crime. He then advised that there is no outstanding litigation and any issues between Lifestyle Homes and the water company in Sun Valley have been resolved between the parties. Mr. Thomas further stated that the detention ponds will be drained very quickly and they do not plan to have any standing water in the project; and that if a security issue does develop they will have to mitigate that.

Chairman Galloway stated that he is concerned with the issue of rising water levels resulting from any proposed development in Cold Springs which may require water from Long Valley, but this seems to be a regional problem that affects the entire hydrographic basin including existing and proposed homes, and he would be looking for staff to advise about this issue when the results of the water study are complete. Mr. Thomas commented that from the beginning the concern has been that there is not enough water; that all of the water from this project will be going to the sewer plant which is a controlled source; and that Cold Springs 2000 has offered to plant a forest of trees on available land on the property if it is determined that there is a need to get rid of water.

Upon inquiry of Chairman Galloway, Legal Counsel Shipman advised that an environmental impact statement is not required.

Mr. Probasco provided additional comments and stated that he was not present to oppose the project, but rather to express the concerns of the area residents. He advised that people living in Long Valley have asked about what happens to their wells if their water is used on the other side of the valley; that the residents continue to be concerned about whether adequate water is available for the development, which could require that another well be drilled and would create a negative financial impact on the existing residents; and that some people are concerned about the pending consolidation of fire services and how that will affect service to their area. He further advised that there have been discussions of this project for numerous years and the proposal presented tonight has been before the CAB twice with some things being supported and some not; and that members have expressed concern about approving this development before the water study is completed by the County.

Upon inquiry of Chairman Galloway, Mr. Walker provided additional information regarding water exportation issues, and advised that he believes that part of the rising groundwater level situation has to be equated to five years of increased precipitation in that small hydrographic basin.

Chairman Galloway commented that concerns about fire protection are not different than the concerns of other unincorporated areas of the County and the County will do everything possible in the consolidation contract to maintain the level of service, advising that, if that is not in the contract, he will not vote for it. He then stated that schools and the fire station will be built, which is not an assurance that is obtained on every development in the County.

Commissioner Bond stated that Lifestyle Homes has contributed a great deal of money to the Sun Valley community and has already contributed to the Cold Springs community, noting letters from the school principal and cub scout leaders, etc. to that effect; and that if this project is watched closely to assure that it is the best development possible for the area, everyone will benefit.

Commissioner Shaw thanked everyone for attending this evening and expressing their concerns. He noted statements made by Ms. Severt who talked about having concerns about the Lifestyle Homes development in Sun Valley and finding that they provided a positive impact to the community, stating that he believes that the Cold Springs community will have the same positive results.

Commissioner Short stated that from everything he has heard, he believes that Lifestyle Homes will be very good citizens and will make every effort to get the community behind them.

Chairman Galloway stated that before the final map is recorded, it has to be determined that every condition has been met and that the water has been certified and purchased; that if the water is not there they will not be able to complete all phases of their development; and that because the water issues will be addressed and all conditions must be met, he will support the development. He further stated that he is still concerned about the rising groundwater in the area and will try to work with County staff to further address that issue, noting that the burden of that problem is not entirely with this developer, and it has not been shown

that the development will definitely make that situation worse.

Commissioner Bond requested that staff work with the Utility Services Division, Health Department, developer, etc. to see what might be done about oversizing the lift stations on the sewer plant so that when the community eventually needs to hookup to the sewer plant, that can possibly be done at less cost; and that staff keep a close eye on the detention ponds to determine if there is going to be any danger that needs to mitigated.

Having made the following findings, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the appeal be denied and the decision of the Planning Commission be upheld, and Tentative Subdivision Map Case No. TM12-9-98 for Cold Springs 2000 be approved, subject to the following conditions:

FINDINGS:

1. Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and the North Valleys Area Plan;
2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and the North Valleys Area Plan;
3. Type of Development. That the site is physically suited for a residential subdivision;
4. Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision;
11. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
12. That the Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing.

CONDITIONS FOR TENTATIVE SUBDIVISION MAP CASE NO. TM12-9-989 Cold Springs Village THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE

PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN ONE (1) YEAR AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION. 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. A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT. THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT 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 COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS ONE (1) 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. 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 DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST. A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

GENERAL CONDITIONS

1. The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps. Variances to these standards may be processed per Washoe County Code. The Department of Community Development shall be responsible for determining compliance with this condition.
2. 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 developer and approved by the applicable agency, those in effect at the time of approval of the final map.
3. 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 Community Development.
4. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Services Division and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
5. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable division of the Department of Public Works shall be responsible for determining compliance with this condition.
6. 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.

7. Prior to any ground disturbing activity, the applicant shall prepare a plan for the recovery of regionally significant

archaeological resources and forward the plan to the State Historic Preservation Office (SHPO) for their review and approval. Compliance with this condition will be determined by the Department of Community Development after consultation with SHPO.

8. 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 Community Development shall be responsible for determining compliance with this condition.

9. Prior to recordation of the first final map, existing parcel lines (i.e. Cold Springs Ranch Unit 7 & 8) shall be relocated through a boundary line adjustment or eliminated through a reversion to acreage, so they do not conflict with the proposed subdivision. The County Engineer shall be responsible for determining compliance with this condition.

10. A review letter from the Washoe-Storey Conservation District (WSCD) shall be submitted to the County Engineer prior to the "red line" meeting. The WSCD recommendations shall be implemented with the appropriate design/specifications included in the construction drawings to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.

11. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, 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.

12. Attached town home lots shall not exceed 150 units.

13. All lots abutting Reno Park Estates shall match the fence lines of existing lots, or have an area of no less than 12,000 square feet, or have no residential structures within 120 feet of the subdivision boundary.

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

DRAINAGE AND GRADING

15. A complete set of construction improvement drawings, including an onsite 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 and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

16. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.

17. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval.

18. Prior to the finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary 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.

19. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the Engineering Division.

20. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

21. Any increase in stormwater runoff resulting from the development and based on the 100-year storm(s) shall be detained. The County Engineer shall be responsible for determining compliance with this condition.

22. The 100-year floodplain boundaries and flood elevations shall appear on each final map. 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. The County Engineer shall be responsible for determining compliance with this condition. 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 Letter of Map Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer.

23. For all subdivisions larger than five (5) acres, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection (NDEP), and a copy of said permit shall be submitted to the County Engineer prior to construction. The Stormwater Pollution Prevention Plan, as approved by the NDEP, shall be included with the construction improvement drawings.

24. In all areas with irrigated landscaping within the center median, a subdrain system shall be installed a minimum of one (1) foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall be responsible for determining compliance with this condition.

25. Drainage swales that drain more than two (2) lots are not allowed to flow over the curb into the street. These flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall be responsible for determining compliance with this condition.

26. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowner's association. As an alternative to a homeowner's association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that which is normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e. curb and gutter, drop inlets and piping). The County Engineer shall be responsible for determining compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&R's to the satisfaction of the District Attorney's Office.

27. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall be responsible for determining compliance with this condition.

#### TRAFFIC

28. Street names shall be reviewed and approved by the Regional Street Naming Coordinator to the satisfaction of the Department of Community Development.

29. 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.

30. An occupancy permit 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 said permit shall be submitted to the County Engineer prior to finalization of the affected final map.

31. The street system shown on the tentative map shall be revised as follows:

- a) Aquamarine Drive shall be dead ended at Partridge Drive.
- b) No vehicular access from this development is allowed to existing Raptor and Puffin streets; however, right-of-way is to be provided for Puffin and Raptor streets from Desert Lake Drive to the south boundary of the tentative map where the existing Puffin and Raptor streets terminate.

Prior to the submittal of the first final map a detailed traffic report prepared by a civil engineer experienced in traffic engineering which shall conclusively show that the final street system will limit the ADT on Crystal Canyon Boulevard and Sandpiper Drive to 9600 ADT. The report shall also show that other existing minor streets will not exceed LOS C operation. Among other things the traffic analysis shall provide:

- a) Existing ADT counts for existing project access roads and proposed ADT (existing plus project) for existing project access roads and on and off-site collector and arterial roadways. The trip distribution shall be developed based upon trip productions, attractions, shortest travel times and likely driver preferences.
- b) based upon the proposed or a modified phasing plan, recommendations for the timing of the construction of necessary on and off-site roadway improvements taking into consideration, among other things, maintaining a LOS C operation of existing or proposed streets.
- c) Suggestive mitigation's to existing roadways to maintain a minimum LOS C operations

32. Any recommended improvements as detailed in the final approved traffic analysis for the current tentative map, or improvements required by the County Engineer, all of which necessary to provide appropriate access to this development shall be fully funded by the developer and shall be constructed when necessary or as required by the County Engineer. The improvements include, but are not limited to, widening of White Lake Parkway to 4 lanes south to Cold Springs Interchange and north to the Bordertown Interchange, construction of left and/or right turn lanes at critical on-site and off-site intersections, construction of traffic signals, construction of Mud Springs Drive, and construction of traffic calming measures within the existing street network. The developer would be eligible for credit for construction of capital improvements which are identified in the RRIF CIP. A CCFEA must be fully executed with the RTC prior to initiation of work on the improvements. .

33. If in the opinion of the County Engineer, traffic signals are needed at the intersections of White Lake Parkway with Crystal Canyon Boulevard, Sandpiper Drive, and Mud Springs Drive prior to warrants being met, the developer shall fund and install upon the request of the County Engineer.

34. Prior to the recordation of any affected final map which will substantially change projected traffic loadings to existing streets, a revised site map showing approved and proposed project layouts shall be submitted to the County Engineer with a revised traffic analysis verifying the existing roadways and previously constructed project roadways and turning movements will be capable of maintaining LOS C operation and that 9600 ADT thresholds for Crystal Canyon Blvd and Sandpiper are maintained.

35. Prior to the recordation of the 600th lot and every 200 lots thereafter, a traffic count shall be performed on Crystal Canyon Blvd. and Sandpiper Drive to verify compliance with 9600 ADT threshold. A report, prepared by a traffic engineer, summarizing his findings, shall be submitted to the County Engineer for review. If, at any time the traffic counts exceed the threshold, the

report shall provide recommendations for mitigation. Any proposed mitigation's must look first to realignment and/or construction of proposed project roadways, structural mitigation's to existing project roadways, then to structural mitigation's to existing off-site roadways if necessary.

36. The developer shall fund any traffic calming devices, including one-way and dead end streets necessary to insure that the required maximum ADT on Crystal Canyon Blvd. and Sandpiper Drive is not exceeded.

37. Prior to the approval of the first final map, the developer shall enter into an agreement with Washoe County for the purpose of developing a traffic calming study and mitigation plan for the construction of traffic calming facilities upon the existing public roadways. The agreement shall include, among other things, funding and refunding mechanisms for any traffic calming measures implemented. Any mitigation measures (e.g. speed bumps, roundabouts, stop signs, etc.) and the cost of the traffic engineering calming study shall be fully funded by the developer. The agreement shall consider the depositing of funds with Washoe County as determined from construction cost estimates for the future construction of traffic calming measures.

38. Prior to the recordation of the first final map, a determination by the Washoe County School District shall be made as to their approval of the school sites as shown, and a letter from the District shall be provided to the County Engineer. If approved, bus routes shall be determined with the input of the School District, and a traffic analysis and geotechnical analysis shall be provided for the purpose of determining traffic loading (including buses) and required structural sections of the surrounding project roadways.

39. Prior to the recordation of the 400th lot and each 200th lot thereafter, a traffic signal warrant study for the White Lake/Crystal Canyon intersection and White Lake/Mud Springs intersection (if applicable) shall be provided to the County and RTC. At any time the warrant is met for a traffic signal at either of these locations and upon approval by Washoe County and RTC, all necessary facilities shall be designed and constructed with the affected final map.

40. Prior to the recordation of Unit 1, an appropriate haul route to serve the development shall be designed and a haul route and signage plan shall be provided to the County for review and approval. This development shall utilize the Bordertown exit, White Lake Parkway to the extension of Mud Springs road, and Mud Springs Road to the project boundary. The haul route shall not use existing or proposed local paved road surfaces unless approved by the County Engineer. If paved local roadways are allowed, all required geotechnical evaluations and remediation of pavement, in accordance with County Code, shall be provided.

41. The right-of-way for Mud Springs Drive shall be sufficient to construct a minor arterial and contain drainage facilities capable of carrying the 100 year return frequency peak flow (to be determined by the County Engineer and FEMA). Presently, sufficient right-of-way exists to construct a 2 lane roadway and the maximum expected 100 year flows. A two lane facility may be constructed now, however, when additional lanes are required approval of final maps will require that the needed right-of-way exists.

42. The intersection of the improved section of Mud Springs and the dirt portion providing access to parcels to the north shall be designed and constructed in accordance with County Code and all necessary easements shall be dedicated to the County.

43. All local residential streets and "lanes" shall be constructed to County standards. Sidewalks will be allowed to be constructed away from the curb and gutter providing appropriate width sidewalk easements are provided on the final map.

44. Landscaping improvements within median islands and along or within street rights-of-way shall be designed to meet AASHTO site distances and safety guidelines. A landscaping plan shall be provided to the County which denotes types of landscaping proposed. A traffic engineer shall review the proposed landscaping plan to ensure compliance to AASHTO site distance and safety guidelines. County policy has in the past precluded any overhang of the road surface with trees or other vegetation. Any proposal to vary from this policy may be considered by the County Engineer providing that the maintenance and traffic safety issues are adequately addressed within the project CC&R's making the homeowner association responsible for maintenance of landscaping. A minimum 13.5 feet of clearance shall at all times be maintained over project roadways. A note on the final plat and appropriate notations within the project CC&R's shall indicate that landscaping improvements within median curbs and within or adjacent to road

rights-of-way are the responsibility of the homeowners association and will be perpetually funded and maintained by the homeowners association.

45. A note on the affected final map, shall indicate that no direct access from individual lots shall be allowed onto any streets having in excess of 2000 ADT.

46. A pedestrian and sidewalk plan shall be prepared if the County Engineer determines that one is necessary.

47. All streets shall be designed in accordance with County standards for horizontal and vertical alignments.

48. Prior to the recordation of the affected maps, the existing Sandpiper easement shall be either relocated or abandoned upon the acceptance of alternative access points.

HEALTH, WATER AND SEWER

49. The applicant shall coordinate with the water purveyor, Utilities Inc. of Nevada, to provide a 2-inch diameter, 40 psi minimum water service to the Wastewater Treatment Plant property boundary prior to recordation of the first final map. The applicant is responsible for all fees, improvements and water rights as required by the water purveyor.

50. The Developer shall dedicate property with the first final map to Washoe County for the purpose of expanding the existing Treatment Plant to serve the proposed lots.

51. Fees for improvement plan checking and construction inspection shall be in accordance with Washoe County ordinance and paid prior to the approval of a final map.

52. Improvement drawings shall be in compliance with Washoe County Design Standards. The developer shall submit plans and specifications for the sewage collection system within the boundaries of the final map and off site improvements to the Utility Services Division for review and approval prior to the final map submittal.

53. The developer shall construct and/or provide the financial assurance for the construction of the on-site and off-site sanitary sewer facilities prior to approval of a final map. The financial assurance must be in a form and amount accepted by the Utility Services Division.

54. Utility Services Division approved improvement plans shall be used for the construction of sanitary sewer facilities and must be inspected by the Utility Services Division.

55. The sanitary sewer collection system, including force mains, sewage lift station, and necessary easements must be offered for dedication to Washoe County along with the recordation of a final map.

56. Sewage lift station must be located and constructed to minimize impact on existing homes to the satisfaction of the Utility Services Division.

57. Oversizing the collection system to accommodate sewage flows from the existing homes on dry sewer in Cold Spring Ranch Units 1, 2, 3, 4, 5 & 6 will be the responsibility of the developer.

58. If infrastructure such as any pump stations and interceptors, treatment and disposal facilities are necessary to supply sewer service to the project, the developer will be responsible to fund the design and construction. However, actual design will be the responsibility of the Utility Services Division. Prior to initiation of design the developer shall pay the estimated design costs to Washoe County. The Utility Services Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Services Division and the developer shall jointly select that consultant.

Funding of oversizing the design and infrastructure to accommodate future development as determined by accepted engineering calculations, shall be the responsibility of Washoe County. The County shall either participate monetarily at the time of design



and/or shall credit an appropriate number of service hook-ups to the developer at the time or recordation of the final map.

59. A sanitary sewer report shall be prepared by the applicant's registered engineer which addresses:

- a. the estimated sewage flows generated by this project,
- b. projected sewage flows from potential or existing development within tributary areas,
- c. the impact on capacity of existing infrastructure.
- d. proposed collection line sizes, alignment, and maximum velocities,
- e. the estimated cost and proposed method of wastewater treatment plant expansion including effluent disposal,
- f. treatment plant expansion schedule correlated with recorded lots for the entire project. This must be approved by the Utility Services Division prior to approval of a final map.

60. Sewer service connection fees, in accordance with Washoe County Ordinance and SAD 21 financing agreement, shall be paid for each service within the boundaries of the final map prior to Utility Services Division approval.

No certificate of occupancy will be issued until all on-site and off-site sanitary sewer facilities, necessary to serve this project, have been completed and accepted for operation and maintenance by the Utility Services Division.

61. A copy of the water "will serve" letter issued to the State Engineer's office, which indicates a commitment of water rights, shall be submitted to the Utility Services Division prior to approval of final map.

#### FIRE SAFETY

62. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Truckee Meadows Fire Protection District. 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 Truckee Meadows Fire Protection District shall be responsible for determining compliance with this condition.

63. All weather access roads shall be provided prior to construction access shall be maintained throughout construction.

#### WASHOE/STOREY CONSERVATION DISTRICT CONDITIONS

64. A review letter from the Washoe-Storey Conservation District (WSCD) shall be submitted to the County Engineer prior to the "red line" meeting. The WSCD recommendations shall be implemented with the appropriate design/specifications included in the construction drawings to the satisfaction of the County Engineer.

The County Engineer shall determine compliance with this condition.

#### LANDSCAPING AND COMMON OPEN SPACE

65. Prior to any ground disturbing activity or finalization of a final map, the developer shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: fencing, treatment of common areas, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained. Front yard landscaping in accordance with Article 208, North Valleys, shall be completed for each phase prior to the recordation of subsequent phases. Should this not be possible due to weather or other conditions, a landscape bond for each lot shall be posted. To assist individual lot owners in selecting landscaping in compliance with Article 208, a landscaping standards guidebook shall be prepared and submitted to the DRC for review and approval prior to recordation of a final map. The amount of the landscape bond shall be determined by the DRC after review of the guidebook.

66. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 208, 408, 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.

67. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's Association. The County Engineer shall be responsible for determining compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&R's to the satisfaction of the District Attorney's Office.

68. Prior to the recordation of the first final map, the detailed hydrology and hydraulic analysis shall be provided to the County which locates the 100 year flood plain limits and elevation. The 100 year flood plain shall be based upon the FEMA approved peak flow rate. Mud Springs Road shall be constructed outside of the 100 year flood plain or the finished grade elevated a minimum 1 foot above the 100 year flood elevation.

69. Any retention ponds shall be designed with a positive outflow pipe draining into an approved drainage facility and shall be capable of safely handling 100 year return frequency storm events. 100 year flood escapeways from the ponds shall be provided for in the design of the subdivision.

70. Drainage from the water tank overflow shall be collected into the storm drain facility.

71. Access to public lands to the north shall be maintained. A minimum 16 foot wide curb cuts and driveway apron shall be provided and field fit to match the existing road network as directed by the County Engineer.

Conditions 72 and 73 were voluntarily proposed by the applicant at the Planning Commission meeting of March 2, 1999, without review by staff as to nexus and proportionality.

72. Cold Springs 2000 has voluntarily agreed to contribute the sum of \$200.00 per lot to the Truckee Meadows Fire Protection District to be used for fire protection improvements in Cold Springs.

73. Cold Springs 2000 has voluntarily offered to dedicate, at no cost to the Washoe County School District (WCSD), a 20 acre middle school site on parcel number 87-010-41 to replace the proposed middle school site shown on the Cold Springs Village tentative map. WCSD shall accept or reject this offer prior to the recordation of phase 16 as shown on the tentative map.

**99-348 LEGISLATIVE UPDATE**

Katy Simon advised that at yesterday's caucus, the Board took action to direct staff to prepare a letter relative to AB 380 concerning governing priority, forfeiture and adjudication of water rights; and that it is requested that the Board reverse that decision and allow staff to work with the other parties to the negotiation currently in process on that bill, noting that all the other parties that were signing the letter are also withdrawing their action.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the direction to staff made at yesterday's caucus relative to drafting a letter regarding AB 380 be rescinded.

**COMMISSIONERS' /MANAGER'S COMMENTS**

Commissioner Bond stated that NDOT will not turn on the stop light on Pyramid Highway and Highland Parkway, which is the new road from the back end of Sun Valley; and that the situation is very dangerous and she would like something from the County encouraging that the stop light be activated. Commissioner Shaw stated that the question has been raised to him as to whether or not the large banner placed on the house purchased by the Hells Angels Group is permissible, and he would like this checked into.

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 11:00 p.m.

JIM GALLOWAY, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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