

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 4:00 P.M. APRIL 30, 1996

PRESENT:

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

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

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

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the agenda for the April 30, 1996 meeting be approved.

PUBLIC COMMENTS

There was no response to the call for public comments

96-371 SPECIAL USE PERMIT CASE NO. SPW2-9-96 - SIERRA PACIFIC POWER COMPANY - ALTURAS INTERTIE PROJECT - APPEAL -DEVELOPMENT REVIEW

4:00 p.m. This was the time set in a notice of public hearing dated April 18, 1996 mailed to affected property owners by the Department of Development Review to consider the appeal from the recommendation of the Washoe County Planning Commission denial of Special Use Permit Case No. SPW2-9-96 to construct a 345 kilovolt overhead electrical transmission line utilizing structures ranging in height from 75 to 130 feet, which transmission line would traverse ñ25 miles of Washoe County commencing in the vicinity of Bordertown and terminating at the North Valley Road Substation and would require a 160-foot wide transmission corridor and would encompass portions of ñ73 parcels in Washoe County, Nevada.

Ron Kilgore, Department of Development Review, advised that the Planning Commission reviewed the project in accordance with the Comprehensive Plan, the North Valleys Area Plan, and the Washoe County Development Code, and utilized the Environmental Impact Report (EIR), a 2,600-page document, in making their decision to deny the project; that the EIR was designed specifically to assist entities such as the Planning Commission and the County Commission in deciding approval or denial of projects, and is a statement of fact and a disclosure document that lays out all the impacts of the project; and that other documents were submitted by other reviewing agencies and extensive hours of public comment were heard. He reviewed the findings that must be made in order to approve special use permits, being 1) consistency, 2) adequate public improvements, 3) site suitability, and 4) issuance not detrimental, and he stated that failure to make any one of the four findings must result in denial of the application. He then reviewed the staff report relative to the analysis of the required findings based on information contained in the EIR which states that the project is not in compliance with Washoe County Comprehensive Plan Land Use and Transportation Element, Land Use Policy LUT.1.11 and Implementation LUT.1.141b, as well as the North Valleys Area Conservation Policy NV.1.1 and Cultural and Scenic

Resourcing Policy NV.1.2, and also stating that 1) the proposed project would negatively impact the visual quality of the major entrance to Washoe County, 2) is not visually compatible with surrounding uses, 3) does not maintain the existing scenic quality of the hills that it crosses, and 4) does not preserve or enhance the visual qualities of the North Valley Area as viewed from U.S. 395. He advised that the one finding that could be made was for adequate public facilities; that with regard to site suitability, most citizen opposition to the project focused on the visual intensity of an above ground transmission line; and that no evidence can be found in the EIR to suggest that the project is significantly detrimental to the public health, safety or welfare, but as to being injurious to the property or improvements of adjacent properties, and detrimental to the character of the surrounding area, the opposite conclusion must be reached. Mr. Kilgore then responded to questions of the Board and upon request of Chairman Bradhurst, he reviewed the grounds for appeal submitted by the appellant. He then advised that his staff report avoided getting into any controversy over whether the proposed route is better or worse than any other route; and that the route goes through the North Valleys and the project was reviewed in accordance with the North Valleys Area Plan, the Development Code, and the Comprehensive Plan.

Kris Schenk, Truckee Meadows Regional Planning Agency, advised that the Washoe County Comprehensive Plan and Area Plans have all been reviewed by the Regional Planning Commission and have been found to be in conformance with the Regional Plan; that the designations and discussions in the Regional Plan are looked at as generalized statements and general land use categories with the more specific and detailed land uses and descriptions of projects and policies contained in the Area Plans and the Comprehensive Plan, which documents they reference when reviewing a project of regional significance such as the Alturas Pipeline; that when this project was reviewed by the Regional Planning Commission last December, the Commission felt that it did not have sufficient specific information and were concerned about how well it conformed to some of the policies in the Regional Plan as interpreted by the Washoe County Comprehensive Plan and the North Valleys Area Plan; and that the Planning Commission decided not to make a decision on the project and asked that it be resubmitted for a decision as a project of regional significance after it had gone through the Public Service Commission process and the Washoe County Special Use Permit process. He explained the process they follow when any agency other than a local government has a master plan or facilities plan which provides regional facilities or services in the region and stated that Sierra Pacific Power also has a special status in that they are regulated by the Public Service Commission which entails a completely different type of review with the Regional Planning Commission, noting that when Sierra submits one of their plans, the only comments the Regional Planning Commission makes are advisory and do not have any force or effect in law; and that in their review conducted in 1993 with the electric plan and then in 1995 with the electric and gas combined plans that contained a very generic description of the Alturas Intertie with no specific routing, their general opinion, based on the generalized documents in 1995, was that the project is generally in conformance with the Regional Plan, noting again that their determination was advisory only. Mr. Schenk then responded to questions of the Board and advised that a draft document is being circulated for comments at this time to be reviewed on May 8th by the Regional Planning Commission, which is a completely revised Regional Plan that will, for the first time, contain a chapter on utility corridors, and will hopefully do a better job than the current Regional Plan in terms of siting and locating utility corridors and electric transmission lines such as this. He further stated that if this project goes through, it will go back to the Regional Planning Commission and will be reviewed in the context of the existing Regional Plan policies. He commented that it is a constant problem as to how to locate and site electrical, gas, and other major facilities that the region will need in the future; that those issues should be discussed at a regional level before the projects come forward, which is the intent of the changes to the regional plan; and that the purview of the Regional Planning Commission for this project is only that 26 miles of line that lies within Washoe County and the City of Reno.

Dean Diederich, Department of Comprehensive Planning, provided a copy of the Washoe County Comprehensive Plan Policies and Action Programs Relevant to Electric Transmission Corridors and advised that he and Ron Kilgore attended the North Valleys Citizens Advisory Board meeting of March 18, 1996, and expressed at that meeting and continue to express that there is no policy in the Comprehensive Plan element or the North Valleys Area Plan that specifically says an electric transmission line, such as the one being discussed, shall or shall not be built. He pointed out policy NV.2.1 which reads "DESIGNATE PEAVINE MOUNTAIN AND ITS ENVIRONS AS GENERAL RURAL IN ORDER TO PROTECT ITS WATERSHED, SCENIC AND LIMITED RECREATIONAL QUALITIES," and advised that Comprehensive Planning staff has always noted the need to move forward and complete the management plan for the Peavine Mountain area, and until that management plan is completed, the full effect of impacts to the area would not be known conclusively; and the CAB has always recognized their desire to get that management plan completed, and completion of the management plan has been listed by the Washoe County Planning Commission as the number one priority to pursue in the next fiscal year, which was

incorporated into the County's recently adopted annual report which was then forwarded to the Truckee Meadows Regional Planning Agency per State law. Mr. Diederich then responded to questions of the Board.

Chairman Bradhurst opened the public hearing and called on those wishing to speak. He advised that each side, those in favor of and in opposition to the special use permit, would be provided 45 minutes to speak.

John Owens, Project Manager, Sierra Pacific Power Company's Alturas Intertie Project, stated that it is important to understand on a large scale the benefits that a project such as this will bring to Northern Nevada. He explained that construction of the project is critical in stabilizing customer rates and improving the reliability of Sierra Pacific's electric transmission system; and that a primary objective of constructing the project is to increase the reliable capacity of Sierra's electric transmission system and to supply emergency protection for the Reno and Lake Tahoe customer loads, as well as being critical to Sierra's ability to meet the existing customer needs in the most cost effective manner. He stated that the project received resource planning approval from the Nevada Public Service Commission in 1994; that in the Spring of 1994, the California Public Utilities Commission and the Bureau of Land Management, as the state and federal lead agencies, hired an environmental contractor over which Sierra Pacific had no authority; and that this independent contractor prepared a 2,000 page environmental document following numerous meetings in California and Nevada, and took into consideration written comments from many individuals, organizations, citizens groups, and public and government agencies, which process took 2 1/2 years to complete. Mr. Owens presented several large display maps and pointed out 855 miles of alternative routes that were considered and studied throughout the environmental process for the 165 miles of line in California and Nevada, advising that 92% of the power imported on the line will be used in Nevada with 65% of that to be directly utilized by Sierra's customers in the Truckee Meadows. He then reviewed the proposed alignment and stated that the line does not cross through any portion of Rancho San Rafael Park, and presented a schematic, which was not placed on file with the Clerk, containing a visual simulation of Rancho San Rafael Park with superimposed transmission line structures. He pointed out on a display map, a parcel of land north of the existing Rancho San Rafael boundaries that may become part of the park someday and another parcel north of that which is currently managed by the U.S. Forest Service and may become part of the park, and stated that currently, however, the line crosses no part of the existing park and the line is located about one mile from the arboretum. He also presented and discussed photographs, placed on file with the Clerk, showing existing lines and the approximate location of the proposed line. Mr. Owens stated that the line cannot be terminated at another substation in the community because it would not meet customer needs; and that placing the facilities underground is not feasible because it would represent a significant environmental liability due to possible groundwater and surface water contamination from leakage from the steel pipe containing specialized cables that are encased in oil, the possible outage time of weeks or months versus hours or days for repairs, and the cost associated with underground lines, noting that the California Public Utilities Commission stated in their order dated January 10, 1996 that it is not economically or environmentally feasible to construct this project underground. He further stated that stopping this project does not eliminate the need to provide customers with additional power, and if this project is not built, Sierra will have to replace the capacity someplace else and connect it to the North Valley Road Substation.

Reese Perkins, MAI, SRA, Nevada Certified General Appraiser, advised that he is a member of the Nevada State Board of Equalization and the Nevada Commission of Appraisers, and that his firm has done a number of these types of visual impact analyses for various agencies and private clients. He provided documentation and conducted a slide presentation showing residential properties with similar transmission lines located nearby and stated that they demonstrate that the real estate market in the Truckee Meadows indicates that properties adjacent to the lines have not been negatively impacted by their presence, nor have they hindered development of properties in their proximity. Mr. Perkins responded to questions of the Board and advised that they did not obtain data from the Sun Valley area because the newer active market areas provide a way to extract a specific adjustment such as proximity to an overhead transmission line, but as time passes by, as in the Sun Valley area, it becomes more difficult to make those extractions.

Kathleen Drakulich, Legal Counsel, Sierra Pacific Power Company, stated that the environmental document is 2,000 pages long, but staff has cited only three pages in the document in recommending denial of the special use permit; that no consideration was given to the fact that the proposed alternative has been routed as far away from the closest residence as possible while still meeting the objectives of the project; and that the staff report failed to acknowledge that the other alternatives recommended by public agencies and members of the public as contained in the Environmental Impact Report would place the transmission line significantly closer to residential areas, potentially affecting a much larger group of Washoe County citizens than what is being proposed.

She reviewed alternative routes that were eliminated in the environmental document because of the impact to the residential community and stated that staff has failed to do what the environmental contractor did, which was to carefully balance the concerns of individuals and the environment and acknowledge that the route with the least impact is the route before the Board today. She further stated that the Comprehensive Plan and the North Valleys Area Plan, which prohibit the construction of transmission lines, also contain specific references to building utility lines to address the needs for utility services in Washoe County; that NRS 278 provides that areas plans are to be in conformance with and promote the goals of the regional plan, and Policy 29M of the Truckee Meadows Regional Plan provides that reliable and economic delivery of utilities and services are important components of the infrastructure within the region; that staff's interpretation of the North Valleys Area Plan to prohibit the construction of this electric line would be in conflict with the contents of the Regional Plan and does not permit the construction of utility facilities that have been determined to be needed by the Nevada Public Service Commission to meet the needs of the community; that such interpretation also runs afoul of the Washoe County Open Space Plan which includes utility corridors within open space areas requiring protection in the southern portion of Washoe County, and staff's interpretation for the North Valleys Area Plan is that utility facilities should not be allowed in open space, indicating that the various plans are in and of themselves somewhat inconsistent on this point; and that she would argue that none of the goals or policies of any of these plans are meant to be an absolute allowance or prohibition on any issues. She further noted that if the North Valleys Area Plan is interpreted as prohibiting the line, then the line could not be constructed anywhere within Washoe County because all of the area plans say nearly, if not the same thing. She advised that the line will be present at the base of Peavine Mountain, but does not traverse or cross the top of the mountain; that it will not prevent any existing recreational uses, and, will to some extent, benefit the recreational uses on Peavine Mountain because the roads used for that purpose will be maintained by Sierra Pacific Power Company during the construction and operation of the line; that a tremendous amount of work has been done on this project with the evaluation being conducted from countless perspectives including visual, archeological, hydrological, and public health and safety; that Sierra Pacific participated in 57 public meetings on this project since the spring of 1994, noting that never has a utility project undergone so much scrutiny with so many independent agencies to determine the route most suitable from so many different perspectives; that the Nevada Public Service Commission gave full resource planning for the project in November, 1993, the Federal Bureau of Land Management issued a positive record of decision in February, 1996, the California Public Utilities Commission granted a certification of public convenience and necessity, the City of Reno granted a special use permit in November, 1995, and Sierra has an appeal with the U.S. Forest Service Toiyabe National Forest. Ms. Drakulich then responded to questions of the Board.

David Howard, representing the Greater Reno/Sparks Chamber of Commerce, stated that on behalf of their 2300 members, they are requesting the Commission's approval of the special use permit. He commented that continued gains in the area's economic development depends on the availability and dependability of energy; and that they would like to express their recognition of the approvals presented, especially that of the Nevada Public Service Commission.

Phil Zive, Vintage Hills subdivision resident, and Council Member for the City of Sparks, stated that, if the alternative line which is being shown as coming through the City of Sparks is utilized, it would require losing approximately 60 homes through condemnation in the Vintage Hills Subdivision alone, and moving people who have lived in their residences only one - two years, which would have much more impact to residents than the current proposal. He urged the Commission to overrule the denial of the Planning Commission and approve the Alturas line as presented.

Terry Reynolds, City Manager, City of Sparks, stated that the arguments presented by staff basically rely on visual impacts, which is an argument that can be made by any area plan in the County; that they are concerned about the conflicts between the regional planning process and what the State has envisioned in terms of the siting of major utilities; that a process is needed to develop power for utility corridors and pitting communities and areas against each other is not the proper way to go; and that there is an issue of power reliability and sufficiency of energy resources for the North Valleys in Sparks and Washoe County that would not hinder the planned growth communities in the area.

Larry Wise, Chief Executive Officer, St. Mary's Regional Medical Center, spoke in support of the Alturas Project, and advised that they are 37th in size of revenues of all Sierra Pacific's customers and serve the health needs of Sierra Pacific Power Company employees as sole provider in their Health Maintenance Contract. He then read a letter of support for the project signed by Jeff K. Bills, President and CEO, St. Mary's Health Network, which was placed on file with the Clerk.

Senator Maurice Washington, representing the Sparks area, advised that he purchased property on Calle Myriam Drive and is concerned about the people who would lose their residence if the line has to be routed through that area of Sparks; that he currently sees a transmission line that goes through the back of the property and paid an extra premium for the lot because of the view it provided; and that he supports the Alturas Line as Sparks recognizes that power is needed in the area for potential growth.

John Stralla advised that he is a lifetime resident of Nevada and lives in Sparks, and represents Local 1245 IBW, who feels strongly about the Alturas line being allowed through the proposed corridor. He noted that this is not only the cheapest route, it is also the most practical way to build a transmission line and would stabilize rates. He stated that if the project is altered it will cost all consumers more in electrical rates and possibly create a need for more power plants.

Jim Stover, Calle Myriam Drive resident, advised that he moved to the area almost two years ago and believes that people who want to move here in the future should be able to do so; that the power is needed and must come from somewhere, and he supports the request of the power company; that he has a view of an existing 345 kv line, which is one of the reasons he chose the lot because he was assured that nobody could build between his residence an equal distance being protected on both sides of the line, and he does feel this creates a negative impact to property value; and that he would not want to lose his house if Sierra Pacific takes the position they need to go this alternate route if their request is denied tonight.

Chairman Bradhurst stated the proponents' time was up and requested that the opponents speak at this time.

Cynthia Mitchell, representing Friends of Peavine, advised that they were incorporated in Nevada 1993 as a non-profit scientific and conservation society with the sole purpose of enhancement and restoration of Peavine Mountain; that they have presented a packet of information which will be formally presented to the Board; that she is a consulting economist and specialized in electric utility regulation and long term resource planning and was the staff economist for the Nevada Consumer Advocates in the 1980's and was involved in many of Sierra Pacific's resource plans; and that community resources and other experts are present tonight to answer any questions the Board may have. She stated that Friends of Peavine agrees with the Planning Commission and County staff to deny the project and asked that the Board's review of the project stay limited to the conformance with the County plan.

John Springgate, representing Friends of Peavine, advised that he resides near Rancho San Rafael and has an unobstructed view of Peavine Mountain. He reviewed the regulatory process, advised that the Nevada Public Service Commission approved the project on a non-specific route basis, and there was no designation of the route as traversing Peavine or going through the northern end of Rancho San Rafael; that the Environmental Impact Report specifically discusses the impacts to Peavine and Rancho San Rafael and found those to be class one, being nonmitigable, nonimprovable problems; that the California Public Utilities Commission specifically noted that they are not the proper body to consider the effects of the project in Nevada; and that the Nevada Public Utilities Commission continued their hearings on this project until approval was received from the Forest Service and Washoe County; and that it is incorrect to say that approval has been obtained. He advised that the City of Reno noted that the special use permit they approved for .8 mile through the City of Reno was in no way to be seen as approval of the North Valley Road Substation as the termination point or approval of the intertie; and that the Toiyabe National Forest has issued a decision to select no project and are against the project at this time, although it has been appealed by Sierra; and that the North Valley Citizens Advisory Board has found the proposed intertie to be inconsistent with their plan. Mr. Springgate further stated that this is not a growth/no-growth decision and the Friends of Peavine are asking that the Board decide whether the staff and the Planning Commission are correct in determining that the proposed plan and routing do not satisfy the County's criteria or the master plan. He then advised that there is a pending discussion for the transfer of 150 acres of forest service property to Rancho San Rafael Park located north of the Park, and when that goes through, the proposed transmission line will be located within the Park's physical boundaries.

Mary Toleno, representing Friends of Peavine, reviewed pictures, placed on file with the Clerk, and large display maps depicting power poles as tall as 13 stories and up to six feet wide at the base. She stated that they do not blend in with Nevada's high desert landscape, would mar the existing nature of Peavine Mountain, and would conflict with the established residential and recreational areas along the route; and that they also conflict aesthetically with the designation of US 395 as a scenic corridor.

She advised that the Environmental Impact Review Statement (EIRS) states that the proposed route would negatively impact the visual quality of the major entrance to Washoe County, is not visually compatible with surrounding uses, does not maintain the existing scenic quality of the hills it crosses, does not preserve the visual qualities of the North Valleys Area, and would be visible from several residential subdivisions along the route, with segment X being inconsistent with the Washoe County Comprehensive Plan Land Use and Transportation Element and the North Valleys conservation policy and cultural and scenic resources policy.

Jan Loverin, Friends of Peavine, discussed property appraisal issues, advising that she is not an appraiser. She advised that in researching the lots in Vintage Hills Subdivision, she found that they are based on several factors; that, while a little more is paid for a lot next to a power line and a right of way, top dollar is paid for a lot offering pure unadulterated open space, which is what the affected property owners in the North Valleys have right now; that the real estate person at the Vintage Hills Subdivision advised that there is a \$1,000 to \$4,000 difference between lots in those two locations in the subdivision versus the \$2,000 and \$5,000 quoted by Mr. Perkins, with between \$10,000 and \$15,000 more paid for pure open space than the lots in the center of the subdivision; and that Mr. Perkins statement was not a meaningful comparison as it compared dissimilar lots within the subdivision. She then stated that property values will diminish, a regional park and scenic corridor will be severely degraded, and planned development will be altered. Ms. Loverin discussed an article contained in their handout material from a January, 1996 Appraisal Journal regarding the routing of a 345 power line and a landmark case in New York State in which the Judge ruled in a property condemnation case that the claimants do not have to establish reasonable fear of high voltage transmission lines; that unsightliness of power lines is incompatible with residential development; and that members of the general public continue to harbor a fear of being under or near high voltage transmission lines. She then stated that this is not an "in my back yard" issue and hopes that the Board will find that the project is inconsistent with Washoe County's general plan and will recommend that existing corridors be utilized.

Lori Burke, Friends of Peavine, advised that she was a registered intervenor with the California Public Utilities Commission and in the consideration of the Alturas Intertie with the Nevada Public Service Commission. She presented display maps and discussed the proposed route and alternative route options and stated that the Forest Service has mentioned the deficiencies for alternate routes in the EIRS; that there is plenty of time available to make sure that the intertie route is completely evaluated by the Nevada decision makers; that all the project objectives could be met with a variety of routes and the Friends of Peavine has consistently focused on a potential route for the Alturas Intertie that runs along existing high voltage corridors; that 345 kv lines are not common in any kind of urban environment and the line does not have to go to the North Valley Road Substation; that Sierra's own documents show there are a number of options for getting the power in; and that the environmental document indicates that a 120 kv line, which can be mitigated, could do the same thing. She then discussed the "Nevada Alternative" route described in the EIR, which would terminate at Mira Loma, and stated that this option should be considered; and that they are concerned about setting a precedent if this high voltage line is allowed to go through sensitive areas.

Senator Bill Raggio advised that he represents most of the North Valleys area and is reporting on the apparent unanimity of opposition from the residents of that area to the proposed project. He stated that he does not think this is an issue of whether or not a project of this kind is needed, nor should it be an issue about pitting one neighborhood against another; that the Board, as the elected body, represents its constituency as to what is appropriate under the circumstances and whether or not to approve the findings of the recommendation of the Planning Commission; and that he is concerned about the North Valleys development. He commended the Commission and its predecessors on their efforts in helping to improve the quality of life in the North Valleys, and stated that he would hate to see something of this kind thrust upon the community.

Maribeth Gustafson, Assistant Forest Supervisor, Humboldt-Toiyabe National Forest, advised that the no project alternative was selected in this case primarily because of the lack of adequate analysis of other alternatives; that it is the Forest Service Policy to have an adequate analysis of off-National-Forest alternatives in order to be able to make an informed decision to dedicate this kind of use of public lands; that a power line of this magnitude would be a permanent feature on the landscape of the National Forest and would in most cases invite similar kinds of uses in that area; and that about 8 miles of National Forest land would be encumbered by the proposed route, which acres were recently acquired along with about 8,500 acres that have been included into the Toiyabe National Forest within the last 10 years, due to the cooperative work through the years with Washoe County and its citizens that value the open space, the recreation opportunities, and the visual backdrop that Peavine Mountain

provides for the communities of Reno and Sparks. She further stated that they are not suggesting that it needs to be in someone else's neighborhood, but ask that the Board consider the values of the National Forest and how that contributes to the quality of life for Washoe County.

Laura Link, area resident, advised that she was a member of the North Valleys Advisory Committee at the time the North Valleys Area Plan was put together, and one of the issues of strong concern to all was the preservation of Peavine and other mountains in the area; and that there has been an ongoing action with Washoe County to develop Peavine Mountain in conjunction with the Toiyabe Forest and other groups into a recreational facility that would be usable for the entire County.

Peggy Lear Bowen, President, Friends of Rancho San Rafael Park, reminded the Commission of a promise made to the community on December 28, 1979, the day the Park was purchased with money earned through the bond issue, to keep the premises in good park conditions and forever open and public. She discussed the master plan of Rancho San Rafael Park and pointed out on a map property located on the northern end of the Park that was donated through the Washoe County Parks Foundation and represents approximately 181 acres of Park land that is closer to the transmission lines than has been indicated; that Forest Service land on the northern end is also expected to become part of the Park and the transmission lines would go through this area. She presented and discussed photographs, which were not placed on file with the Clerk, showing areas where the lines will be placed in proximity to houses, as well as their impact on balloonists. Ms. Bowen also presented and discussed an aerial photograph of the Evans Creek Watershed and a map of the Evans Creek Flood Plains, which were placed on file with the Clerk. She then stated that there is no reason for Washoe County and the Truckee Meadows to bear the profit margin of Sierra Pacific's stockholders when a transmission line could go down existing corridors and provide the same amount of power without trashing communities, violating the visual impact requirements, and taking away from recreational activities.

Annalee Sodenbrantz, area resident, advised that she is a Sierra Pacific stockholder and is disappointed in Sierra Pacific's proposal because she believed they would care about the community. She requested that the issue be taken more slowly as there is no rush and Sierra Pacific will still get the interties.

Chairman Bradhurst stated that the allotted time for testimony from proponents and opponents had expired. The Board took a short break and then Chairman Bradhurst stated that proponents and opponents would have 15 minutes each to provide additional information.

Steve Oldham, Vice President of Information Services, Sierra Pacific Power Company, explained the reasons for the project and reviewed statements of support from the Public Service Commission indicating that the project is needed and the major beneficiaries will be the native load customers. He stated that the negative impacts far outweigh the positive ones to Sierra's customers; that if there had been an alternative, they would have used it; and that they consider that the proposed route is clearly defined in the EIS as being the superior environmental route.

Ms. Drakulich responded to comments made and stated that, although the Toiyabe National Forest issued a no project alternative decision, it is being appealed; that the Bureau of Land Management, being the Federal lead agency, and the California Public Utilities Commission both certified the document as complying with the California Environmental Quality Act and the National Environmental Protection Act; and that Sierra Pacific is not asking the Commission to desecrate the Regional Plan, and nothing is contained in staff's report that says this project does not comply with the Regional Plan.

Mr. Owens commented that the aerial photos of the North Valleys previously presented indicate that there is no other place in the North Valleys where the line can be routed and the reviewing regulating agencies came up with the least environmentally impactful route; that the lines are at the base of Peavine to avoid the residential areas of the North Valleys; that having to come back to the Board with a new alternative would only exchange this group for a much larger group; and that public land such as the Toiyabe National Forest, is exactly the right place for these kinds of facilities when the alternative is putting them through residential areas. He then presented visual simulations of the base of Peavine Mountain, which were not placed on file with the Clerk, showing the effect of the structures and stated that they are intended to minimize the visual impact; and that if the transmission lines were placed within the utility corridor along US 395, they would be closer and would increase the impact to that corridor.

Chairman Bradhurst then advised that the opponents would have 15 minutes to provide additional information.

Mr. Springgate commented that the issue before the Board is not need; that Sierra Pacific Power has not presented rebuttals to the findings that the Planning Commission based their denial on, and has not adequately shown why the special use permit should be granted; and that the Board has heard plenty of testimony as to why the project is injurious and does not comport with Washoe County Plans for Rancho San Rafael and Peavine Mountain.

Ms. Mitchell reviewed the regulatory process and stated that the proposed route is not the best route when environmental issues associated with it are considered; and that there is an alternative route. She then submitted petitions and written comments of opposition to the project, which were placed on file with the Clerk, and advised that many people were present in the audience who oppose the project.

Ms. Burke further discussed alternative route options which she demonstrated on display maps, reiterating that there probably isn't a better way to do this kind of thing than through the Mira Loma Substation; and that 120 kv lines can be pursued and should be considered as an alternative.

John Trail, Anderson Acres resident, expressed concern relative to the structural engineering of 130-foot towers, and stated that smaller lines should go through the North Valleys, and an existing corridor should be used.

Ms. Bowen commented that the maps she reviewed earlier were done in 1994 and represent more current material as to the development that has taken place in the area, than the older maps presented by Sierra Pacific Power.

David Boily, North Valleys Citizens Advisory Board, expressed concern about the anchoring of the towers and the effect it will have on the water tables in the area, advising that this question has been asked but has not yet been answered. He stated that a lot of time, energy, and effort went into the development of the North Valleys Area Plan, and, while there is room for improvement in some areas, the integrity of the Plan needs to be protected.

Lynette Preku, Cold Springs resident, stated that if the Board overturns the Planning Commission decision, it effectively would throw out the North Valleys Area Plan as well as all 13 area plans because each one has the same statements and regulations, and the Board would also be throwing out the credibility of the Planning Commission and the CABS. She urged that the Board protect Washoe County's interest both now and in the future and direct the Alturas people to seek a more appropriate route via existing corridors already established.

Art Johnston, area resident, spoke in support of the project, stating that it will result in the ratepayers electric bill each month being lower; and that it will provide pollution free energy to the area.

Paula Geyer, area resident, advised that she is 13 years old and wants to make a difference. She stated that she does not want to just have memories of the way Peavine looked, and does not think the transmission lines should be placed there.

Alice Trail, area resident, also spoke in opposition to the project.

Chairman Bradhurst closed the public hearing.

Upon request of Chairman Bradhurst, Peter Humm, Bureau of Land Management, provided additional information and advised that the Bureau's consideration of alternatives follows the Council on Environmental Quality (CEQ) guidelines under the National Environmental Policy Act. He reviewed the reasons why the "Nevada Alternative" route was screened out, and discussed the problems associated with other alternatives they reviewed, noting that the fact an alternative is screened out does not mean they did not look at the alternative. He stated that they found that the alternatives were not any better than the proposal and in many cases they were worse; that they were trying to find something that showed an environmental improvement that was better and they were not able to do so; and that the EIS has been deemed adequate by the Environmental Protection Agency. Upon inquiry of Commissioner Shaw, Mr. Humm advised that their agency took into account the number of residents affected by the various routes, and he provided

a map, which was placed on file with the Clerk, of some of the routes they looked at. He stated that the conclusion was drawn that there really is not a good place to run a power line, and that the proposed route was what they call the "environmentally preferable route", even with significant unmitigatable impacts.

Chairman Bradhurst advised that letters were received and placed on file with the Clerk from Marlene Olson, Reno Balloon Races, Peggy Reu, and homeowners in Horizon Hills.

Chairman Bradhurst reviewed Article 810 of the Washoe County Development Code, as outlined in the staff report, regarding the purpose of the special use permit process and the four findings that shall be made, and stated that as he sees it, these are the Board's decision making equations, and do not include the many issues brought forward, such as, power sufficiency and outage, alternative routes, rates, economics, property values, prior regulatory approvals, credibility of the CAB or the Planning Commission, etc. He then reviewed the applicant's reasons for appeal as outlined in their letter dated April 5, 1996.

Ron Kilgore responded to questions of the Board relative to the Planning Commission's denial and reviewed North Valleys Area Plan Policies NV.1.1 and NV.1.2, and Comprehensive Plan Policies LUT.1.11 and LUT.1.14.1b, being the four elements stated in the EIR that the project is not in compliance with. Upon inquiry of Commissioner Shaw, Mr. Kilgore stated that the visual impacts are probably paramount in this case, noting that there are ways to mitigate visual impacts, such as relocation of the route or perhaps burying the line.

Commissioner Bond moved to uphold the decision of the Planning Commission based on the articles, policies, and action programs as elaborated in the North Valleys scenic area, and deny Special Use Permit Case No. SPW2-9-96. The motion died for lack of a second.

Commissioner Shaw stated that this issue is very, very difficult and commended all present; that he is very sensitive to the forest, parks, and Peavine Mountain, but is torn by the fact that additional power is needed in the community; that he represents the City of Sparks and testimony has been received from the State Senator from Sparks, the City Manager of Sparks, his Council member from Sparks, as well as a previous statement by the Sparks Mayor, that the project is a good thing to do; and that a lot of emphasis has been placed on the visual impact of the line and he is not totally convinced it will be as much of an eyesore as many may think.

Commissioner Shaw then moved that the decision of the Planning Commission be overturned and Special Use Permit Case No. SPW2-9-96 be granted to Sierra Pacific Power Company.

Chairman Bradhurst commented that, if there is support for Commissioner Shaw's motion, the Board will need to make some findings.

Commissioner Sims seconded the motion and stated that he thinks any area plan is inherently inconsistent because every area plan in Washoe County contains elements concerning aesthetics and conservation, nothing that the plans also contain elements providing basic infrastructure and public services; that any power line would not be in compliance with any area plan; and that he thinks the Board has to look at the findings on balance, because the plans are inherently inconsistent. He further stated that he feels the findings can be made, on balance, that they are consistent, the proposed use is consistent with the area plan; the site is physically suitable for the type of development and the intensity of that development; and based on testimony tonight from the licensed appraiser, that issuance is not detrimental, on balance. He explained that he has been through these types of hearings before, especially on the power line that went through Mira Loma; and that there are a lot of people present tonight, but there are also 275,000 people in this community, which must be considered, with all due respect to the fine people present.

Commissioner Mouliot stated that he supports the motion; that there is a projected population of over 400,000 people by the year 2010 and he does not know where the power for that many people will come from; that he represents portions of Sparks, Reno, and the North Valleys; and that he does not see any realistic alternative and none was given tonight.

Commissioner Bradhurst stated that he does not support the motion because he does not feel that the need for the power is on the table at this point in time; that the fact that other plans may not allow a power line to be located is something that also is not on the table at this time; that if that is a weakness in the County's area plans, then it will have to be addressed, and he

believes there was some discussion at the regional level to take a look at corridors for power lines and place more attention into that than has been done in the past; but that he has not heard anything that would suggest that the findings of the Planning Commission have been nullified or voided by testimony provided here; and that a lot of testimony was received on need for the future and alternatives, etc., but that is not the issue before the Board.

Legal Counsel Shipman requested that the Commissioner making the motion address the findings and evidence utilized to come to that conclusion, other than need.

Commissioner Mouliot stated that he has a problem with it being that narrow; that he thinks there is a need and that is the main reason he supports the motion; and that he feels staff should have given the Board some kind of alternatives, which they did not do.

Commissioner Shaw stated he feels that the majority of the emphasis of the testimony tonight was based on the visual impact, and he is not that convinced that there is that much of a majority of the impact, visually speaking.

On call for the question, Commissioner Bond and Chairman Bradhurst voted "no," and the Planning Commission's action to deny was overturned and Special Use Permit Case No. SPW2-2-96 for Sierra Pacific Power Company to construct the 345 kilovolt overhead electrical transmission line that would traverse 25 miles of Washoe County commencing in the vicinity of Bordertown and terminating at the North Valley Road Substation was granted.

Mr. Harper noted that staff has presented no conditions of approval with this item, and the Board may feel comfortable enough with that, or may want to consider returning it to the Planning Commission for development of conditions. Upon inquiry, Legal Counsel Shipman stated that she does not believe there is a provision in the County Code for returning the item to the Planning Commission for the development of conditions, but the Board does have discretion to continue this item or to send it back.

Later in the meeting, Chairman Bradhurst brought to the Board's attention that when the appeal was granted earlier tonight, there were no conditions placed on the special use permit, but normally special use permits have conditions to assure compliance. Mr. Harper stated that the only requirement at this point would be Sierra's obvious compliance with the material they submitted with their application, consisting of several large binders, which he showed to the Board. Chairman Bradhurst asked if the Board had the desire to reconsider this item at this time relative to the issue of conditions.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that this item be reconsidered with regard to the matter of conditions for Special Use Permit Case No. SPW2-9-96.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, Chairman Bradhurst ordered that this item be placed on the May 21, 1996 regular agenda for the purpose of considering and adopting conditions for Special Use Permit Case No. SPW2-9-96.

Mr. Harper and Mr. Kilgore noted that Sierra Pacific is closely tied to the large document referred to earlier, which will be reviewed by Washoe County and other entities for compliance; and that, for that reason, staff would not anticipate presenting a lot of conditions. Mr. Harper requested that the Board members contact either him or Mr. Kilgore regarding any specific issues they would wish addressed in the conditions.

96-372 SPECIAL USE PERMIT CASE NO. SPW2-11-96 - JACKLING AGGREGATE PIT/GRANITE CONSTRUCTION (APN 083-011-06) - DEVELOPMENT REVIEW

4:00 p.m. This was the time set in a Notice of Public Hearing, dated April 18, 1996 mailed to affected property owners by the Department of Development Review to consider the appeal from the recommendation of the Washoe County Planning Commission from the approval of that portion of Special Use Permit Case No. SPW2-11-96 which grants a six-month extension of the existing aggregate operation located 1/2 mile west of the Pyramid Lake Highway (SR445) north of the Spring Creek Subdivision, and the 475-acre parcel is designated General Rural (GR) in the Spanish Springs Area Plan and situated in a portion of Section 9, T20N, R20E, MDM, Washoe

County, Nevada.

Ron Kilgore, Department of Development Review, reviewed background information regarding this item and advised that this appeal is only for the six-month extension of the existing aggregate, and that the second request to operate a temporary crushing plant on the same parcel was deferred by the Planning Commission and is not before the Board at this meeting; that there was no testimony at the Planning Commission against the extension of the existing operation and no written comments from the public or reviewing agencies opposing the extension of this operation were received. He then reviewed the appeal letter and responded to issues contained therein, advising that the subject area is zoned general rural and operations of this type are allowed in that zone with a special use permit. He noted that the subject special use permit has been in place for over 15 years and during that time there have been no serious complaints or other matters that would cause the County to revoke the permit; and that people who located in the area did so knowing that the facility was there and in operation. He further stated that they are not aware of any violations regarding dust control or any other problems associated with the pit. Upon inquiry of Commissioner Sims, Mr. Kilgore advised that the findings the Board must make regarding the permit are the same eight findings made by the Planning Commission.

At this time Commissioner Mouliot disclosed that he has had an ongoing business relationship with Sha Neva, which is the Rocky Ridge operation, for 10 years, and also has an ongoing relationship with some of the participants on the other side of this issue. Commissioner Bond also disclosed that she knows people representing both sides of the issue.

Michael A. Rosenauer, appellant, representing a group of property owners in the Spanish Springs Valley, stated that there was a substantial amount of evidence presented at the Planning Commission with regard to the extension request; and that there is nothing in the actual application that speaks to the extension for six months of the decomposed granite pit, and he would submit that it needs to be determined if there is even an application before the Board. He stated that he can demonstrate that the operation has not been in compliance since 1981; and that the permit should not be extended because 1) they are not in compliance with the special use permit that exists, 2) there is no fulfillment of any of the special use permit findings, and 3) it is not consistent with existing or current uses. He further stated that they have not submitted the mining plan as required by the 1993 special use permit and the only mining plan on file is a 1981 mining plan; that there are no safeguards with respect to safety, environmental concerns, storm drainage, stock piling of topsoil, erosion control, health hazards, etc., and there is an open danger to the safety of surrounding people; that there is no record of any of the required annual reports since 1981 and as promised again in 1993; that there are no reports to the District Health Office to insure proper dust control and reclamation practices, and there has been no demonstration of any reclamation ever having been done; that there is no Nevada Department of Transportation record of occupancy, a permit, or application for access to and from the Pyramid Lake Highway, which is a requirement of the operation; that in 1981 the dirt road used to access Pyramid Lake Highway was required to be paved and this has never been done; that there is consistently debris on the roadway which is supposed to be washed or broomed off and this is not done; that a stop sign is required and there is none; and that they are prohibited from turning into or through the fast lane of southbound traffic and consistently do this even stopping traffic to make that turn, which is a threat to safety. He then presented and discussed several letters, memorandums, and a complaint, and stated that they demonstrate their non-compliance in ignoring what they are required to do. Mr. Rosenauer further stated that the permit is only for the extraction of decomposed granite, but they are taking some hard rock out of the pit, which is not a permitted use; and that to allow this to continue for another six months would indicate that they don't have to comply with the special use permit requirements. He then discussed the required findings that must be made in accordance with Chapter 810 of the Development Code, stating that because Spanish Springs has grown into a residential, rural type of an environment, an aggregate pit next door is inappropriate; and that it is time to make this property return to its intended use so that it is consistent with the surrounding uses and good planning.

Chairman Bradhurst opened the public hearing and called on those wishing to speak. He requested that those in support of the appeal speak first, and advised that equal time would be given to those in favor of the extension.

Kim Monahan, Spanish Springs resident, submitted a petition, which was placed on file with the Clerk, and stated that the foremost issue is the heavy truck traffic. She stated that the trucks are very large and haul tons of material, they travel above the speed limit, stop traffic on the highway, and cause major traffic problems. She also advised that staff's analysis of March 19, 1996 indicated that the CAB had no comments, but there were at least 150 to 200 people present at that meeting that represented landowners who were very upset about the pit going in; and that the pit is very visible and is an eyesore from the road.

Robert Mansfield, Spanish Springs resident, advised that he owns the property adjacent to the pit property; that he was there prior to 1991; and that his main concern is whether the operation will affect the water.

Kay Torres, Spanish Springs resident, presented a petition, which was placed on file with the Clerk, containing approximately 140 names opposing the planned project and stated that there were many protests made at the CAB meeting.

Wayne Paterson, Spanish Springs resident, stated that he is absolutely opposed to the project; that he has not spoken to any property owner in favor of the project and is astonished that there is no record of opposition; and that he has grave concerns about the process and the information being supplied to the Board. He further stated that the project now entails an asphalt and cement batch plant and the plan is to be there for the long term; and that the pit is absolutely inconsistent with what Spanish Springs has become.

Evelyn Harrell, Spanish Springs resident, advised that her kitchen table faces Pyramid Highway and in 25 minutes she counted 35 big trucks with trailers.

Gary Babato, Spanish Springs resident, stated that he opposes the extension basically for public safety and welfare issues due to the increase in truck traffic, noise, visual impact, water situation, erosion control, flood control, dust, environmental damage, etc.

Roc Cole, Spanish Springs resident, stated Granite's long term view is for a 30-year pit and he is concerned about the resulting truck traffic increase, how the operation will affect the water in the area, and if the blasting will affect foundations and structures, etc.

Ginger Miller, Spanish Springs resident, submitted a petition, which was placed on file with the Clerk, and advised that the triple-trailer trucks create major traffic problems, and she knows laws are being broken.

Ruth Cuthbert, Spanish Springs resident, also spoke in opposition and commented on the large opposition expressed at the CAB meeting.

Jim Barrere, Chair, Spanish Springs CAB, stated that to set the record straight, the particular issue before the Board tonight was not specifically brought to the CAB; that the overall project with concrete asphalt was brought to the CAB, and due to the exorbitant number of people that were totally against it, resulting in a hostile meeting, the matter was postponed for further information; and that no comment was provided to the Board because the CAB has not reached any decision.

Chairman Bradhurst requested that those people wishing to speak in support of the six-month extension request do so at this time.

John Sande, Vargas & Bartlett, representing Jackling Enterprises, Ltd., the owner of the pit, referred to his memorandum dated April 20, 1996, placed on file with the Clerk, that set forth certain issues, and stated that he first wanted to address the issues contained in the appeal letter, which purported nonconforming use, traffic, dust, and aesthetics. He referred to special use permit regulations regarding appeals as contained in Section 110.810.50(f) of the Washoe County Development Code which states that "The Board of County Commissioners shall consider only those items cited in the appeal," and stated that, based on that regulation, he does not think he is required or allowed to address the other issues brought forth by Mr. Rosenauer, and could only address those items brought up by the appeal document, since that is all the Board can consider. Legal Counsel Shipman commented that there is some latitude as the regulation says that the Board may use the record and any evidence relative to the application. Mr. Sande advised that he then would address only the issues contained in the appeal letter. He stated that whether or not the Santa Fe, which was the previous owner, was a bad operator or not is not relevant to this issue; that only the six-month extension is before the Board and a lot of testimony heard tonight was about another special use permit; that the Planning Commission approved the extension by a unanimous vote and the staff report also recommends the extension; that they believe the Planning Commission findings do comply with all the requirements of the Development Code; that this pit has been operating for 15 years and was in existence before the Rocky Ridge pit, and the use is not being changed; that this gravel pit has been identified in the County's area plan as being appropriate; that the pit is a compatible use and complies with all zoning ordinances; that the

application is not to change any of the existing traffic uses and will maintain the same operations that have been going on for 15 years; that to their knowledge no complaints have been filed against Jackling Aggregates with the Washoe County Air Quality Management Division and they are in full compliance with all State and local ordinances regarding dust; that there is minor visual impact from the highway; and that nothing has been presented tonight to change the recommendation of the Planning Commission.

Jim Meyer, Meyer Construction, advised that they presently are doing work in Sun Valley and have set up a screening plant at the decomposed granite (DG) pit; that they take approximately 30 loads from the pit that goes directly into Sun Valley whereas before they were hauling out of Spanish Springs and using Pyramid Highway; and that they are building another 800 houses in Sun Valley and if material does not come from the DG pit, it will probably come from all three places in Spanish Springs plus Lemmon Valley, etc.

Vern Hotz, Lifestyle Homes, stated that with the use of Jackling's pit the material comes from the back of the pit to their project, and over 6,000 truck trips off County roads are actually saved over a six-month period; that the Highland Ranch Parkway is in the process of being created and when it is eventually paved, it will provide a paved road for trucks to come onto Pyramid Highway and will also help the on and off ramp situation; and that trucks are not all coming from the Jackling pit as they also come out of the Sha Neva pit.

Valerie Ross, Reno resident, advised that six teachers from Sun Valley Elementary School, who were present earlier and had to leave, gave her a letter from Molly Hum, President of the Sun Valley Elementary PTA and concerned homeowner, in support of the operation and Mr. Jackling, which she read into the record and placed on file with the Clerk. She then presented a large poster signed by students of Sun Valley Elementary School expressing their special thanks to Mr. Jackling. She stated that Mr. Jackling cares about the community, and advised that the students needed topsoil and rocks for their garden project and they called other pits in the Spanish Springs area who did not even respond; and that Mr. Jackling saw the ad in the paper and the next morning was at the school with trucks and loaders to provide the students with what they needed to start their garden.

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

Mike Harper, Director, Department of Development Review, and Mr. Kilgore responded to questions of the Board. Upon inquiry, Mr. Kilgore advised that it has not been brought to his attention that any violations have occurred, noting that the County issues hundreds of special use permits and does not have the staff to make regular inspections, so they depend upon other agencies, such as Air Quality, Health Department, and citizen complaints to make staff aware of violations of permit conditions. He further advised that there has been a lot of confusion over the action taken by the Planning Commission; that there was extensive testimony relative to the new operation, but there was nothing presented relating to the extension of the existing pit; that the existing pit can clearly be seen from the highway as can most existing operations of this type in Washoe County; and that to the best of his knowledge Mr. Jackling is proceeding with the filing of all necessary permits, licenses, and approvals with the State and the County, noting that change of ownership is always very involved. Upon inquiry of Commissioner Sims, Mr. Kilgore advised that, in his opinion, the proposed conditions of the special use permit would address many of the complaints filed this evening, which conditions he then reviewed.

Commissioner Mouliot stated that he would not want triple trailers coming onto Pyramid Highway off the dirt roads. Mr. Sande stated that he is not aware of that occurring and, if the extension is granted, that would not be the case as they do not plan on doing anything different during the six-month period. Commissioner Bond stated that if the six-month extension is granted she would expect compliance with everything required by the County and would like to have resolution of the entire issue regarding the existing operation and the new plant by the time this comes forward again.

Commissioner Mouliot requested that a traffic safety study be done.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the appeal be denied and the recommendation of the Planning Commission be upheld, and that portion of Special Use Permit Case No. SPW2-11-96 granting a six-month extension of the existing aggregate operation be approved, subject to the following conditions:

ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES PROVIDED TO SATISFY THE CONDITIONS PRIOR TO COMMENCEMENT OF OPERATION, UNLESS OTHERWISE SPECIFIED. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF DEVELOPMENT REVIEW.

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

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

THIS SPECIAL USE PERMIT SHALL EXPIRE 6 MONTHS FROM THE DATE OF APPROVAL BY WASHOE COUNTY. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

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.

1. All plans submitted for any required permit shall be in substantial compliance with the plans and documents approved and made a part of this special use permit to the satisfaction of the development review staff. A copy of the approved special use permit shall be attached to any application for a required permit.
2. During the period of operation, the applicant shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.
3. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.
4. If explosives are to be used, the applicant shall develop a plan for use and notification of affected property owners to the satisfaction of the applicable fire protection agency.
5. During the period of operation, the applicant shall notify the development review staff, any agency from which approval to operate has been received, and any other applicable agencies of any temporary, seasonal, or permanent shutdown occurrences.
6. The applicant shall submit a detailed, revised mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon cessation of mining for each phase of the operation to the satisfaction of the Engineering Division and the District Health Department. The Washoe-Storey Conservation District shall review the slope stabilization and the phased revegetation portion of the mining plan. Additionally, the County's Design Review Committee shall review and approve the reclamation phasing, recontouring, and revegetation plans prior to approval of the revised mining plan. Once the revised mining plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer. The Engineering Division shall annually review the financial assurance and adjust its amount as deemed appropriate by that division upon approval of the Board of County Commissioners.
7. During the period of operation, the applicants mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
8. The applicant and any successors shall direct any potential purchaser of the site and/or special use permit to meet with the development review staff to review the conditions of approval prior to final sale. Any subsequent purchaser shall notify the development review staff of the name, address, and contact person of the new purchaser.
9. The applicant shall ensure that any financial assurances required by the provisions of this special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit

occur without the continuation of the financial assurances, this special use permit shall become null and void.

10. The applicant is prohibited from using more than two trailers per tractor to haul material in or out of the aggregate pit.

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There being no further business to come before the Board, the meeting adjourned at 10:20 p.m.

STEPHEN T. BRADHURST, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk