

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. MARCH 10, 1998

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman
Sue Camp, Commissioner
Jim Galloway, Commissioner
Jim Shaw, Commissioner

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

The Board met in regular session in the Regional Transportation Commission Boardroom, 2050 Villanova Drive, 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:

98-209A AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the agenda for the March 10, 1998, meeting be approved with the following amendments: Delete Item No. 6, a recommendation concerning recruitment for Fire Chief, and Item No. 16, a resolution concerning designation of the Tahoe Regional Planning Agency as the Metropolitan Planning Organization for the Lake Tahoe Basin.

PUBLIC COMMENTS

There was no response to the call for public comments.

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The Board convened as the Gaming License Board and conducted the following business.

98-209B REFUND OF COUNTY GAMING FEES - BULLINGER'S BAR & GRILL

Upon recommendation of Karen Carmel, Supervisor, Business License and Zoning Enforcement, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a refund of \$240.00 that Bullinger's Bar & Grill paid for county gaming fees for the quarter beginning January 1, 1998, be approved.

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The Board reconvened as the Board of County Commissioners.

98-210 CHANGE ORDER #1 - BOWERS MANSION SWIMMING POOL RESTORATION PROJECT - PARKS

Karen Mullen, Parks and Recreation Director, was present and responded to questions and suggestions from Board members. Katy Simon, Deputy County Manager, also responded to questions concerning financial policies and carry-over funds.

Upon recommendation of Ms. Mullen, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Change Order No. 1 for the Bowers Mansion Swimming Pool Restoration Project in the amount of \$39,500.00 for the addition of add alternative 1, repair of subsurface pool lighting, to be expended from account 1409-7878 be approved. It was further ordered that a fee schedule for private use of the pool be presented to the Board for approval prior to any such use.

98-211 ACCEPTANCE OF DONATION - ROBERT Z. HAWKINS FOUNDATION - DISTRICT COURT

Upon recommendation of Cathy Krolak, District Court Administrator, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that a donation from the Robert Z. Hawkins Foundation in the amount of \$43,850.00, for the installation of a JAVS Video System in the courtroom of Department One of the District Court be gratefully accepted and that the following account transactions be authorized:

INCREASE			
ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
001-12107D-5802	\$43,850.00	001-12107D-7828	\$43,850.00

98-212 ACCEPTANCE OF GRANTS OF EASEMENTS - SOUTH MEADOWS PROPERTIES & WASHOE HEALTH SYSTEM, INC. - UTILITY SERVICES DIVISION

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that grants of easements from South Meadows Properties (APN 160-030-02 and 160-030-03) and Washoe Health System, Inc. (APN 160-040-02) as Grantors and Washoe County as Grantee be accepted and Chairman Bond authorized to execute. It was noted that the easements are for the construction and maintenance of an underground pipeline.

98-213 TRANSFER OF APPROPRIATIONS - GEIGER GRADE/TOLL ROAD DESIGN AND CONSTRUCTION PROJECT - FINANCE

Upon recommendation of Jerry McKnight, Director of Budget and Finance, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the following transfer of appropriations for the Geiger Grade/Toll Road Design and Construction Project be approved and the Comptroller be authorized to post the necessary cash entries to complete the transfer of funds:

DECREASE			
065-655041-7140	Water Resources Flood Control-Professional Services		\$42,000.00
INCREASE			
065-6554-8101	Transfers Out		\$42,000.00
REVENUE INCREASE			
001-1885-6965	Transfers In from Water Resources		\$42,000.00
APPROPRIATION AUTHORITY INCREASE			
001-160672-7140	Public Works Professional Services		\$42,000.00

98-214 ENGAGEMENT LETTER - KAFOURY, ARMSTRONG & CO. - AUDITING SERVICES FOR YEAR ENDING JUNE 30, 1998 - FINANCE

Upon recommendation of Jerry McKnight, Director of Budget and Finance, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the engagement letter from Kafoury, Armstrong & Co. concerning audit services for Washoe County for the year ending June 30, 1998, be approved and Chairman Bond authorized to execute.

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond authorized to execute:

RESOLUTION Requesting the assistance of the Attorney General in the prosecution of a certain criminal matter.

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

WHEREAS, the District Attorney's Office has recently had submitted to it RPD Case No. 041861-98 wherein it is alleged that there was an improper contact by a public official in a pending criminal case; and

WHEREAS, an employee of the Office of District Attorney is a potential witness in the case; and

WHEREAS, if the Washoe County District Attorney's Office either proceeds or decides to not proceed with the prosecution of the defendant, there may be some suggestion of impropriety or conflict of interest; and

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

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

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal prosecution relating to RPD File No. 041861-98 wherein it is alleged that there was improper contact by a public official in a criminal case.
2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

98-216 RESOLUTION - AMENDED SOUTHEAST TRUCKEE MEADOWS AREA PLAN - COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA96-SETM-2 - COMMUNITY DEVELOPMENT

Upon recommendation of Cheryl Ryan, Department of Community Development, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond be authorized to execute:

RESOLUTION

ADOPTING THE AMENDED SOUTHEAST TRUCKEE MEADOWS AREA PLAN (CPA96-SETM-2), A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, The Washoe County Planning Commission has found that the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public

health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN being held on October 21, 1997, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN being held on December 10, 1997, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended SOUTHEAST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

98-217 RESOLUTION - AMENDED SOUTHWEST TRUCKEE MEADOWS AREA PLAN - COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-SWTM-2 - COMMUNITY DEVELOPMENT

Upon recommendation of Sharon Kvas, Department of Community Development, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond be authorized to execute:

RESOLUTION

ADOPTING THE AMENDED SOUTHWEST TRUCKEE MEADOWS AREA PLAN (CPA97-SWTM-2), A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, The Washoe County Planning Commission has found that the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN being held on October 14, 1997, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the SOUTHWEST

TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN being held on December 10, 1997, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended SOUTHWEST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

98-218 CONTRIBUTION - ALTERNATIVE REVENUE SOURCE FEASIBILITY STUDY TO IMPLEMENT ENVIRONMENTAL IMPROVEMENT PROGRAM - TAHOE BASIN - COMMUNITY DEVELOPMENT

Sharon Kvas, Department of Community Development, introduced Jim Baetge, Executive Director, Tahoe Regional Planning Agency. Mr. Baetge outlined the agency's goal of raising \$20,000 to put with the \$80,000 that the State of California has pledged, on the condition that all the local governments in the region participate, which \$100,000 will be used toward a study to develop a region-wide financing plan to identify funding sources for the local share of the \$900-million environmental improvement program at Lake Tahoe. He then listed the other contributions that have been received.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Washoe County provide a \$1,000.00 contribution for a \$20,000.00 local match fund to finance an Alternative Revenue Source Feasibility Study to implement the Environmental Improvement Program of the Tahoe Regional Planning Agency.

98-219 AWARD OF BID - CONSTRUCTION OF REGIONAL JAIL SEWAGE DEBRIS REMOVAL FACILITY - UTILITY SERVICES

This was the time to consider award of bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on January 16, 20, 22, 26, and 28, 1998, for construction of the Regional Jail Sewage Debris Removal Facility on behalf of the Utility Services Division of the Department of Water Resources. Proof was made that due and legal Notice had been given.

Following is a summary of the bids received:

Engineer's Estimate	\$225,000.00
Ford Construction	\$213,938.00
Resource Development Co.	\$218,300.00
K. G. Walters Construction	\$228,234.00
Pacific Mechanical Corp.	\$248,000.00

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the bid for construction of the Regional Jail Sewage Debris Removal Facility be awarded to Ford Construction in the amount of \$213,938 and that Chairman Bond be authorized to executethe contract documents upon receipt. It was further ordered that the Utility Services Division Manager be

authorized to issue the Notice to Proceed and to execute and sign necessary documents to implement and support this agreement.

98-220 AWARD OF BID - CONSTRUCTION OF ARROWCREEK PRODUCTION WELL NO. 3 - UTILITY SERVICES DIVISION

This was the time to consider award of bid, Notice to Contractors for construction of ArrowCreek Production Well No. 3 on behalf of the Utility Services Division of the Department of Water Resources.

Following is a summary of the bids received:

Layne Christensen	\$142,407.00
Sargent Irrigation	\$145,600.00
Lane Exploratory	\$171,214.00
Humboldt Drilling	\$198,649.00
Beylik Drilling	\$242,057.00

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for construction of ArrowCreek Production Well No. 3 be awarded to Layne Christensen Company, the lowest, responsible, responsive bidder, in the amount of \$142,407.00; that Chairman Bond be authorized to execute the contract documents upon receipt; and that the Utility Services Division Manager be authorized to issue the Notice to Proceed.

98-221 COST SHARING AGREEMENTS - US ARMY CORPS OF ENGINEERS AND CITIES OF RENO AND SPARKS - RENO/SPARKS METROPOLITAN AREA FLOOD WARNING SYSTEM - DEPARTMENT OF WATER RESOURCES

Upon recommendation of Leonard Crowe, Water Resources Planning Manager, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that:

1. The Federal Cost Sharing Agreement/Scope of Services between the US Army Corps of Engineers and Washoe County for design of the Reno-Sparks Metropolitan Area Flood Warning System be approved and Chairman Bond be authorized to execute; and
2. The Interlocal Agreement between Reno, Sparks, and Washoe County for sharing the local costs associated with the design of the Reno-Sparks Metropolitan Area Flood Warning System be approved and Chairman Bond be authorized to execute.

98-222 ADDENDUM TO INTERIM AGREEMENT - SIERRA PACIFIC POWER COMPANY - EXCHANGE OF WATER - HIDDEN VALLEY - UTILITY DIVISION

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the Addendum to the Interim Agreement between Washoe County and Sierra Pacific Power Company for exchange of water be approved and Chairman Bond be authorized to execute.

98-223 INTERLOCAL COOPERATIVE AGREEMENT - CITY OF SPARKS - BONEYARD FLAT FLOOD CONTROL PROJECT - PUBLIC WORKS

Dave Roundtree, Public Works Director, was present and responded to questions of the Board. Upon recommendation of Mr. Roundtree, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an Interlocal Cooperative Agreement between Washoe County and the City of Sparks, concerning evaluating the feasibility of implementing the Boneyard Flat Flood Control Project, be approved and Chairman Bond be authorized to execute.

It was further ordered that staff be authorized to initiate work by Kennedy/Jenks Consultants and FCS Group in accordance with the agreement.

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an agreement between Washoe County and the Boone and Crockett Club concerning the Spring 1998 exhibit, the "23rd North American Big Game Awards" at the Wilbur D. May Museum, Rancho San Rafael, be approved and Chairman Bond be authorized to execute.

98-225 ORDINANCE NO. 1010, BILL NO. 1186 - AMENDING ORDINANCE NO. 992 - AUTHORIZING ISSUANCE OF SEWER BONDS - SERIES 1998A & B - TRUCKEE RIVER WATER QUALITY SETTLEMENT AGREEMENT

John MacIntyre, County Manager, advised that he has been informed by Bond Counsel John Swenseid that the Board can just introduce this ordinance at this time and then adopt it at a regularly scheduled public hearing, or the Commission can introduce and adopt, as if an emergency exists, at this meeting.

Following the introduction of Bill No. 1186 by Commissioner Galloway and reading of the title by Chief Deputy County Clerk Betty Lewis, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Ordinance No. 1010, Bill No. 1186, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 992 AUTHORIZING THE ISSUANCE BY WASHOE COUNTY, NEVADA, OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) TAX-EXEMPT SEWER BOND (TRUCKEE RIVER WATER QUALITY SETTLEMENT)(ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 1998A AND ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) TAXABLE SEWER BOND (TRUCKEE RIVER WATER QUALITY SETTLEMENT) (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 1998B FOR THE PURPOSE OF FINANCING SEWER PROJECTS FOR THE COUNTY; AND PROVIDING OTHER MATTERS RELATING THERETO" be approved, adopted as if an emergency exists, and published in accordance with NRS 244.100.

98-226 ORDINANCE NO. 1011, BILL NO. 1187 - AMENDING WCC SECTION 25 - ROOM TAXES - RENO-SPARKS CONVENTION AND VISITORS AUTHORITY- ISSUANCE OF REFUNDING BONDS

Ed Beaver, Finance Director, Reno-Sparks Convention and Visitors Authority, responded to questions of the Board stating that this is strictly a refunding issue and the Authority should realize some significant savings from this action.

Following the introduction of Bill No. 1187 by Commissioner Galloway and reading of the title by Chief Deputy County Clerk Betty Lewis, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Ordinance No. 1011, Bill No. 1187, entitled, "AN ORDINANCE AMENDING SECTION 25.1522 OF THE WASHOE COUNTY CODE CONCERNING LICENSE TAXES FOR REVENUE UPON ROOM RENTALS; ASSIGNING THE PROCEEDS OF SUCH TAXES FOR PLEDGE BY THE RENO-SPARKS CONVENTION & VISITORS AUTHORITY TO THE PAYMENT OF THE WASHOE COUNTY, NEVADA, (RENO-SPARKS CONVENTION & VISITORS AUTHORITY) GENERAL OBLIGATION (LIMITED TAX) REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES) SERIES 1998; CONSENTING AND AGREEING TO BE BOUND BY THE PROVISIONS OF THE AUTHORITY'S RESOLUTION AUTHORIZING THEIR ISSUANCE; RATIFYING, APPROVING AND CONFIRMING ACTIONS HERETOFORE TAKEN IN THE AUTHORITY'S REFINANCING AND IN THE IMPOSITION, COLLECTION AND ASSIGNMENT OF SUCH TAXES AND THEIR RESPECTIVE PLEDGES TO SAID BONDS; AUTHORIZING THE ISSUANCE OF SAID BONDS; PRESCRIBING OTHER DETAILS IN CONNECTION HERewith; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE THEREOF" be approved, adopted as if an emergency exists, and published in accordance with NRS 244.100.

98-227 CORRECTION OF FACTUAL ERROR - 1998-99 SECURED TAX ROLL

Upon recommendation of Tom Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Roll Change Request for Judy Garmann, APN 017-071-05, correcting a factual error on a tax bill already mailed, be approved for the reasons stated thereon and mailed to the affected property owner, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on the roll change directing the Treasurer to correct the error be approved and Chairman Bond be authorized to execute on behalf of the Commission.

98-228 APPLICATION TO BUREAU OF LAND MANAGEMENT - FLOOD DETENTION FACILITY - STONE CREST SUBDIVISION - DEPARTMENT OF WATER

RESOURCES

Leonard Crowe, Water Resources Planning Manager, was present and responded to questions of the Board. Upon recommendation of Mr. Crowe, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the application to the U.S. Department of the Interior, Bureau of Land Management, for permission to locate a portion of a flood detention facility on federal property in Section 5, T20N, R20E, at the north end of Sun Valley adjacent to Stonecrest Subdivision be approved and Chairman Bond authorized to execute.

98-229 COMMUNITY DEVELOPMENT BLOCK GRANT - APPLICATIONS TO THE STATE OF NEVADA - HUMAN SERVICES

Upon recommendation of Mike McMahon, Human Service Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the submission of the Grace Warner Family Resource Center (Community Facilities), Desert Research Institute Incubator (Economic Development), Accessible Homes Project (Housing Rehab), and Lighthouse of the Sierra (Planning Grant) to the State of Nevada for Community Development Block Grant (CDBG) funding consideration be approved and Chairman Bond be authorized to execute the documents concerning same.

98-230 ADDITIONAL POSITIONS/COMPUTER EQUIPMENT & CONTINGENCY TRANSFER - DISTRICT ATTORNEY

Chairman Bond noted that there had been considerable discussion on this item at the Caucus meeting.

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following six new positions, with computer equipment, be approved for the District Attorney's office:

- 1 Discovery Clerk
- 1 Juvenile Attorney
- 1 Juvenile Secretary
- 2 Account Clerks
- 1 Investigator

It was noted that the Discovery Clerk, Attorney and Secretary will be dedicated to the Criminal Division; and that the Account Clerks and the Investigator are for the Family Support Division, which is reimbursed by the federal government at 66 percent.

It was further ordered that the positions start the first week in April, 1998; that a contingency transfer in the amount of \$85,024 be made to the District Attorney's budget; and that the Comptroller be directed to make the following account transfers:

EXPENDITURES			REVENUES		
INCREASE			INCREASE		
ACCOUNT	TITLE	AMOUNT	ACCOUNT	TITLE	AMOUNT
1061-7001	Base Salary	\$32,909.00	1063G-4301	Federal Grants	\$26,080.00
1061-7829	Computer Hardware	\$12,600.00	1061-5164	Copy Charges	\$ 3,750.00
1063G-7001	Base Salary	\$26,915.00			
1063G-7829	Computer Hardware	\$12,600.00			
	TOTAL	\$85,024.00		TOTAL	\$29,830.00

DECREASE

ACCOUNT	TITLE	AMOUNT
1890-7328	Contingency	\$85,024.00

98-231 PARTICIPATION IN LAWSUIT - RECOVERY OF MONIES - TRUCKEE MEADOWS PROJECT - DISTRICT ATTORNEY

Madelyn Shipman, Assistant District Attorney, provided background information stating that Western Water Development is filing a lawsuit against the United States Department of the Army for recovery of monies expended on the Truckee Meadows Project; and that the real issue is whether the County should join in on terms that are palatable where some control over costs can be exercised or not join in and let the County be drawn into a situation where it has no control over costs.

Chairman Bond stressed that she has been assured that a vote to join in the lawsuit does not indicate that the current Commission supports the project; and that it is just an attempt to seek reimbursement for some of the funds expended.

In response to Commissioner Shaw, Ms. Shipman stated that County participation in the lawsuit would occur, one way or the other, because there are still outstanding contracts between Washoe County, Western Water Development, and Northwest Nevada Water Resources that have never been terminated by either side. Commissioner Galloway asked how participation in the lawsuit affects claims that Western Water has against Washoe County and vice versa. Ms. Shipman stated that she would agree that those claims would not be waived, but added that if there are co-parties in a lawsuit, it would be hard for them to sue each other.

On motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the District Attorney's office be authorized to negotiate an agreement to have the County participate in a lawsuit for the recovery of monies expended on the Truckee Meadows Project.

98-232 STATUS REPORT - REMEDIATION DISTRICT

Chairman Bond noted that there was considerable discussion on this item at the Caucus meeting. Commissioner Galloway requested clarification on the issues.

Madelyn Shipman, Assistant District Attorney, referred to her memorandum to the Board dated February 26, 1998, and stated that staff is seeking direction, or verification that they are proceeding in the right direction, on the issues highlighted by the bullets.

Commissioner Mouliot expressed a concern with calling it the "Central Truckee Meadows Remediation District" and stated that he does not want the financing to be isolated in the "Central Truckee Meadows" since the project benefits the whole Truckee Meadows. Ms. Shipman stated that was the name used by herself; that there has been no official name given to this remediation district; and that she will change the name.

Leonard Crowe, Water Resources Planning Manager, explained that Phase I is primarily the treatment process on the wells along with the cost and operation and maintenance for that; that those costs should be spread out to everyone benefiting, which would include everyone receiving the water either directly or indirectly; and that the existing ordinance that created the remediation district needs to be modified to exclude the properties that are not receiving this water service, such as those on individual wells or properties that are not developed and have no service. He further stated that in the second phase, after the study is completed concerning the extent of the PCE contamination, they will potentially have a group of parcels to add back in that will carry the cost of site treatment and plume treatment. Ms. Shipman stated that at that point the Board would need to again revisit the ordinance to determine how the fees are spread out.

Chairman Bond stated that staff needs to move forward on Phase I and also to work with Sierra Pacific Power Company to determine what and how they will be paid back. Commissioner Shaw asked if there will be any notification to the people prior to the charges appearing on their water bills. Mr. Crowe stated that it has now been decided to add these charges to the property tax bills instead of the water bills. Ms. Shipman reminded the Board that this was published in the newspaper and the same process will be

followed whenever the ordinance is amended. Katy Simon, Deputy County Manager, added that there have been a couple of newspaper articles and it is her understanding that the Public Information Officer is planning more.

Mr. Crowe then reviewed the proposed study work plan and various budget options for completing the plan using consultant services, staff or a combination of staff and consultants, stating that if the County takes over the whole process, it will be necessary to hire competent professionals. He stated that his preference would be to hire a hydrologist to do as much of the field work as possible in order to cut some of the consultant costs, and to utilize a personal services contract to employ a certified engineering manager to handle the day-to-day responsibilities of locating the wells, samplings, and chasing down sources of the PCE. Mr. Crowe stated that this person will be necessary for about two years or until the full extent of the problem is known; and that, at that time, staff will have a much better idea of what will be required for the long-term clean-up.

Following further discussion, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, the Board acknowledged receipt of the information and that staff is on track, and ordered that staff continue to proceed with implementation of the remediation district with the following direction:

1. Option 3 shall be used for the staffing plan wherein an additional hydrologist will be added to staff and a certified engineering/environmental manager will be employed through a personal services contract, with the condition that the contract individual works for the County only during the contract period.
2. Staff is to return to the Board with an analysis of all financing and/or bonding options to pay for Phase I.

98-233 APPOINTMENTS - JUVENILE JUSTICE BLUE RIBBON COMMITTEE

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the following individuals be appointed to the Juvenile Justice Blue Ribbon Committee to study, evaluate and recommend changes in the juvenile justice system:

Frank Cervantes	Bernice Martin-Matthews	Bob Floyd
Jim Tonar	Frankie Lemus, Jr.	Sheriff Richard Kirkland
Debbie Lumkes	Sheila Leslie	Reverend Don Butler
Suzanne Ramos	Senator Randolph Townsend	

It was further ordered that Chairman Bond be authorized to appoint Doreen Peterson if she confirms her willingness to serve; and that Sue Edmonson, Deputy District Attorney, and Rob Calderone, Director, Juvenile Services, be appointed as ex-officio members.

98-234 ORDINANCE NO. 1009, BILL NO. 1185 - AMENDING WCC CHAPTER 40 - 1.5 PERCENT WATER SURCHARGE

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on February 27, 1998, to consider second reading and adoption of Bill No. 1185. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Ordinance No. 1009, Bill No. 1185, entitled, "AN ORDINANCE AMENDING CHAPTER 40 OF THE WASHOE COUNTY CODE PROVIDING FOR THE RETROACTIVE EXTENSION OF THE 1.5 PERCENT WATER BILL SURCHARGE; ADDING NEW PROVISIONS PROVIDING FOR A SCHEDULE OF REVISIONS AND AMENDMENTS TO THE WATER PLAN; ADDING NEW PROVISIONS PROVIDING FOR CONFORMANCE REVIEW AND AN APPEAL PROCESS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to affected property owners on February 25, 1998, and published in the Reno Gazette Journal on February 27, 1998, to consider the recommendation of the Washoe County Planning Commission to approve Abandonment Case No. AB11-16-97 for Frank and Julie Cadjew to abandon a portion of a 50-foot roadway and public utility easement on the north side of subject property per Parcel Map 1578, Parcel A, to facilitate a 1,000 square foot expansion of an existing office building. The property is located at 5150 Sun Valley Boulevard. The .33 acre parcel is designated General Commercial (GC) in the Sun Valley Area Plan and situated in a portion of Section 19, T20N, R20E, MDM, Washoe County, Nevada. Proof was made that due and legal Notice had been given.

Sandra Dutton, Department of Community Development, provided back ground information and answered questions of the Board.

Chairman Bond opened the public hearing by calling on anyone wishing to speak regarding this abandonment. There being no response, the hearing was closed.

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the easement described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Abandonment Case No. AB11-16-97 be approved subject to the following conditions:

1. Prior to the recordation of the Order of Abandonment, the applicant shall submit to the County Engineer for review and approval, legal descriptions, prepared by a registered professional, for the area of abandonment. The area of abandonment shall be the southern 30-foot portion of the 50-foot easement, resulting in a 20-foot easement at the northern portion of the project site.
2. Relocation of all public utility easements and facilities to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements (if needed) to said public utilities and the relinquishment by said public utilities of their former easements.
3. The applicant shall comply with all conditions necessary to effect the Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

98-236 SPECIAL USE PERMIT CASE NO. SPB11-19-97 - GAIL AND LAURA JANE WILLEY (HIGH SIERRA TREES) - APPEALS (APN: 17-430-01)

7:00 p.m. This was the time set in a Notice of Public Hearing, required notifications having been sent by the Department of Community Development on February 27, 1998, to consider appeals filed by John B. Rhodes, representing the Pleasant and Steamboat Valleys Landowners Association, Inc. and Alex J. Flangas, Esq. (Hale, Lane, Peek, Dennison, Howard, Anderson and Pearl) representing the applicant, against the Board of Adjustment's conditional approval of a request to utilize 20 acres of a 36 acre parcel to establish a wholesale nursery with incidental retail sales. The property is located at 11915 South Virginia Street. The 36 acre parcel is designated General Rural (GR) in the South Valleys Area Plan and situated in a portion of Section 5, T17N, R20E, MDM, Washoe County, Nevada.

Trevor Lloyd, Department of Community Development, provided back ground information and stated that when the Board of Adjustment approved subject project, they added conditions and amended several of the conditions that staff had recommended; that the applicant filed an appeal objecting to some of the additional conditions, which he detailed; and that an appeal was filed on behalf of area property owners contending that the intended use is not consistent with the area plan and would be detrimental to the public health, safety and welfare, and injurious to adjacent properties. He distributed additional information concerning rock and a copy of a letter from the Nevada Department of Transportation that he had just received earlier this day and answered numerous questions of the Board. In response to Commissioner Shaw, Mr. Lloyd reviewed the NDOT letter.

Chairman Bond opened the public hearing by calling on those wishing to speak.

Alex Flangas, attorney representing the applicant, stated that the main issues are the decorative rock and traffic. He demonstrated on a large map the location of the rock bins stating there will be so many trees all around that it will be almost impossible to see the rock. Mr. Flangas further stated that the Board of Adjustment requested they do an additional traffic study to determine if accel/decel lanes are needed; that they did go back to NDOT who told them that accel/decel lanes would be required if they have 100 peak trips per hour; and that this project will have approximately 120 to 150 trips per day. He further stated that the Development Code is not clear in differentiating between wholesale nurseries and retail nurseries; that what is clear is the need for xeriscape landscaping in this region because of the region's water situation; and that a wholesale nursery operation must include rock, bark, mulch, etc.

Charles Macquarie, Lumos and Associates, the applicant's engineering representative, stated that they have reduced the size of the rock storage area by 20 percent, added more buffering with more trees along the highway, and have been working with others on the restoration of the Steamboat Creek. He stated that they feel the restricted hours set by the Board of Adjustment are not conducive for the neighborhood and requested that that restriction be lifted; that they are requesting that Condition No. 6 concerning additional traffic studies be eliminated; and that if the Board wishes to prohibit the retail sales (only) of rock, that will eliminate pickups coming to the site for small loads of rock.

Gail Willey, applicant, stated that it has become necessary to move his business that he has been operating on South Virginia Street for the past 14 years; that the proposed property is ideal as far as soils, water, etc.; that he believes that the residents that are opposed have been misinformed about his plans; and that he believes this project will be a good asset to the neighborhood.

John Rhodes, representing the Pleasant/Steamboat Valleys Landowners Association, Inc., disclosed that he is employed by Washoe County as a Deputy District Attorney, but stated that his appearance at this meeting is as a private citizen to speak on behalf of himself, his family and as a Director of the Landowners Association. He also explained that he is not appearing as an attorney representing someone and the identification of "Esq." on the agenda is a staff error. Mr. Rhodes stated that as landowners they are not against people developing their properties as many of them have plans themselves to do just that, but there is an area plan and a development code and development has to take place within the parameters set forth in those documents. He then reviewed the four specific requirements that have to be met to issue a special use permit in Section 110.830.30; and stated that what is proposed is actually a commercial landscaping business, not a wholesale nursery; that a wholesale nursery would be allowed, but a retail nursery is not allowed in general rural; and that the definition of wholesale nursery in the Code does not include "related nursery items." Mr. Rhodes also reviewed the tables of allowed uses and non-allowed uses in the general rural area and stated the business this is most similar to on that chart is construction sales and services, which is not an allowed use; that retail sales are not allowed in general rural; and that the applicant is requesting "incidental" retail sales. Mr. Rhodes referred the Board to another section of the Development Code and contended that the decorative rock operation appears to be the same as a "stone yard" as shown under industrial uses; and stated that industrial uses are not allowed in either the general rural zoning or in the South Valleys Area Plan. Mr. Rhodes stated that the solution is to limit the applicant to conducting a wholesale nursery business and reinstate the conditions imposed by the Board of Adjustment including Condition No. 5 which stated that the applicant could not sell rock and bark. He stated that although NDOT does not seem to agree, the people who live out there and drive that highway everyday know that if big trucks loaded with rocks are allowed to pull into that 70 mph traffic, people are going to die, which he believes is very detrimental to the public health, safety and welfare. Mr. Rhodes stated that there are many people in the audience who agree with him and asked if they could just stand and identify themselves rather than speaking individually. Many, many people stood up but no names were given.

The following individuals spoke against the project, specifically the inclusion of the decorative rock and bark at the site, the disruptive noise of moving equipment around at night, highway safety issues, and having a large industrial type business near Steamboat Creek:

Don Beck, Rawhide Drive
Delia Greenhalgh, adjoining property owner

Gerry Larrivee, President, Steamboat Valley Homeowners Assn.

Paul Howard, Andrew Lane

Mike Sullivan, 20690 Eaton Road

Ginger Pierce, 20885 Eaton Road

Don Kitts, 300 Kitts Way

Russ Carpenter, representing the Galena-Steamboat Citizen Advisory Board position, stated that the CAB recommended denial the first time this proposal was presented to them; and that after they did more research, they still recommended denial because it does not conform to the South Valleys Area Plan, which specifically states that industrial uses are prohibited.

Debbie Sheltra, West Washoe Association, urged the Board to talk to the Nevada Department of Transportation concerning the necessity of acceleration/deceleration lanes all through the valleys, or to make that a requirement of approval.

The following individuals spoke in support of the project:

Carolyn Walters, adjoining property owner

Conrad Priess, 16500 South Virginia Street

Robert Togliatti, Steamboat Western Wear, 16960 South Virginia Street

Dr. Brown, 1005 Minnie Way

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

Mr. Willey and Mr. Flangas answered numerous questions of the Board.

Commissioner Galloway expressed concern regarding the NDOT letter and stated that he wished someone from NDOT was at the meeting. Tracy Larkin, NDOT Engineering Services Manager, stated that they did recheck the site distances and found them to be very adequate.

Commissioner Mouliot stated that Rainbow Rock is one of his neighbors; that that kind of rock business is industrial; that large truck traffic occurs all day long; and that a wholesale rock business is about the same as a gravel pit.

Chairman Bond confirmed with staff that special use permits can be reviewed periodically by the Board. Legal Counsel Shipman cautioned that once issued, a special use permit goes with the land; that during a review process the Board could possibly amend a special use permit, but revocation of a permit would require a special procedure.

Commissioner Mouliot stated that one cure would be to limit the amount of rock that could be kept at the site. Chairman Bond asked the applicant how much rock they were planning to have on site. Mr. Flangas stated that less than 1 percent of the business would be retail rock sales at the site. Commissioner Mouliot asked how many rock bins there are and how large they are. Mr. Willey stated that each bin will hold approximately one truck and one trailer load and that there are 20 or 22 of them.

Commissioner Mouliot asked if each bin would hold about 20 yards. Mr. Willey stated that would be correct and that many bins are required because of the different types, sizes and colors of rock; and that he has agreed to eliminate the retail sales of rock, but in response to Board questions, stated that even without retail sales, the bins would still be necessary to keep the rock separated.

Commissioner Camp stated that Highway 395 is very dangerous; that she does not understand NDOT's position; and that she is very concerned about safety with even more trucks being out there.

Commissioner Shaw stated that he is also very concerned about the highway safety issue and moved that the appeal of the Pleasant/Steamboat Valleys Landowners Association be upheld and the special use permit be denied. The motion died for lack of a second.

Commissioner Mouliot then moved to deny the appeal of the Pleasant/Steamboat Valleys Landowners Association and to grant the special use permit with the elimination of the on-site sales of rock, both wholesale and retail, until they can come up with proper mitigation for highway safety due to the trucks hauling the rock. Commissioner Galloway stated that he would second the motion if the motion maker would include eliminating the condition concerning the hours of operation. Commissioner Mouliot stated that he would and Commissioner Galloway seconded the motion.

Under discussion, Legal Counsel Shipman asked if the Board is making the finding that rock is an appropriate ancillary use to wholesale nursery sales. Commissioner Galloway asked why it would be necessary to make that finding since Commissioner Mouliot's motion is to ban the rock. Ms. Shipman stated that he is saying that it can be an allowed use if it can be mitigated. Commissioner Mouliot stated that as far as he is concerned the rock is an industrial operation and until they can figure out how to make it not industrial, it cannot be allowed.

Chairman Bond clarified the motion as follows: to approve the wholesale nursery operation only, to eliminate the rock, eliminate the condition concerning the hours of operation, and eliminate the condition concerning the additional traffic study.

Mr. Flangas asked for further clarification concerning elimination of the rock and mitigation for same. Commissioner Mouliot explained that mitigation is necessary for transporting the rock in and out of the site. Mr. Flangas asked what level of review would be required to determine mitigation measures for the rock operation. Ms. Shipman explained that they would need to seek an amendment to the special use permit which would be reviewed by the Board of Adjustment.

Chairman Bond called for a vote and the motion carried unanimously and it was ordered that Special Use Permit Case No. SPB11-19-97 be granted to Gail and Laura Jane Willey, High Sierra Trees, to establish a wholesale nursery with incidental retail sales, except for the sale of rock, subject to the following amended 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. A 20 foot sanitary sewer easement shall be provided to accommodate the future extension of the Pleasant Valley Interceptor. The easement shall extend the full length of the property. The easement may coincide with the access road which extends the length of the property.
2. The buildings shall be nonreflective, earthtone colors.
3. Landscaping, grading, and design plans shall be presented to the Design Review Committee (DRC) and shall include lighting plans, fencing, drainage and proposed restoration and repair plans for Steamboat Creek.
4. A Soils test shall be conducted and submitted to the DRC.
5. The square footage of the entry sign shall be limited to 60 square feet.

6. The location of the proposed guard shack shall be approved by the Engineering Department who will address safety issues with regard to obstruction of views or line of sight at the proposed entrance.

7. Wholesale materials shall be limited to plants, flowers and incidental related material such as fertilizer, mulch, topsoil, etc. The sale of rock and stone shall not be permitted at this time.

8. Prior to beginning grading, the applicant shall submit detailed plans to the Washoe-Storey Conservation District in order to satisfy the restoration concerns of the Steamboat Creek Restoration Plan. The Washoe-Storey Conservation District in cooperation with the Steamboat Creek Restoration Steering Committee shall provide recommendations of best management practices for the project addressing issues of stabilization controls of the creek, adequacy of building setbacks and water quality protection.

9. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall be responsible for determining compliance with this condition.

10. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.

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

12. The applicant shall pave the proposed roadway that traverses the property.

GRADING/TRAFFIC CONDITIONS

13. To the satisfaction of the County Engineer, the applicant shall be subject to the Regional Road Impact Fee based on increased trips to the site.

14. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, drainage, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

15. For construction areas larger than 5 acres the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for Construction and submit a copy to the Engineering Division prior to issuance of a grading or building permit.

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

17. Approved Occupancy Permits shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from, or under roads and highways maintained by NDOT and a copy of the said permit sent to the Engineering Division.

18. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill, etc., must be done with effective dust control measures consisted with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030. Disturbances greater than 1 acre in size must obtain an approved dust control plan prior to beginning work.

HYDROLOGY/DRAINAGE CONDITIONS

19. A detailed hydrology/hydraulic report prepared by a Nevada 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 rate and flood limits of all 10 and 100 year storm flows impacting both the site and offsite 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 offsite drainage facilities and properties.

20. The FEMA 100-year flood plain, floodway and shaded X boundaries with associated flood elevations shall appear on the site plans to the satisfaction of the Engineering Division. Building permits for structures and the bridge in these areas shall be in conformance with the Washoe County Code Article 416 including armoring of fill materials and no improvements in the floodway which increases the base flood elevations.

21. Any proposed changes in the floodway shall be submitted to Washoe County and FEMA for approval.

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

23. Prior to approval of a building permit or grading permit, the developer will furnish to the Engineering Division and development review staff written confirmation from the ditch company that they have reviewed and approved all ditch crossing, protective fencing, landscaping, and stormwater discharge facilities that may impact the ditch.

24. All work in Steamboat Creek shall be by permit from the US Army Corps of Engineers and a copy of the permit submitted to the Engineering Division.

25. Any storm drainage from this site must have pretreatment for petrochemicals and silts.

26. Backflow prevention devices, in accordance with the Uniform Plumbing Code 1994 Edition and NAC 445A. 320 to 333 inclusive, shall be installed at the water service point of connection and at locations to prevent cross connection between the drinking water system and any potential source of water contamination.

27. Test trenches will be required in order to evaluate the suitability of each of the proposed parcels to accommodate a sewage disposal field. The applicant shall schedule inspections for these test holes with this Department. Staff will inform the applicant or consultant of the depths at which required percolation tests shall be performed.

28. As soon after inspection and testing as is practicable, the applicant shall backfill all test trenches.

29. Approval from the Nevada Division of Water Resources with regard to water rights is required prior to the use of a well for commercial purposes.

30. Water rights in accordance with the South Valleys Area Plan shall be dedicated to Washoe County. 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 Division.

31. Water rights quantity/demand for commercial development will be determined upon fixture unit counts and irrigation, landscape water demand.

32. The applicant's engineer or architect shall submit a fixture unit count for water fixtures per the most recent edition of the Uniform Plumbing code adopted by Washoe County.

33. Calculations for the annual water demand for landscaping shall be supplied by the applicant's landscape company for approval by the Utility Services Division.

34. The lack of a municipal water system will require on site storage of water for fire suppression per Washoe County Ordinance 60.

35. The Truckee Meadows Fire Protection District will require access to maintenance buildings via a minimum 20 foot access gate in security fence and 20 foot access on one side of equipment shed.

36. Fuel storage must comply with Articles 79 and 80 of the Uniform Fire Code.

98-237 SPECIAL USE PERMIT CASE NO. SPB12-22-97, VARIANCE CASE NO. V12 76-97, AND ADMINISTRATIVE PERMIT CASE NO. AP12-10-97--JOHN MULLIGAN, SHELLBIRD INC., AND GARY AND MICHELE CARANO, APPLICANTS; HARRIS BIXLER TRUST, PROPERTY OWNER - APPEAL (APN: 040-611-01)

7:00 p.m. This was the time set in a Notice of Public Hearing, required notifications having been sent by the Department of Community Development on February 27, 1998, to consider the appeal filed by Lakeside, Holiday, Huffaker Property Owners' Coalition, of the Board of Adjustment's conditional approval of an administrative permit to operate a commercial stable for private use for the breeding and training of horses, a special use permit to excavate more than 1,000 cubic yards of earth, and a variance to reduce the amount of fencing required between the proposed commercial stable and the adjacent residential properties. The property is located at the southeast corner of Huffaker Lane and Lakeside Drive, within the Southwest Truckee Meadows Area Plan. The parcel, totaling approximately 40 acres, is designated High Density Rural, and is situated within a portion of Section 1, T18N, R19E, MDM, Washoe County, Nevada.

Cheryl Ryan, Department of Community Development, provided background information concerning the applicant's request and the basis for the appeal. She also explained that the applicants and the appellants have met several times and have reached a negotiated compromise.

Chairman Bond opened the public hearing by calling on anyone wishing to speak concerning this matter.

Barb Santner, Jeff Codega Planning and Design, representing applicant, presented a list of modified conditions that came about as a result of the meetings with the appellants; that in addition to those modifications, the neighbors have also requested a condition that any changes in the conditions go through a special use permit process; that the applicant has no problem adhering to that condition; and that she is asking the Board to also add that to the list of conditions. She then reviewed the concerns brought up by the neighbors and the condition modifications that have been negotiated to address the concerns. Ms. Santner then answered questions of the Board.

Commissioner Galloway asked if Condition No. 44 should also be prefaced with the words "unless in conjunction with a separate special use permit..." as is Condition No. 23. Ms. Santner stated that that was not discussed but that it probably would be a good idea. Commissioner Galloway stated that he would like to know how the neighbors feel about that.

Perry DiLoreto, DiLoreto Construction, explained that the limit on the number of horses or amount of cattle came about as a result of a compromise with the neighbors as an attempt to reach an understanding and give the neighbors a chance to see what happens. He stated that it is not their intent to have a large number of horses coming and going and that it is their hope that maybe someday they will be able to increase the numbers.

Chairman Bond commended the parties for getting together, working very hard, and coming up with concessions and compromises.

Leroy Bergstrom, representing the appellants, encouraged the Board to approve the project with the amended conditions. In response to Commissioner Galloway's earlier question concerning Condition No. 44, Mr. Bergstrom stated that he would have no objection to adding the same preface language as in Condition No. 23.

There being no one else wishing to speak, Chairman Bond closed the public hearing. She also noted that she has received a letter from Jonathan King expressing opposition to the project, and letters from Frank Gallager and a Mr. Rasmussen in support of the project.

In response to Commissioner Mouliot, Ms. Ryan explained the permit process that would be necessary for special events. Mr. DiLoreto further explained that they have requested that one time per year they be allowed to have an event with up to 150 people; and that it is right that the limit of 60 horses is not going to work for that.

Commissioner Galloway suggested that for that one event the number of horses be raised to 90.

Howard Weiss, Lakeside Drive resident, expressed a concern about the number of cattle stating that the cattle used for roping is different than for cutting events.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the appeal be denied and that Special Use Permit Case No. SPB12-22-97, Variance Case No. V12-76-97, and Administrative Permit Case No. AP12-10-97 be granted subject to the following amended conditions as negotiated between the applicant and the appellants, the additional condition requiring that any further amendments to the conditions go through the special use permit process, the amendment to allow up to 90 horses at the one time yearly event that allows up to 150 people, and the additional language in Condition No. 44:

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 AND ADMINISTRATIVE PERMIT, AND VARIANCE 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, ADMINISTRATIVE PERMIT AND VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

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

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit, administrative permit and variance. The Department of Community Development shall be responsible for determining compliance with this condition.
2. The applicant shall obtain building permits within three years from the date of approval of the special use permit, administrative permit, and variance by the Washoe County Board of Adjustment.
3. A copy of the Final Order stating conditional approval of this special use permit and variance shall be attached to all applications for administrative permits issued by Washoe County. Building plans will not be reviewed unless the final order and site plan are attached.
4. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit, administrative permit, and variance to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit, administrative permit and variance. Any subsequent purchaser/operator of the site and/or the special use permit, administrative permit and variance 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.
5. The applicant shall submit a letter from the State Historic Preservation Office stating their concerns have been addressed.

6. For any event or program that requires vendors in attendance, the applicant shall obtain a vendors permit from the Business License Division of the Department of Community Development.

7. For all business operations, events, and programs occurring outdoors (excluding the care of animals), the hours of operation shall be restricted to between 8:00 am and sunset. Hours of operation may be varied in conjunction with a use permit for a temporary event or activity. Deliveries and pick-up activities shall be restricted to between 8:00 am to 5:00 pm Monday through Friday, 9:00 am to 5:00 pm on Saturday, and no such activities on Sunday. Indoor business operations occurring after sunset shall have automobile parking restricted to an area designated north of the lunging arena to minimize noise impacts to neighbors along the south property line. Signage will be placed in the main parking lot area directing the movement of automobiles to comply with these restrictions and to identify that this is a noise sensitive area and no engine idling will be allowed. All business operations occurring indoors after sunset shall be restricted to resident animals only.

8. Noise levels shall not exceed 65 Ldn Monday through Sunday. 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 obliged to compensate the county for all costs incurred to complete two 24-hour monitorings of the operation to assure compliance with noise standards. If improvements or changes in operation need to take place to assure compliance, the applicant shall be responsible for implementation and for any associated costs. All noise complaints that cannot be mitigated shall result in a reevaluation by the Board of Adjustment.

9. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410, and 412 of the Development Code have been met. In addition, the landscape architect shall conduct a final inspection prior to certificate of occupancy certifying that the irrigation and plantings are per the site plan approved under the Administrative Permit. Any landscaping plans and the letter(s) shall be wet stamped. The letter shall indicate any provisions of the code that have been waived by the Director of Community Development.

10. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A 3-year maintenance plan shall be submitted by a landscape architect registered in the State of Nevada to the Planning Division prior to Certificate of Occupancy. The plan shall be wet-stamped.

11. Conditions governing the operation of the facility may be altered only in accordance with the Special Use Permit process.

ADMINISTRATIVE PERMIT

12. Lighting fixtures may be no higher than 12 feet in height and all outdoor lights (except security lighting) must be turned off at 9:00 pm seven days a week. Lighting shall be shielded so that no light source is visible off of the property and shall be directed downward. All light fixtures must meet the standards in Article 414 of the Development Code.

13. All roofing, siding and other building materials shall have a non-reflecting surface treatment of a color and design to blend into the surrounding rural landscape. If metal roofing is chosen, it shall be of non-reflective material, as much as is available, and color.

14. No structure on site may exceed the 35-foot height limit as described in the Southwest Truckee Meadows Modifiers.

15. Any portion of the area for the required trail along Lakeside Drive that is disturbed during grading or construction activities shall be revegetated.

16. Any storm drainage from this site must have pretreatment for petrochemicals and silts.

17. Backflow prevention devices, in accordance with the Uniform Plumbing Code 1994 Edition and NAC 445A.320 to 333 inclusive, shall be installed at the water service point of connection and at locations to prevent cross connection between the drinking

water system and any potential source of water contamination.

18. The applicant shall submit a letter from the Nevada Division of Water Resources approving the use of the well and ditch for a commercial operation.

19. A solid waste plan and insect control plan must be submitted. The solid waste plan shall conform to the Washoe County District Board of Health Regulations governing Solid Waste Management.

20. The proposed water system is considered a non-community public water system. The applicant must demonstrate that water meets the drinking water standards prior to building permit approval.

21. The applicant must obtain a permit to operate a public water system prior to Certificate of Occupancy.

22. The Nevada Department of Transportation will require an occupancy permit for any work performed within the State's right-of-way. Please contact the Permit Office at 688-1250 for more information regarding the occupancy permit.

23. The Nevada Department of Transportation requires the use of only legal, permitted accesses onto State roadways. A change or an increase in the function of this property served by an existing access or street may require a new right-of-way occupancy permit application and approval.

24. Unless in conjunction with a separate special use permit for a temporary event or activity, no more than 100 people are allowed on the site at any one time, except that competitive events with up to 150 people on the site at any one time may be held once per year, with a maximum duration of 4 days. Private social activities unrelated to the commercial stable use are not subject to these restrictions. All overflow parking will be accommodated on the eastern pasture nearest the main access driveway from Huffaker Lane and the Olive Lane driveway. No overnight camping or overnight recreational vehicle (RV) parking shall be permitted. The Department of Community Development shall be responsible for determining compliance with this condition. The applicant shall schedule a public hearing to review this condition with the Washoe County Board of Adjustment within two years of the date of the Clerk's Order to determine whether or not this condition should be modified. The Department of Community Development shall be responsible for determining compliance with this condition.

25. The number of private showings of animals is not restricted. All competitions will be equestrian related only.

26. Water rights in accordance with the Southwest Truckee Meadows Area Plan shall be dedicated to Washoe County. 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 Division.

27. The applicant's engineer or architect shall submit a fixture unit count for water fixtures per the most recent edition of the Uniform Plumbing code adopted by Washoe County.

28. Calculations for the annual water demand for landscaping shall be supplied by the applicant's landscape architect for approval by the Utility Services Division.

29. The applicant shall submit a letter from the Truckee Meadows Fire Protection Agency stating that all necessary measures for fire protection have been met.

30. Driveway approaches shall have a 36-foot minimum width for 2-way traffic.

31. An approved 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 sent to the Engineering Division.

32. It should be noted that the project will be subject to the Regional Road Impact Fee.

33. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for approval. The report shall include the locations, points of entry and discharge, low rates and flood limits of all 10 and 100 year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drainpipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.

34. Any increase in storm water runoff resulting from the development and based upon the 10-year storm shall be detained on site to the satisfaction of the Engineering Division.

35. Standard reinforced concrete headwalls or other approval 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.

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

37. Prior to approval of a building permit or grading permit, the developer will furnish to the Engineering Division and Planning Staff, written confirmation from the ditch company that they have reviewed and approved all ditch crossings, protective fencing, and stormwater discharge facilities that may impact the ditch.

38. The realignment of the Last Chance Ditch on adjacent properties shall be approved by said property owner.

39. The proposed access on Lakeside Drive shall be designated for truck right turns out. Lakeside Drive shall be used as a service road only for trailer-laden vehicles and not for vehicular traffic for public ingress or egress. Signage shall be installed at the entrance on Lakeside Drive and where the open parking area meets the service road at the Last Chance Ditch. The signage will direct traffic to use Huffaker Lane as the ingress and egress to the subject property. Traffic control shall be installed where the open parking area meets the service road at the Last Chance Ditch to the satisfaction of staff.

40. Reduce the importance of the entrance on Olive Avenue by eliminating signs, landmarks, significant landscaping, etc., and provide traffic patterns for the three access points to the project. The Olive Avenue gated entrance shall be operated with a remote control and be the primary access for the property owners only.

41. Any future structures built in the pastures along the east property line shall necessitate the installation of buffer landscaping in the same manner as presented along Huffaker Lane and Lakeside Drive.

SPECIAL USE PERMIT

42. All entrances shall be gated with gates recessed into the property to allow stacking room for a truck with two trailers.

43. A landscaping and irrigation plan for the landscaping around the facility and the additional landscape buffering to the south of the property shall be submitted to the Design Review Committee for review. Said plan shall include fencing as shown on landscape plans and berming or other visual screening on the south and southeast of the parking and turn-around area to prevent vehicle lights (both automobiles and trucks) from imposing on the adjacent properties. Input regarding this plan shall be obtained from affected property owners. Said meeting shall be noticed to all affected property owners.

44. Additional shrub and/or tree plantings shall be placed around the entire decomposed granite area where the structures are located to soften the look of the surfaced area.

45. Unless in conjunction with a separate special use permit for a temporary event or activity, the number of horses shall be limited to 60 at all times on site, except that during the annual competitive event (see Condition No. 23) 90 horses shall be allowed. All other animals on-site such as, but not limited to, cows and sheep shall be no greater than 100.

46. Waste disposal and hauling shall be conducted to avoid negative impacts to the neighborhood. If complaints are registered with the Washoe County Health Department, the waste disposal plan will be reviewed and amended to increase frequency of maintenance.
47. All outdoor sand arenas as shown on the landscaping plan shall be sprinkler irrigated at the fence top to control dust. All pasture areas containing grass as indicated on the landscaping plan shall use overhead spray irrigation, except for areas which receive adequate subsurface and surface water to support grass.
48. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill, etc., must be done with effective dust control measures consistent with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030. Disturbances greater than 1 acre in size must obtain an approved dust control plan prior to beginning work.
49. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, existing and proposed drainage patterns, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.
50. For construction areas larger than 5 acres, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for Construction and submit a copy to the Engineering Division prior to issuance of a grading or building permit.
51. All new utilities shall be placed underground to the satisfaction of the Engineering Division.
52. A grading bond of \$750/acre of disturbed area shall be provided to the Engineering Division prior to any grading.

VARIANCE

53. Fencing shall be installed as indicated in the application and shown on the plans.

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There being no further business to come before the Board, the meeting adjourned at 9:30 p.m.

JOANNE BOND, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk