

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. MAY 12, 1998

PRESENT:

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

Judi Bailey, County Clerk
Katy Simon, Interim County Manager
Madelyn Shipman, Legal Counsel

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

98-398 LIQUOR LICENSE AND BUSINESS LICENSE APPEAL - OPINDER J. SINGH (AKA: OPINDER SINGH DHILLON)

This appeal was considered on MONDAY, MAY 11, 1998, prior to the Caucus meeting, the Board having convened as the County Liquor Board with Chairman Bond presiding, to consider the appeal of Opinder J. Singh from the denial by the Business License Division, Comprehensive Planning, following the background investigation for the issuance a business license/liquor license for Mr. Singh to be an additional licensee in the operation of convenience stores known as Superbuy Markets.

Ms. Carmel advised that the business license/liquor license is currently issued under his wife's name.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the business license and liquor license should or should not be granted. The appellant was present to offer testimony during the closed session as was Karen Carmel, Supervisor, Business License Division. Following testimony of both parties, the Board convened in open session and the following action was taken.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the denial by the Business License Division, Comprehensive Planning, regarding the appeal of Opinder J. Singh be continued to May 26, 1998.

98-399 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 May 12, 1998 meeting be approved with the following amendments: Delete Item 5 - Approval of minutes for Board of County Commissioner meetings of April 14 and 21, 1998; Item 10B - Inter-Governmental Agreement forming Washoe County Home Consortium; Item 10C - Agreement with InStep Technologies concerning software for Reno Justice Court; Item 10D - Agreement with Abernetics, Inc. concerning financial software for Reno Justice Court.

PUBLIC COMMENTS

Johnnie Rowland, Sparks resident, addressed the Board regarding the recent flood situation that occurred in Sun Valley. She advised that since the new buildings have been constructed above Lifestyle Homes, the properties down below get flooded and with just a little rain the ditches are about 3/4 full as the water is not running off properly; and that she thinks somebody should

look into the situation.

98-400 CANCELLATION OF MAY 19, 1998 MEETING

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the Board of County Commissioners regular meeting of May 19, 1998 be canceled because a quorum will not be present.

98-401 AMENDMENT TO COUNTY CODE - LIMITING LIVESTOCK, POULTRY, RABBITS, SWINE AND SHEEP ON RESIDENTIAL PROPERTY

Chairman Bond stated that in the interest of the standing room only attendance for this matter, this item will be heard at this time. She apologized for the misinformation that was circulated in various areas of the community regarding this issue and for not being able to return everyone's phone call. She stated that what generated this issue is the fact that some people have abused the system with too many animals on one acre of land and improper care of animals; and that staff was directed to investigate the matter and present some options to the Board to address this situation.

Mike Harper, Special Projects Manager, Community Development, stated that the hearing tonight is not to vote on any change in the law, but rather to consider whether to initiate a process to change the existing ordinance, which process requires noticing and public hearings and would take several weeks to complete. He reviewed background information and options outlined in the agenda memorandum for the Board's consideration to address this issue.

Chairman Bond stated that she is not particularly interested in capping the number of livestock on a property; and that hopefully some other kind of resolution can be made to address the problems that have caused the citizen complaints that have come forward over a period of time.

Commissioner Camp agreed and stated that this particular problem is not one that can be erased by limiting the number of animals on a property, and she would like to pursue the possibility of other agencies, such as Animal Control, addressing these issues through their enforcement procedures.

Commissioner Shaw concurred and stated that he would like to receive a report from either the Health Department or Animal Control regarding the concerns that brought this issue to the Board's attention, and see if there is a way to deal individually with the people causing the problems for everybody else.

Upon inquiry of Commissioner Galloway, Mr. Harper confirmed that there have been complaints over a period of time of people not being good neighbors; and that there is some question about the authority of Animal Control or the Health Department to deal with these particular problems. He noted that state law contains an agricultural exemption that essentially exempts agricultural activities from the nuisance provisions of the County or City Code; and, although there is a question whether the raising of horses is an agricultural activity, prosecution for mistreatment of horses or for waste products from livestock has been unsuccessful through the nuisance process in the past because this exemption has been claimed.

Commissioner Mouliot stated that a method needs to be found to address these problems, advising that this situation started almost three years ago with issues and complaints that came forward with no way to address them; and that he would like to see a task force or the District Attorney's office come up with solutions.

Chairman Bond stated that, although this is not scheduled as a public hearing, she would take public comments.

Approximately 40 people spoke, including several teenagers and children, against establishing limits on the number of livestock, poultry, etc. The speakers represented residents, business owners, and organizations or groups, such as the Washoe Valley Landowners Association, 4-H Club, handicapped riders, UNR School of Veterinary Medicine, etc., and concerns expressed included economic impacts, emotional considerations, property rights, lifestyle, devaluation of property, questioning the numbers and interpretation of information utilized by staff, numbers per acre not being a realistic approach to the problem, etc. Several suggestions were offered including that problems should be handled on an individual basis through regulatory processes of existing

agencies such as Animal Control and the Health Department, and addressing how to reduce harassment calls that take time of staff. Vickie Sherwood, County resident, placed a petition on file with the Clerk containing approximately 300 signatures of people against any code revisions. A couple of speakers emphasized that 30 horses on one acre is too many, and that something needs to be done to change this and address the problem of animal cruelty.

Commissioner Galloway commented that a lot of new ideas have come forth tonight; that he believes that government should not be more intrusive than necessary; and that he is not going to vote to proceed with this matter. He explained that a public workshop was held on this issue several months ago and there were no secret meetings as some people have alleged; that the intent of tonight's meeting was to receive input with any movement forward requiring two other meetings including a public hearing before any ordinance could have been adopted; and that safety checks are built into the system so that changes cannot happen very fast and providing the opportunity for the public to find out about proposed changes.

Chairman Bond stated that this Board had no intent to take away people's animals or devalue their property; that the assistance of the citizens is needed to address the problems that are occurring; and that her challenge to the community is to see if people are interested in looking at County regulations and procedures regarding this issue and to come forth with recommendations and suggestions for possible changes in order to resolve the situations that are causing problems.

Commissioner Shaw commented that he does not think the Board needs to take any action at this time. He expressed concern about the harassment complaint calls that utilize staff and would like this reviewed.

Commissioner Camp stated that she concurs with the speakers and appreciates everyone who took their time to come out on this extremely important issue; and that she would vote against this resolution and support forming a task force or committee to look into this matter.

Commissioner Mouliot stated he would support an ad hoc committee, but would like the District Attorney to assist in this process to provide a viable nuisance ordinance to address these matters on an individual basis.

On motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that no action be taken to limit the number of livestock, poultry, rabbits, swine or sheep on a property; that staff be directed to take applications for a committee to look into the nuisances concerning waste and insects that are generated by animals; and that the District Attorney's office assist in this process to provide a nuisance ordinance that will better address these matters.

Commissioner Galloway commented that he hopes people will come forward if they want to participate and that someone from the Landowners Association in Washoe Valley be represented on the committee, noting that the thrust of this process is going to be from the point of view of animal welfare and public health.

98-402 BILL NO. 1190 - ORDINANCE NO. 1014 - AMENDING WCC CHAPTER 25 - OUTDOOR FESTIVAL LICENSING

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 1, 1998, to consider the second reading and adoption of Bill No. 1190. Proof was made that due and legal notice had been given.

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

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Ordinance No. 1014, Bill No. 1190, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF CHAPTER 25 TO REQUIRE APPLICATION FOR OUTDOOR FESTIVAL LICENSE TO BE FILED 90 DAYS PRIOR TO EVENT; CONDITIONS OF LICENSURE TO BE COMPLIED WITH NO LATER THAN 30 DAYS PRIOR TO EVENT; CLARIFYING AUTHORITY FOR SHERIFF, FIRE CHIEF OR DISTRICT HEALTH OFFICER TO TEMPORARILY REVOKE LICENSE; AND OTHER MATTERS RELATING THERETO" be approved, adopted, and published in accordance with NRS 244.100.

98-403 BILL NO. 1191 - ORDINANCE NO. 1015 - AMENDING WCC CHAPTER 25 - HOME OCCUPATION LICENSES

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 1, 1998, to consider the second reading and adoption of Bill No. 1191. Proof was made that due and legal notice had been given.

Legal Counsel Shipman noted that the Ordinance contains the amendment directed by the Board at their last meeting on this issue to set a \$100 filing fee for an appeal.

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

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Ordinance No. 1015, Bill No. 1191, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF THE BUSINESS LICENSE ORDINANCE DEALING WITH HOME OCCUPATION LICENSES; DISTINGUISHING BETWEEN DEVELOPMENT REQUIREMENTS AND DEVELOPMENT STANDARDS; PROVIDING THAT DEVELOPMENT STANDARDS MAY BE APPEALED; PROVIDING A PROCEDURE FOR THE APPEAL; AND OTHER MATTERS RELATING THERETO" be approved, adopted, and published in accordance with NRS 244.100.

Commissioner Shaw stated that he is still concerned that truck deliveries be made in compliance with the Ordinance and requested that staff monitor that situation as much as possible. Commissioner Galloway requested that staff provide a status report to the Board in a few months relative to truck deliveries.

98-404 BILL NO. 1192 - ORDINANCE NO. 1016 - AMENDING WCC CHAPTER 50 - GRAFFITI

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 1, 1998, to consider the second reading and adoption of Bill No. 1192. Proof was made that due and legal notice had been given.

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

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Ordinance No. 1016, Bill No. 1192, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS PROHIBITING THE DEFAACEMENT OF PROPERTY BY GRAFFITI AND CREATING THE GRAFFITI REWARD AND ABATEMENT FUND" be approved, adopted, and published in accordance with NRS 244.100.

98-405 BILL NO. 1193 - ORDINANCE NO. 1017 - AMENDING WCC CH. 110 (DEVELOPMENT CODE) - TAHOE AREA - PYRAMID LAKE HIGHWAY, WARM SPRINGS AREA

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 1, 1998, to consider the second reading and adoption of Bill No. 1193. Proof was made that due and legal notice had been given.

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

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Ordinance No. 1017, Bill No. 1193, entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE TO AMEND ARTICLE 220 "TAHOE AREA" TO MODIFY THE STANDARDS FOR CONSTRUCTION OF A GARAGE; AT OR BELOW GRADE PARKING DECKS, WALKWAYS AND DECKS; CONSTRUCTION BELOW A PARKING DECK; GRANTING LEGAL CONFORMING COMPLIANCE WITH BUILDING SETBACK REQUIREMENTS FOR HOMES CONSTRUCTED PRIOR TO 1990 WHEN THE BUILDING PAD WAS NOT DELINEATED ON THE FINAL MAP; AND UTILIZING TAHOE REGIONAL PLANNING AGENCY HEIGHT CALCULATIONS FOR ALL STRUCTURES. IN ADDITION, AN ADMINISTRATIVE CHANGE TO SECTION 110.226.05, PYRAMID LAKE HIGHWAY, ARTICLE 226, WARM SPRINGS AREA, WOULD SUBSTITUTE PYRAMID LAKE HIGHWAY FOR INTERSTATE 80" be approved, adopted, and published in accordance with NRS 244.100.

98-406 ABANDONMENT CASE NO. AB6-10-97- NEUFFER HOMES/ECCLES RANCH - APN 162-010-04 THROUGH 07 AND 44-320-47 - COMMUNITY

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on April 29, 1998 and published in the Reno Gazette-Journal on May 1, 1998, to consider the conditional approval of Abandonment Case No. AB6-10-97, Neuffer Homes/S.F. & W.W. Eccles, applicants, as recommended by the Washoe County Planning Commission to abandon and re-route a 20 foot wide sanitary sewer easement within the proposed commercial center for Eccles Ranch. The project site is located north of Zolezzi Lane on the west side of South Virginia Street. The site, totaling +8.2 acres, is zoned C-2 (General Commercial) on the old zoning map, but designated GR (General Rural) and SPA (Specific Plan Area) on the current Southwest Truckee Meadows Area Plan and is situated in a portion of Section 17, T18N, R20E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Sharon Kvas, Community Development, provided background information regarding this item.

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

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private 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 Mouliot, which motion duly carried, Chairman Bond ordered that Abandonment Case No. AB6-10-97 for Neuffer Homes/S.F. & W.W. Eccles be approved subject to the following conditions:

1. Prior to recordation of the Order of Abandonment, the applicant shall submit to the County Engineer for review and approval, legal descriptions, prepared by a licensed professional, for the area of abandonment, the portion reverting to each abutting property owner, and the replacement easement(s).
2. 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.
3. The sanitary sewer collection system and necessary easements shall be offered for dedication to Washoe County prior to final acceptance of the project.
4. Improvement drawings of the proposed relocated sections of sanitary sewers shall be submitted to the Utility Services Division for review. The sewer lines shall be designed, constructed and inspected to the satisfaction of the Utility Services Division.
5. Fees for improvement plan checking and construction inspection shall be in accordance with Washoe County ordinances and shall be paid prior to the approval of the plans.
6. A sanitary sewer report shall be prepared by the applicant's registered engineer which addresses the proposed line sizes, alignment and maximum flow velocities and their impact on existing infrastructure.

98-407 ABANDONMENT CASE NO. AB1-02-98 - HOW TZU HUANG - APN 17-320-15 - COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on April 29, 1998 and published in the Reno Gazette-Journal on May 1, 1998, to consider the conditional approval of Abandonment Case No. AB1-02-98, How Tzu Huang, property owner, as recommended by the Washoe County Planning Commission to abandon a +400-foot portion of roadway easement to increase the buildable area on the lot. The property is designated general rural (GR) in the South Valleys Area Plan and is situated in a portion of Section 4, T17N, R20E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Trevor Lloyd, Community Development, provided background information relative to this item. Skip Canfield, CFA, Inc., representing applicant, stated that they concur with the recommendation for approval.

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

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private 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 Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Abandonment Case No. AB1-2-98 for How Tzu Huang be approved subject to the following conditions:

1. 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.
2. A twenty-foot water and sewer utility easement adjacent to Highway 395 must be offered for dedication to Washoe County. In the event that the interceptor follows a different route, the easement's offer of dedication would be rejected.
3. Prior to 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.
4. The applicant shall provide evidence of the relinquishment of all public utility easements by the public utilities which originally accepted the approved said easements.

98-408 APPEAL - TENTATIVE SUBDIVISION MAP CASE NO. TM5-8-97 - SCOTCH PINES - GALENA FOREST HOMEOWNERS ASSOCIATION AND JEFF CODEGA PLANNING/DESIGN - APN 154-040-01 - COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing dated April 30, 1998 mailed to affected property owners by the Department of Community Development to consider the appeals from the Planning Commission's conditional approval of a tentative subdivision map to divide a +45.11-acre portion of a +72.266-acre lot into 38 lots with common area. The minimum lot size is proposed at one-acre minimum. Because over 20% of the property has slopes in excess of 15%, the standards of the Hillside Ordinance will be required. The property, located on the east side of Mt. Rose Highway and at the terminus of Scotch Pine Road adjacent to Galena Forest Estates is designated Low Density Suburban (LDS) in the Forest Area Plan and situated in a portion of Section 9, T17N, R19E, MDM, Washoe County, Nevada.

Sharon Kvas, Planner, Department of Community Development, advised that there are two appeals, one from the Galena Homeowners Association and adjacent property owners appealing the subdivision, and one by the developer to appeal conditions relating to sewer requirements. She stated that the developer has been working with the Utility Division and is coming very close to consensus on that portion of the appeal, and have indicated their desire to request a postponement of their appeal.

Legal Counsel Shipman advised that in her opinion it would be acceptable to separate the two appeals and continue the developer's appeal at their request and with the Board's agreement.

Chairman Bond stated that the Board would hear the Homeowner Association appeal at this time. Ms. Kvas provided background information and conducted a viewfoil presentation of the project. She discussed issues relative to slopes, roadway, secondary access, and traffic impacts and mitigation's.

Chairman Bond asked if a representative from the Galena Forest Homeowners Association, appellant, was present and there was no response. Upon inquiry, Ms. Kvas advised that the Homeowners Association was aware that this matter was to be heard at this time. Several Board members expressed concern that no one was present to represent the appellant. Ms. Kvas then responded to questions of the Board.

Arne Hamala, Jeff Codega Planning/Design, representing Scotch Pines Partners, advised that they have worked for over a year on this project and staff did a good job of identifying the issues; that they have provided a letter to the Board where they responded to the issues raised by the neighbors, and believe that they have satisfied their concerns, which may be the reason they

are not present this evening; and that the sewer issue is a technical and policy issue which they believe they are going to be able to resolve with County staff. Mr. Hamala then responded to questions of the Board.

Chairman Bond opened the public hearing and called on those wishing to speak.

Louis Test, area resident, spoke in support of the project.

Dave Kladney, Galena-Steamboat Citizens Advisory Board, provided background information and stated that most of their concerns had to do with the intersection at Douglas Fir and the highway.

Russell Lamb, area resident, stated that most of the people in the community that he has talked to are opposed to the development; that he is not in favor of the development but that Mr. Hamala has been more than happy to work with him and other people in the area; that achieving some common ground to establish 38 homes as opposed to the possibility of 100 homes was a distinct advantage; and that he does not understand why the people who objected so strongly to the proposal are not present tonight, but one explanation might be because their main concern was traffic impacts and the studies have indicated this has been addressed.

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

Chairman Bond stated that the fact no representative is present from the Homeowners Association would indicate that they have been satisfied to the extent possible, and that the project is probably going to be acceptable. She read a letter into the record from Randall and Vickie York [placed on file with the Clerk] setting forth their continued concerns and urging the Board to uphold the appeal and deny the tentative subdivision map. Upon request, Ms. Kvas responded to the issues raised in said letter.

Paul Solaegui, Solaegui Engineers, discussed traffic issues and advised that changes have occurred since their review letter in 1991 addressing traffic concerns in the area, being that the County has adopted specific street capacity standards for residential streets and that St. James Village constructed gated limited access on Joy Lake Road; and that due to these changes, they do not anticipate the same volume of traffic they previously thought would occur.

Following further discussion, based on the findings:

(a) Plan Consistency. That the proposed tentative subdivision map is consistent with the goals, policies and action programs of the Forest Area Plan and the Washoe County Comprehensive Plan;

(b) Design or Improvement. That the design and improvements of the proposed subdivision is consistent with the Forest Area Plan - Land Use Plan and the Washoe County Comprehensive Plan;

(c) Type of Development. That the site is physically suited for the type of development proposed and impacts to slopes in excess of 15% have been mitigated by the standards of the Hillside Ordinance;

(d) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System in that the project will be served by community water, interim individual disposal systems and dry sanitary sewer lines, and water rights will be secured prior to recordation of the final map;

(e) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;

(f) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems due to the project being served by community water and sewer, mandatory refuse collection, and by utilizing acceptable drainage collection systems;

(g) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the

public at large for access through, or use of property within, the proposed subdivision; Common open space or easements will be established along the drainageways and connect to the greenbelts within the adjacent subdivision.

(h) Access. That the design of the subdivision provides any necessary access to surrounding adjacent lands and provides appropriate secondary access for emergency vehicles;

(i) Dedications. That any land or improvements to be dedicated to the County is consistent with the goals, policies and action programs of the Forest Area Plan and the Washoe County Comprehensive Plan;

(j) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and

(k) That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

(l) That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried with Commissioner Camp voting "no," Chairman Bond ordered that the appeal be denied and Tentative Subdivision Map Case No. TM5-8-97 be approved subject to conditions.

Commissioner Camp stated that she voted no on this item because no one was present representing the appellant, Galena Forest Homeowners Association.

Mr. Hamala then stated that they would like to have their appeal portion relating to the sewer conditions continued.

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the appeal of Jeff Codega Planning/Design relative to sewer conditions be continued.

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(NOTE: conditions for the project will be set forth in the minutes whereby the Board of County Commissioners takes final action on the appeal of Jeff Codega Planning/Design, Inc.)

98-409 APPEAL - TENTATIVE MAP CASE NO. TM10-17-97 WITH SITE REVIEW - QUILICI RANCH ESTATES - APN: 038-200-05, 11; 038-190-14; 038-260-15 - COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing dated April 30, 1998 mailed to affected property owners by the Department of Community Development to consider the appeal of the Planning Commission's conditional approval of a Tentative Subdivision Map with Site Review to create an 85 unit common open space subdivision on four parcels totaling + 513.83 acres. Because the project proposes utilizing the A-1 (First Agricultural), A-2 (Second Agricultural), and A-4 (Farm and Forestry Agricultural District) zoning, a site review is required by the transition policy. The proposed subdivision is considered a "hillside development" since it contains areas with slopes in excess of 15 percent over 20 percent of the property. The site is south of the I-80 Crystal Peak Road interchange. The property is designated General Rural (GR) and Low Density Suburban (LDS) in the Verdi Area Plan, and situated in portions of Sections 19, 20, and 29, T19N, R18E, MDB&M, Washoe County, Nevada.

Ron Kilgore, Community Development, reviewed background information and conducted a viewfoil presentation of the Tentative Subdivision Map and Variance [subsequent item] for Quilici Ranch Estates. He responded to issues raised in the appeal correspondence which included visual impact, development adjacent to the railroad, emergency access road provisions, fire protection, wastewater impacts, wetlands impacts, loss of wildlife habitat, steep slopes, seismic conditions, geotechnical

conditions, and overall project suitability. He then discussed the conditions and/or requirements of regulating agencies that would have to be met prior to recordation of the final map. Mr. Kilgore then advised that the County Code contains what has been determined to be a typographical error relative to noise levels in that it states that noise levels for residential development shall not exceed a maximum of 65 decibels when trains are passing or 65 Ldn next to highways, but should properly read 65 Ldn for both railroads and highways; and that even though the applicant has been informed of this opinion, they have chosen to pursue the variance procedure to avoid any questions regarding this standard. Mr. Kilgore then responded to questions of the Board.

James Bradshaw of McDonald, Carano, Wilson, McCune, Bergin, Frankovich and Hicks, representing the Gavica family, appellants, displayed an aerial photograph depicting the location of the subject property and surrounding area, noting that the area is a scenic gateway to Washoe County and Reno from California, which is relatively pristine with very little housing development. He advised that Moya Lear, one of the adjacent property owners, has requested that he convey her message that she is confident that the Board will address the safety concerns presented this evening and will act appropriately to preserve the scenic view, the scenic corridor, and the environment of the area. He then commented that the fate of this issue was decided at about midnight by an exhausted Planning Commission and there are issues of public safety, health and welfare implicated here.

Peter Kraatz, Senior Geotechnical Engineer, Steffen, Robertson, and Kirsten (U.S.), Inc., representing the appellant, stated that he does not believe the findings for the project have been adequately met as the project is not physically suited as proposed; that published geologic maps show a modern landslide 36 acres in size that covers lots 1, 2, and 3 of the project, and he believes a geotechnical report needs to be done before homes are put on that property; and that these kinds of issues need to be addressed early on in any project. He displayed photographs and computer simulations of the subject property and discussed concerns regarding the noise abatement study, visual impacts to the scenic corridor, the provision for septic tanks for some of the lots, wildlife and wetlands impacts, shallow water table, close proximity to the Truckee River, subsoils in the area that allow little time for dilution or dispersion of septic discharge, impacts of incremental nitrate loading, and easements and access. Mr. Kraatz then responded to questions of the Board.

Barbara Santner, Landscape Architect and Planner, Jeff Codega Planning/Design, Inc., and member of the Washoe County Design Review Committee, addressed aesthetic aspects and presented several visual simulations depicting the impact of the grading plan, proposed slopes, etc. She stated that they are concerned about the large cut and fill slopes, primarily those visible from I-80 and believe there should be more mitigation of visual impacts than what is proposed; and that she has not seen any requirement for hillside adaptive architecture or specific standards for architecture and believes these issues should be reviewed by the Design Review Committee, as well as the fencing plan, tree protection standards, and exploration of alternative road designs and alignments. Ms. Santner further stated that she does not believe the project meets Finding No. 2 relative to consistency with the Verdi Area Plan, and Finding No. 3 that the site is suitable for the development and meets the requirements of the Hillside Ordinance.

She then responded to questions of the Board.

Mr. Bradshaw then discussed their objection to having a development along the railroad tracks and the visual impact of the project to the scenic corridor; that the issue should go back to the Verdi Citizen Advisory Board, noting that only 3 of seven members were in attendance when this item was on their agenda; that it is unknown when the sewer interceptor will go in; and that the applicant has no right or interest to the road they are showing in their plans.

Bill Thomas, Summit Engineering Corporation, representing the applicant, stated that the appeal is based on a 1994 staff report which was on a different project than the one being reviewed tonight; and that the findings and standards are different on a subdivision map than they are on an area plan map. He stated that the original zoning allowed a development potential up to 267 dwelling units and this subdivision consists of 85 lots on 513 acres; that the Verdi Area Plan encourages one or more acre lot sizes and waives the requirement for connection to community water and sewer systems and, although their lots average over 2.14 acres, they are providing a dryline sewer; that the Nevada Department of Environmental Protection has conditionally approved the project, and every regulating agency has reviewed these issues during their reviews and found the project to be in conformance with their policies and standards; that even though the Verdi Area Plan calls for the I-80 corridor to be a scenic corridor, there are no standards, rules, or guidelines that have been adopted, noting that the lots are significantly removed from I-80; that a wetlands specialist consultant has done a preliminary delineation and they designed around those wetlands, noting that the

document will be filed with the Corps of Engineers; that they have addressed access issues; that a noise level study was conducted and they are very comfortable that their 330 foot setback from the railroad will meet the County's noise level standard; and that they have designed a roadway that will be greater expense to the developer which has retaining walls on the uphill side so there is no fill on the downhill side and allows them to keep the existing trees on the slope.

Trygve Loken, Geotechnical Engineer, Summit Engineering, addressed issues relative to the landslide deposit area and advised that a cursory examination of geological maps and other available information does not indicate that the area might be active, but further study will need to be done; and that this process is in the preliminary stage and there is great flexibility and alternatives to move lots, roads, etc. as the process continues. Mr. Loken then responded to questions of the Board.

Chairman Bond opened the public hearing and called on those wishing to speak.

Jim Ludwig, representing Western States Management, stated that they own approximately 600 acres contiguous to the east side of this project and are strongly opposed to the fact that miles of roads have been drawn and designed on their property without permission or an owner's affidavit; that the road will never be allowed on their property as they are presently designing a golf course that interferes tremendously with that design; that they have invested a great deal of money in the property and in planning and design and are concerned that roads will be drawn on maps that will cost them a great deal of money to remove; that they are not opposing the development but are opposing their infrastructure roads going onto their property; and that their title company tells them that this situation creates a danger of clouding their title and interest in the property.

Upon the request of Commissioner Galloway, Mr. Kilgore advised that Condition 21 states that easements or offers of dedication for primary and secondary access roads shall be obtained prior to the first final map, and if those easements cannot be obtained, the lots will not be recorded and the applicants would have to redesign the tentative map and go through the approval process again; that lines drawn on a map do not convey any property rights on neighboring land; and that tentative maps are not recorded.

Tom Gallagher, Summit Engineering, commented that Western States property does not have access and they were basically acting in good faith to attempt to connect to an arterial. Mr. Ludwig explained where their property has ingress and egress and access to roads that connect to the freeway interchange.

Keith Meador, Meador Engineering, representing Moya Lear, stated that they are against the project for reasons of safety due to the proximity to the railroad tracks and the danger that would pose to children.

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

Chairman Bond stated that there are a lot of things to overcome on this project and staff has assured that nothing will go forward unless the applicants are able to secure the rights-of-way and address all the issues prior to recordation of the final map; and that she is grateful that the applicant has reduced the number of houses on the development.

Commissioner Shaw expressed his concern that there is no commitment from the Citizen Advisory Board that they favor the project. Chairman Bond commented that she shares this concern but there has not been a quorum on the Verdi CAB for months, which is not the developer's problem.

Further discussion commenced and Mr. Kilgore and Mr. Thomas responded to several questions of the Board relative to many of the issues raised. Upon inquiry of Commissioner Galloway, Mr. Thomas advised that they would be agreeable to going to the Design Review Committee on issues such as hilltop adaptive design and road cuts and fills, but requested that Ms. Santner, a member of that committee who has testified today against the project, not participate in that review. Legal Counsel Shipman stated that it would be clear that she would not be able to participate due to conflict of interest. Commissioner Galloway then discussed issues relative to the potential landslide area and Mr. Thomas advised that they would be submitting an additional geotechnical report to analyze that area.

Mr. Bradshaw reiterated that it is not prudent to put a development along the railroad tracks; and that issues regarding massive

road cuts and visual impact of the scenic corridor need to be addressed.

Following further discussion, based on the findings:

- (a) Plan Consistency. That the proposed tentative subdivision map is consistent with the Transition Process as established in Section 110.106.10 and as such is consistent with the goals, policies and action programs of the Transition Policy of the Washoe County Comprehensive Plan and the Truckee Meadows Regional Plan;
- (b) Design or Improvement. That the design and improvements of the proposed subdivision is consistent with the Verdi Area Plan - Land Use Plan as practically possible utilizing the Transition Policy of the Washoe County Comprehensive Plan;
- (c) Type of Development. That the site is physically suited for the type of development proposed;
- (d) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System in that a dry line sanitary sewer will be installed, and water rights will be secured prior to recordation of the final map;
- (e) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- (f) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- (g) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- (h) Access. That access will be provided to adjacent lands, which are United States Forest Service holdings, and a secondary access for emergency vehicles will be provided;
- (i) Dedications. That any land or improvements to be dedicated to the County is consistent with the goals, policies and action programs of the Verdi Area Plan and the Washoe County Comprehensive Plan;
- (j) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and
- (k) That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.
- (l) That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the appeal be denied and Tentative Subdivision Map Case No. TM10-17-97 with Site Review for Quilici Ranch Estates be approved subject to the following conditions to include language added to condition No. 60 that the Design Review Committee shall review environmental compatibility of hilltop design and the visual mitigation's of the road cuts and fills; and language added to condition No. 14 that further geotechnical study will be made prior to final map approval as to whether or not the identified landslide area is active.

CONDITIONS for TENTATIVE SUBDIVISION MAP CASE NO. TM10-17-97 for QUILICI RANCH UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER

THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

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

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF APPROVAL BY THE PLANNING COMMISSION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES.

NO FINAL MAP WILL BE SCHEDULED FOR A PLANNING COMMISSION MEETING DATE THAT IS LESS THAN SIXTY (60) DAYS FROM THE DATE OF THIS MANDATORY MEETING.

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

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

GENERAL CONDITIONS

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

The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code, Article 608 - Design Requirements. An advisory note shall be included on all final maps recorded for this subdivision that states the following information:

Regulatory Zone for Review Purposes	Common Open Space Development
Low Density Suburban	(Max. 1 unit/acre)
General Rural	(Max. 1 unit per 40 acres)
Minimum Lot Area Required	1 acre
Minimum Lot Width	120 feet
Minimum Front Yard	30 feet
Minimum Side Yard	12 feet
Minimum Rear Yard	30 feet
Maximum Building Height	35 feet or as limited in CC&Rs

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

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

3. Development shall be in substantial compliance with the provisions of the Article 408 of the Development Code. The permitted

exceptions to the Development Code allow: a minimum lot size of 1 acre, a minimum front and rear yard requirement of 30 feet, a minimum side yard requirement of 12 feet. Phases 1 through 5 shall not exceed the average gross density of one unit per 3.40 acres. Phases 6 and 7 shall not exceed the average gross density of one unit per 8.19 acres. Each final map shall contain a cumulative table of the above information. The Department of Community Development shall be responsible for determining compliance with this condition.

4. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed, approved, and recorded by the District Attorney's office. The final CC&Rs shall be signed, notarized by the owner(s) and submitted to the District Attorney's office with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs, be under the authority of the same homeowners association if one is created, and be under the authority of the same architectural control committee if one is created. Should subsequent phases not be subject to the original CC&Rs, an annexation document shall be submitted to the District Attorney's office and be subject to the same procedure as outlined for the original CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the property and the individual property owner's responsibilities for the funding of the maintenance, replacement, and perpetuation of the following items, at a minimum:

- a. Mandatory solid waste collection.
- b. Fence material, height, and location limitations.
- c. Maintenance of the public access easements, common areas, and common open spaces.
- d. Maintenance of detention basins and drainage facilities.
- f. Passive or natural heating or cooling opportunities.
- g. Maintenance of fire fuel breaks and vegetation mitigation / controls.

5. The applicant shall consult with the Washoe County Parks Department regarding the dedication of public trail easements.

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

NOTE

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

7. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map, the developer shall submit two copies of the archaeological/historical survey to the Department of Community Development. The Department of Community Development shall submit the surveys to the State Historic Preservation Office (SHPO) of the Department of Museums, Library and Arts and the applicable tribe for review. Following that review, the SHPO and the applicable tribe shall submit a letters to the Department of Community Development that indicate the survey was acceptable. Any required mitigation plans will be subject to the same review procedures.

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

NOTE

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

9. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District

formed by Washoe County. The applicable division of the Department of Public Works shall be responsible for determining compliance with this condition.

10. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Division and/or Engineering Division a complete set of reproducible 'as built' construction drawings prepared by a civil engineer registered in the State of Nevada.

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

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

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

14. A detailed geotechnical investigation shall address if the identified landslide area is active and, among other things, the stability of proposed 1.5:1 cut slopes and provide recommendations for mechanical stabilization.

15. All existing structures not conforming to lot setback requirements or other applicable codes shall be removed from any proposed lot.

16. The developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number, and

STREETS AND TRAFFIC

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

18. 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 said permit shall be submitted to the County Engineer.

19. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.

20. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet AASHTO site distances and safety guidelines. The County Engineer shall be responsible for determining compliance with this condition.

21. Easements for the construction and maintenance of primary and secondary access roads necessary to serve the project within railroad right-of-way, in a form acceptable to Washoe County, shall be obtained by the applicant prior to the approval of the first final map. Easements or "Offers of Dedication" for portions of primary and secondary access roads, in a form acceptable to Washoe County, through other affected properties shall be obtained prior to the approval of the first final map. The required easement width shall include, among other things, the area for intersection improvements at Crystal Peak Road meeting County

standards, cut and fill slopes, and associated storm drainage facilities required for the perpetuation of roadway and offsite drainage. The County Engineer shall be responsible for determining compliance with this condition.

22. With the approval of any lot not adjacent to "Quilici Ranch Road or Court (i.e. lots 39 thru 85), as a minimum, an emergency access road shall be designed and constructed which connects this development to the existing paved roadway near NDF fire station located at Garson Road. All necessary easements shall be offered to Washoe County. The County Engineer shall be responsible for determining compliance with this condition.

23. The primary access roadway (So. Verdi Road) from the westbound Highway 80 offramp to the project access road shall be reconstructed to meet County standards. Using the submitted traffic report data, the projected 2015 ADT will be in excess of 1000, therefore a collector standard roadway being 24 feet in width with 2 foot wide paved shoulders shall be constructed. A design level geotechnical investigation shall be performed to review the structural section of the existing roadway and shall provide recommendations for the required section needed to handle the projected traffic including construction traffic. Prior to the recordation of the 39th lot, these offsite roadway improvements shall be constructed or financial assurance guaranteeing the construction of said improvements shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

24. Documentation of existing access easements for existing offsite and proposed project roads within railroad right-of-way shall be provided to the County Engineer prior to the approval of the first final map. Any work within NDOT right of way shall require the approval of NDOT and a copy of the occupancy permit shall be provided to the County Engineer prior to the approval of the first affected final map. The County Engineer shall be responsible for determining compliance with this condition.

25. Eagles View Court exceeds 1500 feet in length, which requires a secondary access road. A secondary access, which can be an emergency access, shall be provided from the cul-de-sac to the Cone Peak Drive or other acceptable location. Alternatively, Eagles View Court may be redesigned to be no longer than 1500 feet. The County Engineer shall be responsible for determining compliance with this condition.

DRAINAGE

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

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

28. Prior to the finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

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

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

31. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.
32. The developer shall submit to the District Health Department a letter approving the proposed methods of erosion control and soil stabilization from the Washoe-Storey Conservation District.
33. For all subdivisions larger than five acres, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection (NDEP), and a copy of said permit shall be submitted to the County Engineer prior to construction. The Stormwater Pollution Prevention Plan, as approved by NDEP, shall be included with the construction improvement drawings.
34. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by the homeowners association. The County Engineer shall be responsible for determining compliance with this condition. The maintenance of the privately maintained drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
35. Prior to approval of any final map, building permit, or grading permit, the developer will furnish to the Engineering Division and Department of Community Development, written confirmation from the Steamboat Ditch Company that they have reviewed and approved any ditch crossings, protective fencing, or stormwater discharge facilities that may impact the ditch.
36. Prior to the approval of the first final map, a detailed hydrological and hydraulic analysis shall be prepared which identifies existing peakflow rates draining into and out of Steamboat Ditch. The report shall demonstrate that the developed drainage condition does not adversely affect peak flow, place and manner of discharge at the Steamboat Ditch and the railroad. No increase in runoff into Steamboat Ditch due to development based upon the 10 year, 24 hour storm event is allowed. Detention facilities and/or piping of runoff across Steamboat Ditch may be necessary. The County Engineer shall be responsible for determining compliance with this condition.
37. Prior to the approval of the first final map, a detailed analysis of Steamboat Ditch including detailed topographical information and geotechnical analysis of the ditch embankment shall be prepared and submitted to the County Engineer for review. Any embankment areas to be found substantially deficient in providing a reasonable level of protection to the downstream lots from embankment failure shall be identified and recommendations provided for structural mitigation.
38. Prior to approval of the first final map, a grading constraint map supported by and based upon a detailed hydrologic and hydraulic calculations and report shall be prepared by a licensed Engineer for lots 1 through 38. Said map shall clearly identify building envelopes and setbacks and building pad elevations within each lot required to perpetuate the peak discharge occurring during a 100 year storm event with a Steamboat Ditch embankment breach/failure.
39. Each affected final map and grading plan shall include the allowable building envelopes and pad elevations for each affected lot based upon the above grading constraint map
40. Each affected final map and the CC&R's shall include a disclosure statement, to the approval of the DA's office and the County Engineer, indicating that lots 1 through 38 are subject to flooding from overtopping or failure of Steamboat Ditch. The County Engineer shall be responsible for determining compliance with this condition
41. The full flow capacity of Steamboat Ditch shall be perpetuated under County roadways. The County Engineer shall be responsible for determining compliance with this condition.
42. Prior to the approval of each affected final map, the developer shall furnish to the Engineering Division, written confirmation of approval from the Steamboat Ditch Company stating that they have reviewed and approved roadway ditch crossings, protective fencing, and/or storm water discharge into the ditch.
43. Roadside ditches shall be designed to carry the 10 year runoff from the project roadways and be adequately protected against

erosion from runoff generated from up to a 100 year storm event. Mechanical stabilization of ditches (e.g. concrete lining or other approved erosion control measures, as approved by the County Engineer) shall be provided where velocities are in excess of those recommended for unlined channels. The County Engineer shall be responsible for determining compliance with this condition.

WATER AND WASTEWATER

44. Water rights in accordance with the Verdi Area Plan shall be dedicated to Washoe County. The water right must in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Utility Services Division.

45. Improvement drawings for on-site shall be in compliance with Washoe County Design Standards. The developer shall submit plans and specifications for the sanitary sewer collection system within the boundaries of the final map to the Utility Services Division for review and approval prior to the final map approval.

46. The developer shall construct and/or provide the financial assurances for the construction of the sanitary sewer collection facilities. The financial assurances must be in a form and amount accepted by the Utility Services Division prior to submittal of a final map.

47. The sanitary sewer collection system and necessary easements must be offered for dedication to Washoe County along with the recordation of the final map.

48. Sewer connection fees in accordance with Washoe County Ordinance shall be paid prior to the issuance of a sewer will serve letter.

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

50. A restrictive covenant to the benefit of Washoe County shall be recorded which states that the homeowner shall:

- a. connect to community sewer within 60 days of when it becomes available and,
- b. the on-site sewage disposal system must be properly abandoned in accordance with the Washoe County District Health Department.

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

- a. the estimated sewage flows generated by this project,
- b. projected sewage flows from potential or existing development within tributary areas,
- c. the impact on capacity of existing infrastructure.
- d. proposed collection line sizes, alignment, and maximum velocities, for the entire tentative map. This must be approved by the Utility Services Division prior to the first final map.

FIRE PROTECTION

52. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Nevada Division of Forestry. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof

material, sprinkling of structures, and spark arrestors in chimneys. Access and fire flows concerns shall be addressed prior to the introduction of any combustible materials to the site. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

53. The developer shall enter into talks with the Nevada Division of Forestry for any other requirements, such as, a fire station site, manpower and equipment needs, or for coordination with other developments that have similar requirements.

54. A complete fire flow water system capable of meeting the residential calculated fire flow requirements shall be installed prior to the delivery of combustible materials to the site. The Nevada Division of Forestry shall determine compliance with this condition.

55. All fire hydrant locations shall be reviewed and approved by the Nevada Division of Forestry and shall be in close proximity to streets so that snow accumulations at the hydrants can be removed during routine snow plowing operations.

56. A fuels modification plan for the entire acreage, including a property line 20 foot minimum fuel break shall be completed to the satisfaction of the Nevada Division of Forestry Resource Forester prior to approval of any final map.

57. All cut banks, slopes in excess of 2 : 1, drainage plans, creek crossings, and soil stabilization plans, shall be reviewed and approved by the Nevada Division of Forestry Resource Forester.

58. A Timberland Conversion Certificate is required prior to any ground disturbance. The Nevada Division of Forestry shall determine compliance with this condition.

LANDSCAPING AND HILLSIDE DESIGN

59. Prior to approval of the first final map, the developer shall submit the following plans and provisions for the common open space areas. The County Engineer and the Department of Community Development shall be responsible for determining compliance with this condition. The maintenance of the common open space shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

(a) Three-Year Maintenance Plan. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:

- (1) Vegetation management;
- (2) Watershed management;
- (3) Debris and litter removal;
- (4) Fire access and suppression;
- (5) Maintenance of public access and/or maintenance of limitations to public access; and
- (6) Other factors deemed necessary by the Planning Commission or the Board of County Commissioners.

(b) Permanent Preservation and Maintenance. Provisions shall be made for the permanent preservation and ongoing maintenance of the common open space and other common areas using a legal instrument acceptable to the County.

(c) Screening and Buffering of Adjoining Development. Provisions shall be made to assure adequate screening and buffering of existing and potential developments adjoining the proposed common open space development.

(d) Common Open Space Restrictions. Designated common open space shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.

60. The developer shall submit the following plans for review by the Design Review Committee:

- a. Slope Stability and Scarring Mitigation Plan, including cross sections and perspectives to illustrate mitigation of the cut and fill areas; and
- b. Revegetation Plan for cut and fill areas with slopes that are 3:1 or steeper. The DRC shall determine if the hilltop design is compatible with the environment.

61. To prevent the creation of a solid wall around the perimeter and to minimize the visual intrusion of fencing adjacent to prominent hillsides, any proposed fencing of individual lot lines adjacent to the common open space areas shall be limited to a consistent, semi-transparent fence. Examples include rod iron, horse-style (wood posts with heavy gauge wire), vinyl coated chain-link, or an acceptable alternative. Vegetative screening is allowed. Temporary, protective fencing is encouraged during the grading and construction stages, to minimize disturbance to existing vegetation and wildlife in the common open space areas.

98-410 APPEAL - VARIANCE CASE NO. V10-61-97 - QUILICI RANCH ESTATES - APN: 038-200-05, 11; 038-190-14; 038-260-15 - COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing dated April 30, 1998 mailed to affected property owners by the Department of Community Development to consider the appeal of the Planning Commission's approval of a variance to vary Section 110.414.05e, (Noise Abatement Near Highways and Railroads) of the Development Code to set an outside noise limit of 65 Ldn adjacent to railroad tracks. The property is located south of the I-80 Crystal Peak Road interchange. The +513.82-acre site is designated General Rural (GR) and Low Density Suburban (LDS) in the Verdi Area Plan and situated in portions of Sections 19, 20, and 29, T19N, R18E, MDB&M, Washoe County, Nevada.

Based on the findings:

1. That the provision of the Development Code to be varied is a typographical error that will be corrected in the next release of the Development Code;
2. That the variance is consistent with the Comprehensive Plan and the Verdi Area Plan;
3. That the variance will not create a detriment to the scenic or environmental character of the surrounding area;
4. That the finding of special circumstances does not apply since the code provision being varied is a typographical error;
5. That an adequate public facilities determination in accordance with Division Seven has been made;
6. That the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
7. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
8. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.
9. That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the appeal be denied and Variance Case No. V10-61-97 be granted.

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on May 1, 1998, to consider the Washoe County Planning Commission recommendation to amend the Southwest Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan, by adopting the South Virginia Corridor Specific Plan, and related changes to the area plan. The South Virginia Corridor Specific Plan covers approximately 363 acres of the Southwest Truckee Meadows planning area, and is planned for a variety of residential, civic, industrial, and agricultural uses. Adoption of the Specific Plan will amend land use designations in the area from the category of Specific Plan (SPA) and General Rural (GR) to General Commercial (GC), Office Commercial (OC), Medium Density Suburban (MDS), and Low Density Urban (LDU). The Specific Plan Area includes the following Assessor's Parcel Numbers: 44-300-1; 44-300-2; 44-300-4; 44-300-6; 44-300-9; 44-300-10; 44-300-11; 44-300-14; 44-300-15; 44-300-16; 44-300-17; 44-310-4; 44-310-5; 44-310-6; 44-310-7; 44-320-3; 44-320-4; 44-320-5; 44-320-6; 44-320-7; 44-320-8; 44-320-9; 44-320-10; 44-320-11; 44-320-12; 44-320-13; 44-320-15; 44-320-16; 44-320-17; 44-320-18; 44-320-19; 44-320-20; 44-320-21; 44-320-22; 44-420-23; 44-320-24; 44-320-26; 44-320-27; 44-320-28; 44-320-29; 44-320-30; 44-320-31; 44-320-32; 44-320-33; 44-320-35; 44-320-38; 44-320-40; 44-320-41; 44-320-42; 44-320-43; 44-320-45; 44-320-47; 44-320-48; 44-320-49; 160-082-01; 160-083-01; 160-083-02; 160-083-03; 160-084-01; 160-084-02; 160-084-03; 160-084-04; 160-084-05; 160-084-06; 160-084-07; 160-084-08; 160-084-09; 160-084-10, 160-070-01; 160-070-02; 160-070-03; 160-070-04; 160-070-05; 160-070-06; 160-070-07; 160-060-01; 160-060-02; 160-060-03; 160-060-04; 160-060-05; 160-060-06; 160-060-07; 160-060-08; 160-060-09; 160-060-10; 160-060-11; 160-060-12; 160-060-13; 160-060-14; 160-060-15; 160-060-17; 160-060-18; 160-060-19; 160-060-21; 160-060-22; 162-010-2; 162-010-3; 162-010-04; 162-020-1; 162-020-2; 162-020-3; 162-020-4; 162-020-5; 162-020-6; 162-020-7; 162-020-8; 162-020-9; 162-020-10; 162-020-11; 162-020-12; 162-020-13; 162-020-14; 162-020-15; 162-020-16; 162-020-17; 162-020-18; 162-020-19; 162-020-20; 162-020-21; 162-030-1; 162-030-2; 162-030-3; 162-030-4; 162-030-5; 162-030-6; 162-030-7; 162-030-8; 162-030-9; 162-030-10; 162-030-11; 162-030-12; 162-030-13; 162-030-14; 162-030-15; 162-030-16; 162-030-17; 162-030-18; 162-030-19; 162-030-20; 162-030-21; 162-030-22; 162-030-23; 162-030-24. The parcels are in Sections 8 and 17, T18N, R20E, MDM, Washoe County, Nevada. The overall residential density in the Specific Plan area would not exceed 3 dwellings per acre on the west side of South Virginia Street, and 10 units per acre on the east side of South Virginia Street. Administrative changes to the Southwest Truckee Meadows Area Plan are necessary to reflect the adoption of the South Virginia Corridor Specific Plan, including new text describing the specific plan, a revised Public Services and Facilities Map, a revised Development Suitability Map, and a revised table of land use acreage. Proof was made that due and legal notice had been given.

Dean Diederich, Planning Manager, Department of Community Development, provided background information and conducted a viewfoil presentation of the South Virginia Corridor Specific Plan. He advised that the land use designations are not traditional types of land uses in other portions of the County because one of the unique features of this specific plan is regulation of land use based on whether property is on the east side or west side of South Virginia Street; that the proposed plan is more of a compromise document rather than a true consensus document; and that the plan is co-terminus with the City of Reno's Sphere of Influence boundary but the City of Reno did not recommend adoption of their portion of the plan related to the Sphere of Influence area because of questions relative to what would be appropriate development standards on the west side. A discussion commenced relative to issues regarding the City of Reno's Sphere of Influence and adopted annexation program in the subject area, and Mr. Diederich responded to questions of the Board.

Chairman Bond opened the public hearing and called on those wishing to speak.

Vincent Swinney, representing Sierra Manor Homeowners Association, spoke in support of the proposed specific plan and stated that they would like the Board to strongly support only the present sphere of influence boundaries.

Bill Brush, Sierra Manor Subdivision, stated that they are anxious to keep the rural atmosphere on the west side and urged the Board to vote for approval of the existing proposed plan amendment; and that if there are changes they would like to see the sphere of influence moved back to the east side of the freeway.

Peg O'Malley, Vice-President, South Hills Homeowners Association, stated that they support the specific plan as it is currently written; and that she would not want the City's sphere of influence moved beyond its present boundary on the west side.

Dr. Ricciardi, Sierra Manor resident, advised that they live at the edge of the sphere of influence and want to keep it that way; that they had to put in their own wells and septic systems at a cost of several thousand dollars; and that they think Washoe County is doing a better job for the community than the City of Reno.

Commissioner Galloway noted that sphere of influence decisions are decided at the Regional Planning Commission and the County has only three votes on that commission and has not been very successful in holding back increases in the Reno sphere of influence; and that the citizens who want to make their wishes known about this issue need to attend those meetings.

Ellen Steiner, Vice Chair of the Southwest Truckee Meadows Citizen Advisory Board, advised that they recommend approval of the Specific Plan as submitted without any changes and urge that the Board approve the plan so everyone can move forward; and that when the CAB voted to recommend approval of the plan, it did so with the understanding that the sphere of influence would remain unchanged, and subsequently found out at the joint workshop that the City had no intention of honoring that commitment. She then reviewed background information and issues that came forth during the process and stated that as far as they are concerned the main reason for the City's refusal to approve this plan was because they wished to move the sphere line to the west side of South Virginia Street. Ms. Steiner stated that it is not their intent to jeopardize the conclusion of the South Virginia Corridor Plan process at this time and respectfully request the Board's approval of this amendment, but that given the wishes of some of the commercial property owners to desphere and the obvious wishes of 99% of the adjacent residents not to be included in the sphere, they would request that at a later time the Commissioners consider preparing a 1999 plan amendment to move the sphere eastward to the freeway thus encompassing the entire specific plan area under the auspices of the County.

Marge France, President, Hidden Valley Homeowners Association; John Malone, Valerie Truce, Jeannette Porter, area residents; and another property owner in the area spoke in support of the amendment. Rusty Crook, area resident, stated that he is not sure what side he is on although he voted to support the plan as a member of the CAB because of the many hours of meetings that were held and recognizing that there needs to be some guidelines, but also feels that government does not have the right to tell people what they can and cannot do with their land.

Stephen Mollath, attorney representing South Hills Development Company, stated that they are against adoption of the plan at this time because the process has not been from the standpoint of the commercial property owners, noting that they understand the concerns of the people to the west and their desire to keep that property as rural as possible. He discussed his letter of May 4, 1998 in which three basic concerns are set forth, being (1) the inconsistent regulations that are about to happen between the east and west side and between the City and the County as to whether the City is going to expand the sphere or stay where they are, and it would be appropriate to determine where that sphere is going to be before the specific plan is adopted, (2) adoption of the western theme for this area, pointing out that there is no other area in Washoe County where a commercial theme has been adopted and there are questions of the legality of imposing this, and (3) the different standards that are applicable to the east and west side. He stated that the changes and discussions they would like considered with regard to height and uses will have a huge difference on the economic impact to the commercial property users along south Virginia Street, but will not create any substantial impact to the people on the west side.

Jeff Codega, Jeff Codega Planning/Design, Inc., representing South Hills Development Company, reviewed the history of the process and stated that there was not any meaningful discussion of the real issues and alternative viewpoints and solutions; that what they wanted to do was add some standards to this plan that are more performance related rather than approaching something like building height; that the main focus of discussion at the CAB was that they don't want the City's sphere of influence moving, and that focus precluded meaningful debate and discussion on other issues; that Virginia Street is a very important regional roadway of the entire community and not just the people who live in that area, and it makes sense to have complimentary and similarity in uses and standards on the east and west side; that from their client's perspective, it is felt that this has been a situation of them giving and the neighbors receiving, with no meaningful discussion about balancing these issues to come closer to a win/win situation; and that they do not believe that the document before the Board tonight is particularly good for the neighbors either. Mr. Codega responded to questions of the Board and advised that they would like to have a little more time to work out these issues.

Chairman Bond asked whether these proposals have already been presented and rejected. Mr. Mollath advised that suggestions were

made in the planning process, but they were not really focused on; that they are only talking about changes in height, hours of service and operation along Virginia Street, some of the land uses, and a blending of height and buffering on the west side; and that they could present some very focused and pointed issues within ten days so that everyone would understand their issues.

Commissioner Camp commented that she attended the CAB meeting when the final approval of this plan was made, and the reason the CAB lost their willingness for any more changes was because they felt betrayed in the process by losing the east side.

Ben Farahi, South Hills Development Company, stated that they are not asking for anything they do not already have on their property; that they have not been involved in the process of writing this document; and that the height limit was reduced from 85 to 35 feet approximately five years ago without any notification to the property owners by direct mail that this change was happening, and they are trying through this process to get some of that height limit back.

Bob Shepherd, representing one of the property owners in the subject area, stated that they have owned a small piece of commercial property in the subject area for over 100 years that has a highest and best use currently of general commercial, and they would like to retain that zoning.

Ellen Steiner commented that suggestions made by the opponents relative to height, standards, etc. were presented from day one of the process and have been considered; that from the CAB point of view all these arguments have been heard; and nothing will be gained by prolonging the process.

Chairman Bond closed the public hearing.

Commissioner Galloway stated that he doesn't doubt that these issues have been heard by the CAB, but this is the first chance the South Hills Development representatives have had to present their issues to this Board; and that the two sides are probably never going to agree, but he would prefer to see the opponent's presentation compared to what the CAB wants and have input from planning staff and legal counsel.

Mr. Diederich responded to issues raised by the opposition and responded to questions of the Board advising that there is nothing pressing at the moment that would preclude continuation of this item.

Commissioner Camp stated that she believes she understands what the people in the South Valleys are interested in having for their area and has committed to supporting their plan; and that she feels it should move forward the way it is.

Commissioner Mouliot stated that he thinks there should be some kind of consensus, if possible, and noted that if there is continued controversy over building height, etc. he believes the property owners are setting themselves up for a tremendous tax increase with the annexation that he believes will be occurring.

Commissioner Shaw stated that he realizes 2.5 years is a long time to discuss an issue, but he is willing to allow a couple of weeks for the opposition to provide their proposals for the Board's consideration to assure that all issues have been carefully considered before the Board takes action.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Camp voting "no," Chairman Bond ordered that this item be continued to the regular meeting of May 26, 1998; and that the South Hills Development Company representatives present their list of requested changes to County planning staff for review prior to that meeting.

98-412 COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENT - SOUTH VALLEYS WATER RESOURCES POLICIES - WATER RESOURCES

Katy Simon, Interim County Manager, advised that some discussion was held on this item at yesterday's caucus meeting; that the South Valleys group has requested that this item be continued; and that staff is prepared to continue this matter if the Board directs.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that this matter be continued.

98-413 AFFIDAVIT OF WAIVER AND CONSENT - REDISTRIBUTE ASSESSMENTS - SPECIAL ASSESSMENT DISTRICT NO. 23 (ARROWCREEK) - UTILITY SERVICES DIVISION

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the Affidavit of Waiver and Consent to redistribute SAD 23 assessments be accepted and the Manager of the Utility Services Division be directed to record the Affidavit with the County Recorder's Officer.

98-414 TRANSFER OF APPROPRIATION AUTHORITY - GENERAL FUND CONTINGENCY ACCOUNT - PARKS (SKYFIRE 1998)

Upon recommendation of Jerry McKnight, Director of Budget and Finance, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the following transfer of appropriation authority from the General Fund contingency account to cover the cash grant of \$8,000 for Skyfire, 1998 be approved:

DECREASE ACCOUNT	DESCRIPTION	AMOUNT
001-1896-7328	Contingency	\$8,000.00
INCREASE ACCOUNT	DESCRIPTION	AMOUNT
001-14051-7360	Rancho San Rafael-Promotion/Project Setup	\$8,000.00

98-415 TRANSFER OF APPROPRIATION AUTHORITY - GENERAL FUND CONTINGENCY ACCOUNT - PUBLIC WORKS - JUNIPER HILLS SUBDIVISION BRIDLE PATHS

Upon recommendation of Jerry McKnight, Director of Budget and Finance, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the following transfer of appropriation authority from the General Fund contingency account for fence construction in the Juniper Hills Subdivision, Bridle Paths, be approved:

DECREASE ACCOUNT	DESCRIPTION	AMOUNT
001-1896-7328	Contingency	\$28,000.00
INCREASE ACCOUNT	DESCRIPTION	AMOUNT
001-1601-7861	General Fund Public Works Projects	\$28,000.00

98-416 TRANSFER OF APPROPRIATION AUTHORITY - GENERAL FUND CONTINGENCY ACCOUNT - VARIOUS DEPARTMENTS

Upon recommendation of Jerry McKnight, Director of Budget and Finance, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the following transfer of appropriation authority from the General Fund contingency account to cover the cost of an increase in negotiated benefits for employees living and working in the Incline or Gerlach services areas be approved:

DECREASE ACCOUNT	DESCRIPTION	AMOUNT
001-1896-7328	Contingency	\$127,263.00
INCREASE ACCOUNT	DESCRIPTION	AMOUNT

001-10414-70185	Clerk	\$ 2,500.00
001-11582-70185	Building Inspection	\$12,504.00
001-1305-70185	Library	\$12,504.00
001-15061-70185	Sheriff - Detectives	\$ 5,412.00
001-15062-70185	Sheriff - Detectives	\$ 2,706.00
001-15081-70185	Sheriff - Patrol	\$59,127.00
001-15082-70185	Sheriff - Patrol	\$12,504.00
001-152448G-70185	Sheriff - Student Liaison Grant	\$ 2,500.00
001-1654-70185	Roads	\$17,506.00

98-417 RESOLUTION - SETTING PUBLIC HEARING - ACQUISITION AND IMPROVEMENT OF STREET PROJECT - SPECIAL ASSESSMENT DISTRICT NO. 26 - MATTERHORN DRIVE

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

RESOLUTION NO. 98-417

A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT A CERTAIN PROJECT FOR THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, TO BE KNOWN AS WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 26 (MATTERHORN DRIVE); SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe in the State of Nevada, duly adopted and approved has directed the Director of the Department of Public Works (the "Engineer") to file with the County Clerk certain preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, all in connection with the acquisition, pursuant to Chapter 271, Nevada Revised Statutes, of a street project, as hereinafter more specifically described (the "Street Project" or "Project"); and

WHEREAS, pursuant to such direction and with such modification in the details of the Project as was deemed necessary and as is consistent with the provisions of this resolution, the Engineer on the 12th day of May, 1998, filed with the Clerk of the County, in connection with said improvements, and with the proposed Washoe County, Nevada, Special Assessment District No. 26 (Matterhorn Drive), the following:

(A) Preliminary plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;

(B) A preliminary estimate of the total cost of the Project and of each type of construction, the estimate being made on a lump sum, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof;

(C) An assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on a per lot basis, as hereafter described and with an equitable adjustment having been

made for any tract or parcel not specially benefited in direct proportion to the percentage applicable to that tract or parcel under the per lot method used so that assessments according to benefits will be equal and uniform; and

(D) The Engineer's Report to the Board of County Commissioners on Benefits as to the method of determining benefits and explaining the adjustments and the per lot method of assessment; and

WHEREAS, the Board has examined said plans, assessment plat, including the addendum thereto, a typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits and Engineer's Report so filed with said Clerk and has found and does hereby declare the same to be satisfactory in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA: that the Board shall and hereby does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits and the estimate of maximum benefits to be assessed against each tract or parcel of land in the assessment area.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES RESOLVE FURTHER AND SHALL, AND HEREBY DOES, PROVISIONALLY ORDER:

Section 1. The improvement district shall be designated "Washoe County, Nevada, Special Assessment District No. 26 (Matterhorn Drive)" (the "District").

Section 2. The Project shall be acquired at an estimated preliminary total cost of \$660,000, including engineering, legal, and incidental expenses as more particularly hereinafter set forth and as described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the office of said County Clerk and at the office of the Engineer.

Section 3. The District shall constitute one assessment unit for purposes of remonstrance, construction and assessment. The boundaries of the District and such unit shall be as designated in the form of notice set forth in Section 4 of this resolution. The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 4 of this resolution.

Section 4. On June 9, 1998 at 7:00 p.m. at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada (i.e., a time at least 20 days after the adoption of this resolution), the Board of County Commissioners will consider the ordering of the Project and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing concerning the same by the owners of the property to be assessed or any person interested. The owners of the property to be assessed or any other persons interested therein may file a written protest or objection and may appear before the Board and be heard as to the propriety and advisability of making such improvements as to the estimated cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against the property to be improved. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, postage prepaid, as first-class mail to each of such property owners at his last-known address, the names and addresses of such property owners to be obtained from the records of the County Assessor or from such other sources as the County Clerk or the Engineer deem reliable. Any such list of names and addresses may be revised from time to time but such list need not be revised more frequently than at twelve-month intervals. If a mobile home park is located on one or more of the tracts to be assessed, the notice must be given to the owner of the tract and each tenant of that mobile home park. Notice shall also be given by posting in three public places at or near the site of the Project at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall be made by the affidavit of the County Clerk or of the Engineer, such proof to be filed with the County Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment nor any other of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by publication in the Reno Gazette-Journal, a daily newspaper published in Reno and of general circulation in Washoe County, Nevada, once each week for three (3) consecutive weekly publications, by three (3) weekly insertions, the first publication in such newspaper to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first publication and the last publication in such newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk. The proof of

publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the County Clerk until all the assessments appertaining to the District shall have been paid in full as to principal, interest and any penalties or collection costs. The notice shall be in substantially in the form as outlined.

Section 5. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the Washoe County, Nevada, Special Assessment District No. 26 (Matterhorn Drive) be, and the same hereby are, ratified, approved and confirmed.

Section 6. The officers of the County are directed to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8. The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 9. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

98-418 RESOLUTION - SETTING PUBLIC HEARING - ACQUISITION AND IMPROVEMENT OF STREET PROJECT - SPECIAL ASSESSMENT DISTRICT NO.27 - OSAGE RD/PLACERVILLE RD

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

RESOLUTION NO. 98-418

A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT A CERTAIN PROJECT FOR THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, TO BE KNOWN AS WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 27 (OSAGE ROAD/PLACERVILLE ROAD); SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe in the State of Nevada, duly adopted and approved has directed the Director of the Department of Public Works (the "Engineer") to file with the County Clerk certain preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, all in connection with the acquisition, pursuant to Chapter 271, Nevada Revised Statutes, of a street project, as hereinafter more specifically described (the "Street Project" or "Project"); and

WHEREAS, pursuant to such direction and with such modification in the details of the Project as was deemed necessary and as is consistent with the provisions of this resolution, the Engineer on the 12th day of May, 1998, filed with the Clerk of the County, in connection with said improvements, and with the proposed Washoe County, Nevada, Special Assessment District No. 27 (Osage Road/Placerville Road), the following:

- (A) Preliminary plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;
- (B) A preliminary estimate of the total cost of the Project and the cost of each Unit (as described below) and of each type of construction, the estimate being made on a lump sum, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof;
- (C) An assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels" or "Preliminary Assessment

Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on a per lot basis for the Unit, as hereafter described and with an equitable adjustment having been made for any tract or parcel not specially benefited in direct proportion to the percentage applicable to that tract or parcel under the per lot method used so that assessments according to benefits will be equal and uniform; and

(D) The Engineer's Report to the Board of County Commissioners on Benefits as to the method of determining benefits and explaining the adjustments and the per lot method of assessment; and

WHEREAS, the Board has examined said plans, assessment plat, including the addendum thereto, a typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits and Engineer's Report so filed with said Clerk and has found and does hereby declare the same to be satisfactory in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA: that the Board shall and hereby does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits and the estimate of maximum benefits to be assessed against each tract or parcel of land in the assessment area.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES RESOLVE FURTHER AND SHALL, AND HEREBY DOES, PROVISIONALLY ORDER:

Section 1. The improvement district shall be designated "Washoe County, Nevada, Special Assessment District No. 27 (Osage Road/Placerville Road)" (the "District").

Section 2. The Project shall be acquired at an estimated preliminary total cost of \$139,000 for Unit 1 as described below and \$109,000 for Unit 2 as described below, including engineering, legal, and incidental expenses as more particularly hereinafter set forth and as described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the office of said County Clerk and at the office of the Engineer.

Section 3. The District shall constitute two assessment Units for purposes of remonstrance, construction and assessment. The boundaries of the District and such Units shall be as designated in the form of notice set forth in Section 4 of this resolution. The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 4 of this resolution.

Section 4. On June 9, 1998 at 7:00 p.m. at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada (i.e., a time at least 20 days after the adoption of this resolution), the Board of County Commissioners will consider the ordering of the Project and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing concerning the same by the owners of the property to be assessed or any person interested. The owners of the property to be assessed or any other persons interested therein may file a written protest or objection and may appear before the Board and be heard as to the propriety and advisability of making such improvements as to the estimated cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against the property to be improved. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, postage prepaid, as first-class mail to each of such property owners at his last-known address, the names and addresses of such property owners to be obtained from the records of the County Assessor or from such other sources as the County Clerk or the Engineer deem reliable. Any such list of names and addresses may be revised from time to time but such list need not be revised more frequently than at twelve-month intervals. If a mobile home park is located on one or more of the tracts to be assessed, the notice must be given to the owner of the tract and each tenant of that mobile home park. Notice shall also be given by posting in three public places at or near the site of the Project at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall be made by the affidavit of the County Clerk or of the Engineer, such proof to be filed with the County Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment nor any other of the proceedings hereunder. Notice of the time and place of such hearings shall also be given by publication in the Reno Gazette-Journal, a daily newspaper published in Reno and of general circulation in Washoe County, Nevada, once each week for three (3) consecutive weekly publications, by three (3) weekly

insertions, the first publication in such newspaper to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first publication and the last publication in such newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk. The proof of publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the County Clerk until all the assessments appertaining to the District shall have been paid in full as to principal, interest and any penalties or collection costs. The notice shall be in substantially the form as outlined.

Section 5. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the Washoe County, Nevada, Special Assessment District No. 27 (Osage Road/Placerville Road) be, and the same hereby are, ratified, approved and confirmed.

Section 6. The officers of the County are directed to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8. The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 9. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

98-419 RESOLUTION - TRANSFERRING 1998 VOLUME CAP - HUMAN SERVICE COORDINATOR

Upon recommendation of Mike McMahon, Humans Services Coordinator, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute:

RESOLUTION - Authorizing The Transfer Of \$610,202 Of Washoe County's 1998 Volume Cap (As Provided In NRS 348a.010) To The Director Of The Department Of Business And Industry

WHEREAS, Washoe County, a political subdivision of the State of Nevada, (hereinafter "County") is authorized by the County Economic Development Revenue Bond Law now constituting Nevada Revised Statute (NRS) 244A.669 to 244A.763, inclusive, to issue revenue bonds to finance, inter alia, one or more projects which promote the social welfare of the residents of the County by financing the acquisition, development, construction, improvement, expansion and maintenance of affordable housing in Washoe County; and

WHEREAS, In accordance with the provisions of Chapter 348A of the Nevada Revised Statutes, as amended, and regulations adopted thereunder by the Director of the Department of Business and Industry (NAC 348A.010 to 348A.300, inclusive, as such regulations may be amended from time to time), Nevada's State Ceiling for each calendar year is allocated 50% to the Director and 50% to the local governments, with the local governments' share being allocated between cities and counties on the basis of population; and

WHEREAS, In accordance to the provisions of NRS 348A.010 to 348A.040, inclusive, and the regulations issues thereunder and referred to herein, the Director of the Department of Business and Industry has determined that the County's share of the Nevada State Ceiling ("Volume Cap") for 1998 is \$3,486,108; and

WHEREAS, the County desires to facilitate the development of affordable housing in the region; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that \$610,202 of the County's Volume Cap as referenced herein is hereby transferred to the Director of the Department of Business and Industry on the condition that said amount of Volume Cap be transferred to the Nevada Housing Division and that the Division use it for the Spanish Hills Apartment affordable housing project with the appropriate match from the State's Volume Cap pool; and be it further

RESOLVED, By the Board of Commissioners of Washoe County that if for any reason bonds for the Spanish Hills Apartments affordable

housing project are not issued prior to the tax year end (December 31, 1998), the Board of County Commissioners requests that the State Housing Division carry the Volume Cap forward to prevent its loss. Further, in the event that the Cap is unable to be used for the named project for whatever reason the Board of County Commissioners asks that the Volume Cap be carried forward by the State Housing Division for another multi-family project in Washoe County; and be it further

RESOLVED, By the Board of Commissioners of Washoe County that County staff be directed to forward a copy of this Resolution to the Director of the Department of Business and Industry and to the Secretary of the State Board of Finance and that staff is authorized to provide and execute the transfer of said Volume Cap as provided herein.

98-420 RESCIND BCC MINUTE ITEM - RESOLUTION - PETTY CASH FUND- INTENSIVE SUPERVISION UNIT - JUVENILE SERVICES

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Board of County Commission Minute Item No. 98-98 (dated February 10, 1998) be rescinded. It was further ordered the revised resolution for establishing a Petty Cash Fund for the new "Intensive Supervision" Unit of the Department of Juvenile Services be adopted and Chairman Bond be authorized to execute:

RESOLUTION- Establish A Petty Cash Fund In The Amount Of \$200 For The New "Intensive Supervision" Unit Of The Department Of Juvenile Services

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund Petty Cash fund accounts; and

WHEREAS, the Department of Juvenile Services has requested the establishment of a Petty Cash fund of \$200.00 to assist in the administration of the new "Intensive Supervision" Unit.

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

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$200.00 Petty Cash fund for the Department of Juvenile Services.
2. That the above mentioned \$200.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said Petty Cash be used exclusively for youth outings and recreational activities related to the Department of Juvenile Services.
4. That the Director of Juvenile Services shall henceforth be held accountable for the Petty Cash fund authorized by this resolution.
5. That each transaction shall be accounted for and charged to Juvenile Services Recreation Account (1271-7266). Additionally, the Petty Cash Fund shall be audited and balanced on a monthly basis.
6. That the maximum dollar amount of any single expenditure shall not exceed \$200.00.
7. That the County Clerk is directed to distribute copies of this resolution to the Washoe County Treasurer, Comptroller, the Department of Juvenile Services and the Nevada Department of Taxation.

* * * * *

It was noted that the Nevada Department of Taxation requested that BCC Item No. 98-98 be revised to more accurately reflect the provisions of NRS 354.609; and that the revised resolution has been reviewed by the District Attorney's Office and found to meet

the statutory criteria for establishing a petty cash fund.

98-421 INCLINE VILLAGE #1 WATER QUALITY IMPROVEMENT PROJECT - TRPA WATER QUALITY MITIGATION FUND - RESOLUTION - NEVADA TAHOE BOND ACT- PUBLIC WORKS

Upon recommendation of Kimble Corbridge, Engineering Division, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following actions be taken:

1. The Incline Village #1 Water Quality Improvement Project be approved in concept.
2. Staff be authorized to request \$215,000 from Washoe County's TRPA Water Quality Mitigation Fund for design and construction of the project.
3. The following Resolution requesting \$935,000 from the Nevada Tahoe Bond Act be adopted and Chairman Bond be authorized to execute; and the Director of Public Works be appointed as agent for the County.
4. Chairman Bond be authorized to approve and accept the grant from the Nevada Tahoe Bond Act if offered.

RESOLUTION - Approving The Application For State Bond Erosion Control Funds - Incline Village #1 Water Quality Improvement Project

WHEREAS, the County of Washoe is submitting an application to the Division of State Lands (DIVISION) for financial assistance; and

WHEREAS, the Nevada Tahoe Conservation District has been assigned the administration of the program and the setting up of necessary procedures governing the program; and

WHEREAS, the adopted procedures established by the DIVISION require that the applicant must certify by resolution the approval of proposed project, application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said applications to the DIVISION.

NOW THEREFORE, BE IT RESOLVED that the proposed INCLINE VILLAGE #1 WATER QUALITY IMPROVEMENT PROJECT is approved for implementation;

BE IT FURTHER RESOLVED that the County of Washoe does hereby certify that said agency can finance 100% of their share of the project.

BE IT FURTHER RESOLVED that the Board of County Commissioners does hereby appoint the Director of Public Works as agent of the County of Washoe to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, and so on which may be necessary for the completion of the above project.

98-422 SKI WAY WATER QUALITY IMPROVEMENT PROJECT - RESOLUTION - NEVADA TAHOE BOND ACT - PUBLIC WORKS

Upon recommendation of Kimble Corbridge, Engineering Division, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Resolution to request \$350,000 from the Nevada Tahoe Bond Act be adopted and Chairman Bond be authorized to execute. It was further ordered that the Director of Public Works be appointed as agent for the Board; and that Chairman Bond be authorized to approve and accept the grant from the Nevada Tahoe Bond Act if offered.

RESOLUTION - Approving The Application For State Bond Erosion Control Funds - Ski Way Water Quality Improvement Project

WHEREAS, the County of Washoe is submitting an application to the Division of State Lands (DIVISION) for financial assistance; and

WHEREAS, the Nevada Tahoe Conservation District has been assigned the administration of the program and the setting up of necessary procedures governing the program; and

WHEREAS, the adopted procedures established by the DIVISION require that the applicant must certify by resolution the approval of proposed project, application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said applications to the DIVISION.

NOW THEREFORE, BE IT RESOLVED that the proposed SKI WAY WATER QUALITY IMPROVEMENT PROJECT is approved for implementation;

BE IT FURTHER RESOLVED that the Board of County Commissioners do hereby certify that said agency can finance 100% of their share of the project.

BE IT FURTHER RESOLVED that the Board of County Commissioners does hereby appoint the Director of Public Works as agent of the Board of County Commissioners to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, and so on which may be necessary for the completion of the above project.

98-423 AWARD OF CONSTRUCTION BID - HOWARDS CREEK DIVERSION IMPROVEMENTS - UTILITY SERVICES

This was the time to consider award of construction bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on April 20, 22, 24, 27, and 28, 1998 for construction of the Howards Creek Diversion Improvements for the Utility Services Division of the Department of Water Resources. Proof was made that due and legal Notice had been given.

The following bids were received:

Engineer's Estimate	\$396,800.00
Contractor	Bid
A & K Earth Movers, Inc.	\$276,669.00
Mike's Trenching, Inc.	\$306,740.00
Gerhardt & Berry Const., Inc.	\$346,240.50
K.G. Walters Const. Co., Inc.	\$376,977.00
Pacific Mechanical Corp.	\$398,516.00

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for construction of Howards Creek Diversion Improvements be awarded to A & K Earth Movers, Incorporated, the lowest responsible, responsive bidder, in the amount of \$276,669.00, and Chairman Bond be authorized to execute the contract documents upon presentation. It was further ordered that the Utility Services Manager be authorized to issue the Notice to Proceed.

98-424 AWARD OF BID - 1997/98 SLURRY SEAL OF SELECTED STREETS IN TRUCKEE MEADOWS AREA - ENGINEERING

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 April 16 and 23, 1998, for the 1997/98 Slurry Seal of Selected Streets in the Truckee Meadows area for the Engineering Division of the Public Works Department. Proof was made that due and legal Notice had been given.

The following is a summary of the base bid and alternates No. 1 through 4:

Engineer's Estimate	\$852,000.00
Contractor	Bid

Granite Construction Company	\$681,681.00
California Pavement Maintenance	\$785,945.00
Valley Slurry Seal	\$899,590.65

Upon recommendation of Greg Belancio, Engineering Division, through David Roundtree, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the bid for 1997/98 slurry seal of selected streets in the Truckee Meadows Area of Washoe County be awarded to the low bidder, Granite Construction Company, for the Base bid and Alternates No. 1 through 4 in the amount of \$681,681 and Chairman Bond be authorized to execute the contract when presented.

98-425 PURCHASE AGREEMENT - SATELLITE OFFICE SPACE - MEDIUM TERM FINANCING - CHILD PROTECTIVE SERVICES

Upon recommendation of Lisa Gianoli, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the purchase agreement between Washoe County and Wildcreek Development L.L.C. in the amount of \$675,000 for units 405 and 406 in Building C2 of Wildcreek Development Office Condominiums Building, for 5,060 square feet to be used for satellite office space for Child Protective Services, be approved and Chairman Bond be authorized to execute. It was further ordered that the Finance Division be directed to proceed with the process and necessary notification to secure medium term financing for the purchase.

98-426 BILL NO. 1194 - AMENDING WCC CHAPTER 5 - MERIT PERSONNEL

Bill No. 1194 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF THE MERIT PERSONNEL ORDINANCE RELATING TO OVERTIME COMPUTATION, CAREER INCENTIVE, MINIMUM PASSING SCORES, ELIGIBLE LISTS, VACATION ACCRUAL, USE OF SICK LEAVE, LEAVES OF ABSENCE, ANNIVERSARY DATES, AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Shaw, the title read to the Board, and legal notice for final action of adoption directed.

98-427 BILL NO. 1195 - AMENDING WCC CHAPTER 110 - DEVELOPMENT CODE - OFF-PREMISE SIGNS

Mike Harper, Special Projects Manager, reviewed background information regarding this item.

Bill No. 1195 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING, ADDING AND AMENDING PROVISIONS RELATING TO OFF-PREMISE SIGNS TO CHANGE REFERENCES FROM PRE-MAY 26, 1993 ZONING DESIGNATIONS TO CURRENT REGULATORY CLASSIFICATIONS THAT ARE COMPARABLE; TO CHANGE THE PARALLEL ALIGNMENT OF BACK-TO-BACK BILLBOARDS TO AN ALLOWED "VEE" ALIGNMENT OF NO MORE THAN TWENTY (20) DEGREES; TO CHANGE THE ENFORCEMENT AGENCY FROM THE BUILDING AND SAFETY DIVISION TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT; TO CHANGE THE ORGANIZATION AND NUMBERING OF THE REGULATIONS TO CONFORM WITH THE CURRENT DEVELOPMENT CODE FORMAT; TO CHANGE THE SIZE OF BILLBOARDS FROM 480 SQUARE FEET TO 672 SQUARE FEET; TO CHANGE THE PURPOSE OF THE REGULATIONS TO REFLECT BENEFICIAL ASPECTS OF BILLBOARDS; TO CHANGE THE DISTANCE OF BILLBOARDS FROM A CIRCUMFERENCE MEASUREMENT TO A LINEAR MEASUREMENT; TO ADD TOURIST COMMERCIAL REGULATORY ZONE AS A PERMISSIBLE LAND USE FOR THE ERECTION OF A BILLBOARD; TO ADD A PROVISION THAT LIMITS THE MAXIMUM NUMBER OF BILLBOARDS TO 125; TO ADD DEFINITIONS OF CUT-OUT, REPAIR AND RECONSTRUCTION; TO ADD PROVISIONS FOR THE RECONSTRUCTION OF NONCONFORMING BILLBOARDS; TO ADD PROVISIONS TO PERMIT CUT-OUTS; TO CREATE A SEPARATE ARTICLE, ARTICLE 502, FOR OFF-PREMISE SIGN REGULATIONS; TO DELETE THE PROVISIONS FOR A RETENTION PERMIT; TO DELETE THE PROVISIONS FOR AMORTIZATION OF NONCONFORMING BILLBOARDS; TO DELETE BOYNTON LANE AND E. 2ND STREET FROM PERMISSIBLE ROADWAY SEGMENTS LIST AND CLARIFY THAT THE PORTION OF I-580 SOUTH OF THE NORTHERN MOST INTERSECTION OF U.S. 395/INTERSTATE 580 AND SOUTH VIRGINIA STREET (NDOT STRUCTURE NUMBER I-1799 AT MILE POST IR-580-WA-21.64) IS NOT A PERMISSIBLE ROADWAY SEGMENT, AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Mouliot, the title read to the Board, and legal notice for final action of adoption directed.

98-428 UNCOLLECTIBLE PERSONAL PROPERTY ACCOUNTS - PERSONAL PROPERTY TAX ROLLS - COMPTROLLER

Katy Simon, Interim County Manager, provided information in response to questions asked at yesterday's caucus meeting regarding this item and advised that the Collections Division has indicated that they would be willing to look at pursuing additional

collection efforts for these accounts; that she spoke with Bill Berrum, Treasurer, and they would propose doing a continuous improvement project to see if improvement can be made on what becomes uncollectable and to reduce the number of uncollectable items; and that the Treasurer's Office has advised that statute does not allow the County to sell real estate liens and, therefore, these accounts could not be turned over to a private collection agency, although it is unclear if this law also applies to personal property.

Legal Counsel Shipman stated that the County is operating under some very old laws requiring the District Attorney's office to review uncollectable taxes that have been levied, and that entire law needs to be rewritten; that the list presented today contains some matters that should not have been billed in the first place; and that further collection efforts would not be precluded as there is no time period within which these bills have to be written off.

Commissioner Mouliot commented that he feels the collection attempts have been minimal and further avenues should be pursued.

On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the list of uncollectable Personal Property Accounts be turned over to the County Collection Division to hopefully improve on the collection results.

98-429 RESOLUTION - REFUND OF TAXES - LEASETEC CORPORATION - I.D. #2/190-659

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6363, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing The County Treasurer To Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Leasetec Corporation (Taxpayer) made application for the refund of 1997-1998 personal property taxes because the Taxpayer's property, ID #2/190-659, did not have sites within Washoe County; and

WHEREAS, Leasetec Corporation has overpaid taxes for fiscal year 1997-1998 in the amount of \$13,479.72; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

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

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Leasetec Corporation a total of \$13,479.72, that amount being the taxes overpaid by Leasetec Corporation for the tax year 1997-1998 on ID #2/190-659.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

98-430 RESOLUTION - REFUND OF TAXES - PANAVISE PRODUCTS, INC. - ID #2/306-028

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6364, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing The County Treasurer To Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, PanaVise Products, Inc. (Taxpayer) made application for the refund of 1995-1996, 1996-1997, and 1997-1998 personal property taxes because property located out-of-state was included on its personal property declaration and Taxpayer overpaid taxes on its property, ID #2/306-028; and

WHEREAS, PanaVise Products, Inc. has overpaid taxes for fiscal years 1995-1996, 1996-1997, and 1997-1998 in the amount of \$978.98; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

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

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to PanaVise Products, Inc. a total of \$978.98, that amount being the taxes overpaid by PanaVise Products, Inc. for the tax years 1995-1996, 1996-1997, and 1997-1998 on ID #2/306-028.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

98-431 CORRECTION OF FACTUAL ERRORS ON TAX ROLLS - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, and Thomas Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Bond be authorized to execute on behalf of the Commission.

Edward J. & Colleen C. Plecha	Parcel No. 214-061-18	1997 Supplemental Roll
Edward J. & Colleen C. Plecha	Parcel No. 214-061-18	1998 Secured Roll
Interwest Bank	APN 01522030 ID #2/915-080	1998/99 Secured Roll
Steele Enterprises	ID #2/182-445	1997/98 Unsecured Roll
Charles R. Sheehan, CPA	ID #2/173-303	1997/98 Unsecured Roll
El Camino Resources, Ltd.	ID #2/190-022	1997/98 Unsecured Roll
Evergreen Silk Plant Center	ID #2/201-057	1997/98 Unsecured Roll

98-432 SET PUBLIC HEARING DATE - CLERK TO PROVIDE NOTICE - PETITION REGARDING PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

Chairman Bond referred to a copy of a letter dated January 16, 1997 from the Washoe County School District to the Palomino Valley General Improvement District relative to some of the issues regarding this matter.

Legal Counsel Shipman stated that the issues set forth in said letter should be brought up at the public hearing; that a petition has been filed and signatures have been verified; and that under statute, the Board is requested by this agenda item to set a date for the public hearing.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that a hearing date of June 9, 1998 be set for a public hearing on the petition signed by residents and/or property owners under the jurisdiction of the Palomino Valley General Improvement District requesting that Washoe County assume responsibility for maintaining safe and drivable roads in the district; and that the County Clerk be directed to notify the property owners of the general improvement district of the hearing.

Jess Traver, Building and Safety Division, provided background information regarding this item.

On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the unbudgeted capital outlay from the 1997-98 budget in the amount of \$12,000 for furniture for the Building and Safety Division reception area be approved.

98-434 APPOINTMENT - BOARD OF MASSAGE EXAMINERS

On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Ron Reese be appointed as an alternate member to the Board of Massage Examiners with term to expire June 30, 2000.

98-435 APPOINTMENT - ORGANIZATIONAL EFFECTIVENESS COMMITTEE

On motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Norman Dianda be appointed to the Organizational Effectiveness Committee for a term of one year.

98-436 RESOLUTION - GRANT TO AMBASSADOR PRODUCTIONS

Katy Simon, Interim County Manager, advised that, pursuant to questions asked at yesterday's caucus meeting, Mike McMahon, Human Services Coordinator, has suggested options for the Board's consideration regarding the \$5,000 funding request of Ambassador Productions. Commissioner Mouliot commented that because the season is forthcoming when this money is sorely needed, he would like the funding to be appropriated in the quickest manner possible. A discussion then commenced relative to funding options and Legal Counsel Shipman advised that an alternative resolution has been prepared depending on the action the Board wishes to take.

Reverend Don Butler was present to provide comments and respond to questions of the Board.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that \$5,000 in interim assistance for continuation of services to youth be granted to Ambassador Productions, which grant shall be repaid by Ambassador Productions by way of a reduction in the Community Block Grant of \$8,869 to \$3,869; and that the following Resolution regarding same be adopted and Chairman Bond be authorized to execute:

RESOLUTION - Providing Grant Of \$5,000 To Ambassador Productions To Assist During The Interim Period Prior To July 1, 1998

WHEREAS, NRS 244.1505 authorizes a county, by resolution, to grant money to a non-profit organization for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, Ambassador Productions is a non-profit agency providing services to the youth within the Truckee Meadows area; and,

WHEREAS, Ambassador Productions is in need of \$5,000 to cover the agency's needs for the interim period prior to July 1, 1998 when Community Block Grant monies will be available to it; and,

WHEREAS, the Board of County Commissioners of Washoe County believe that the continuation of services to the youth of the Truckee Meadows between the date of this Resolution and July 1, 1998 provides a substantial benefit to the inhabitants of the area;

WHEREAS, Washoe County is responsible for the administration and distribution of Community Block Grant monies to Ambassador Productions for the 1998-1999 fiscal year;

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

1. That a present grant of \$5,000 be made to Ambassador Productions out of contingency monies to assist in the continuation of services to Truckee Meadows youth between this approval and July 1, 1998;

2. That the present grant of \$5,000 shall be repaid by Ambassador Productions by way of a reduction in the Community Block Grant of \$8,869 to \$3,869 - the difference between the original and reduced amount to be returned to the contingency fund;

3. That a written acknowledgment be obtained from Mr. Don Butler, principal of Ambassador Productions, agreeing to the interim assistance and repayment of same;

4. That Ambassador Productions is hereby placed on notice that future funding for its programs must be from sources other than the County.

98-437 REMEDIATION DISTRICT IMPLEMENTATION AND METHODOLOGY FOR ASSESSMENT OF FEES - WATER RESOURCES

Leonard Crowe, Water Resources Planning Manager, provided a status report relative to the Remediation District. He referred to his agenda memorandum dated May 8, 1998 setting forth the methodology utilized to calculate the annualized water bills and remediation fee for the water companies that were done by County staff; that once the methodology is approved by the Board, staff will commence the calculation of the remediation district fee and bring back the APN annualized water bill and remediation fee list at the regular Board meeting of May 26, 1998 together with the first reading of the ordinance imposing that fee; that since County staff did not prepare the Sun Valley General Improvement District or Sierra Pacific Power Company list, staff would request that those entities be available to provide that information to customers who may have questions. Mr. Crowe then responded to questions of the Board and advised that the legislature set forth the procedures that are being used and the fee is not based on water usage per se, but, rather, is used as a surrogate for how a parcel shares in the cost of cleaning up the aquifer; and that there are commonalities in the approach utilized by the County, Sun Valley GID, and Sierra Pacific Power Company and there needs to be an understanding that everyone is being treated in an equitable manner.

Following further discussion, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the methodology utilized to calculate the annualized water bills for Panther Valley Water Company, Washoe County Utility Division, Silver Lake Water Company, and Reno Parr Water Company be approved.

Diana Langs, Sun Valley General Improvement District, referred to her memorandum dated May 6, 1998 that sets forth their calculation process. She advised that their only complaint is that they are not receiving parcel numbers in a timely manner. She then asked how long the data would need to be maintained and Legal Counsel Shipman advised that she would check into this and provide that information. Ms. Langs then stated that they will be available to assist Mr. Crowe with customer inquiries.

Katy Simon, Interim County Manager, advised that the Treasurer's Office has provided a letter apologizing to the Sun Valley GID that they caused delays in their obtaining the APN numbers, advising that they were not using the microfiche for sometime and were unaware that it had caused a problem to another user, and they will rectify this situation.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the methodology used to calculate the annualized water bills for the Sun Valley General Improvement District for be approved.

John Erwin, Sierra Pacific Power Company, referred to his memorandum dated May 7, 1998 that sets forth their calculation process. He advised that they are in the process of developing a customer response to help support the County and Mr. Crowe with customer inquiries, and thanked Mr. Crowe for his help in this process.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the methodology utilized to calculate the annualized water bills for Sierra Pacific Power Company be approved.

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There being no further business to come before the Board, the meeting adjourned at 1:00 a.m., Wednesday, May 13, 1998.

JOANNE BOND, Chairman

Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk