

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 23, 2001

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman (arr 2:10 p.m.)
Joanne Bond, Commissioner
Jim Galloway, Commissioner
Ted Short, Commissioner

Nancy Parent, Chief Deputy County Clerk (2:00 p.m.)
Amy Harvey, County Clerk (5:30 p.m.)
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

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

01-92 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the agenda for the January 23, 2001, meeting be approved.

PUBLIC COMMENTS

Shirley Allen stated her medical and court records have been sealed, which is a violation of her civil rights, and she wants to see her records.

Sam Dehne reported he has just learned that the U.S. Post Office has decided not to locate a postal hub in Reno. He also discussed the EA and EIS and stated the EIS still needs to be done because of the other proposed cargo operations at the airport.

Aaron Schumacher, Citizens Against Corrupt Government, discussed the easy accessibility by minors of pornographic material.

Guy Felton, Citizens Against Corrupt Government, stated he is writing a paper concerning corruption in government which he will be reading to the Board three minutes at a time.

Al Hesson reviewed Nevada's rankings in various quality of life indicators pointing out that the State is among the lowest in education, health, and welfare of children.

Gary Schmidt described an incident that occurred at the counter in the Manager's office the previous day and requested the Board conduct an investigation. He also discussed the issue of availability of public records and the charges assessed to obtain copies of documents.

COMMISSIONERS'/MANAGER'S COMMENTS

Commissioner Galloway requested a workshop be scheduled to review County ordinances regarding accessibility of pornographic material by minors.

Commissioner Sferrazza requested a review of what the County departments charge for copies of documents and stated he wants to be sure the County is in compliance with the statutes regarding the charges and the posting of the costs requirements.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of December 19, 2000, and the Oath of Office for Newly Elected Officials meeting of January 2, 2001, be approved.

01-93 CERTIFICATION REQUEST – SECTION “1122” LAW ENFORCEMENT EQUIPMENT PURCHASE PROGRAM – SHERIFF

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Washoe County Sheriff's Office be authorized to utilize the United States Government, Section “1122,” Law Enforcement Equipment Purchase Program.

01-94 REMOVAL OF BILLBOARD ON PIONEER INN PROPERTY – GENERAL SERVICES

Upon recommendation of Tom Gadd, General Services Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the removal of the billboard structure located on property purchased from the Pioneer Inn Associates be acknowledged.

**01-95 ACCEPTANCE OF GRANT AWARD – OJJDP TITLE II,
CHALLENGE GRANT - CHINA SPRING AFTERCARE PROJECT
– JUVENILE SERVICES**

Upon recommendation of Leonard Pugh, Director, Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the OJJDP Title II, Challenge Grant, Activity I monies, “China Spring (Aftercare) Project,” in the amount of \$6,000, to be used to support skills learned at the China Spring Youth Camp and assist in transition back into the community, be accepted and the following account transactions be approved:

Increase Revenues:

12802G-4301 – Federal Contributions	\$6,000
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Increase Expenditure Appropriations:

12802G-7103 – Professional Services	\$6,000
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**01-96 ACCEPTANCE OF GRANT AWARD – OJJDP TITLE II,
CHALLENGE GRANT – FAMILY WELLNESS – JUVENILE
SERVICES**

Upon recommendation of Leonard Pugh, Director, Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the OJJDP Title II, Challenge Grant, Activity E monies, “Family Wellness,” in the amount of \$6,000, to be used to teach practical skills based on principles that strengthen, support and empower families, be accepted and the following account transactions be approved:

Increase Revenues:

12801G-4301 – Federal Contributions	\$6,000
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Increase Expenditure Appropriations:

12801G-7103 – Professional Services	\$6,000
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**01-97 ACCEPTANCE OF GRANT AWARD – OJJDP TITLE V,
PREVENTION GRANT - KIDS ON LINE – JUVENILE SERVICES**

Upon recommendation of Leonard Pugh, Director, Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the OJJDP Title V, Prevention Grant, “Kids On-Line,” in the amount of \$19,768, to be used to hire a Project Facilitator to teach computer classes and supervise youth of the southeast Reno neighborhood and volunteers while overseeing computer lab during after school hours, be accepted and the following account transactions be approved:

Increase Revenues:

12803G-4301 – Federal Contributions \$19,768

Increase Expenditure Appropriations:

12803G-7103 – Professional Services \$19,768

01-98 **ACCEPTANCE OF GRANT AWARD – OJJDP TITLE V, PREVENTION GRANT - SUMMER NOVANET ATTENDANCE INTERVENTION PROGRAM – JUVENILE SERVICES**

Upon recommendation of Leonard Pugh, Director, Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the OJJDP Title V, Prevention Grant, “Summer NovaNET Attendance Intervention Program,” in the amount of \$10,848, to be used to fund five alternative education NovaNET teachers (two at Hug, two at Sparks, and one at Wooster) for 20 hours per week for six weeks and to cover the cost of the Supplemental Credit Office personnel’s time for the Intervention Program, be accepted and the following account transactions be approved:

Increase Revenues:

12922G-4301 – Federal Contributions \$10,848

Increase Expenditure Appropriations:

12922G-7103 – Professional Services \$10,848

01-99 **ACCEPTANCE OF GRANT AWARD – OJJDP TITLE V, PREVENTION GRANT – PREVENTION FIRST PROGRAM – JUVENILE SERVICES**

Upon recommendation of Leonard Pugh, Director, Juvenile Services, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the OJJDP Title V, Prevention Grant, “Prevention First Program,” in the amount of \$20,000, to be used to allow Children’s Cabinet at Incline Village to continue to provide counseling services by contracting with a bilingual therapist and to allow for hiring of a Hispanic outreach worker, be accepted and the following account transactions be approved:

Increase Revenues:

12804G-4301 – Federal Contributions \$20,000

Increase Expenditure Appropriations:

12804G-7103 – Professional Services \$20,000

01-100 EXCESS LIABILITY INSURANCE – RISK MANAGEMENT

Upon recommendation of Ray Sibley, Risk Manager, through Katy Singlaub, County Manager, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Risk Manager be authorized to purchase excess liability insurance from Security Specialty National Insurance Company (Kemper) for the period of February 1, 2001 to February 1, 2002.

01-101 RIGHT OF ENTRY AND EASEMENT AGREEMENT – SIERRA PACIFIC COMMUNICATIONS, INC. – BARTLEY RANCH REGIONAL PARK

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that the Right of Entry and Easement Agreement between Washoe County and Sierra Pacific Communications, Inc., concerning installation of underground fiber optic conduit through Bartley Ranch Regional Park, be approved and Chairman Shaw be authorized to execute.

01-102 COOPERATIVE AGREEMENT – CITY OF SPARKS – ELECTIONS – REGISTRAR OF VOTERS

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that a cooperative agreement between Washoe County and the City of Sparks, concerning conducting elections for the City of Sparks, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

01-103 COOPERATIVE AGREEMENTS – BUREAU OF LAND MANAGEMENT AND NATURAL RESOURCES CONSERVATION SERVICE – RESEED BURN AREAS – WATER RESOURCES DEPARTMENT

Upon recommendation of Don Mahin, Acting Water Resources Planning Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that three cooperative agreements (one for each wildfire) between Washoe County, the USDOJ Bureau of Land Management, and the USDA Natural Resources Conservation Service, concerning reseeding the Hungry Valley, Antelope and Cold Springs wildfires and payment of the local share of \$2,853.50, be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

CORRECTION OF FACTUAL ERRORS – UNSECURED TAX ROLLS

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

<u>1997 Unsecured Roll:</u>		
G D C Construction	2/461-286	[-\$ 86.40]
<u>1998 Unsecured Roll:</u>		
G D C Construction	2/461-286	[-\$ 78.51]
<u>1999 Unsecured Roll:</u>		
Bio Nutra Labs Inc.	2/341-763	[-\$1,447.37]
Gemcom USA Inc.	2/341-783	[-\$ 86.85]
G D C Construction	2/461-286	[-\$ 71.94]
<u>2000 Unsecured Roll</u>		
4th Street, Friedman Land Livestock Holdings	2/105-633	[-\$ 229.46]
Glenwood Construction LLC	2/113-012	[-\$ 126.51]
Forest Pines Vacation Rentals Inc.	2/155-353	[-\$ 72.55]
Professional Inspection Services	2/172-059	[-\$ 60.65]
Northern Nevada Amputee Support Group	2/180-849	[-\$ 19.85]
Silver State Exotics	2/185-113	[-\$ 19.81]
General Electric Capital Corp.	2/190-212	[-\$ 169.70]
I B M Credit Corporation	2/190-409	[-\$ 39.25]
Wall Designs	2/200-497	[-\$ 32.24]
Tamarack Grill & Bar	2/212-239	[-\$ 158.44]
T G I Fridays #1853	2/212-297	[-\$ 88.29]
Econo Carpets	2/251-036	[-\$ 43.99]
Leroy's Horse & Sports Place	2/280-003	[-\$ 28.46]
Centurian Distributing Inc.	2/300-285	[-\$ 199.57]
Kapala Construction	2/461-158	[-\$ 86.01]
Horizon Roofing Inc.	2/463-020	[-\$ 448.07]

01-105

**ACCEPTANCE OF DONATION – NORTHERN NEVADA
WOMEN LAWYERS – LAW LIBRARY**

Sandy Marz, Law Library Director, introduced Amy Tirre, Vice President of Northern Nevada Women Lawyers, and stated she wanted to publicly thank the Northern Nevada Women Lawyers for their generous donation. On behalf of the Board, Chairman Shaw also thanked Ms. Tirre.

Upon recommendation of Ms. Marz, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the donation from the Northern Nevada Women Lawyers in the amount of \$500 to be used for the purpose of purchasing an optical scanner for the Law Library be accepted with the Board's gratitude. It was further ordered that the Comptroller be directed to make the following account changes increasing appropriation authority in the Law Library budget:

Increase Revenues:

Account 1231-5801 Donations \$500.00

Increase Appropriation Authority

Account 1231-72053 Data Processing Hardware \$500.00

01-106

**LAW LIBRARY ANNUAL REPORT – 1999-2000 AND
REAPPOINTMENTS – LAW LIBRARY BOARD OF TRUSTEES**

Sandy Marz, Law Library Director, presented the 1999-2000 Annual Report of Law Library operations and distributed new budget information. She described the programs offered by the Law Library with the goal of providing legal information and assistance to the general public as well as attorneys and advised that approximately 60 percent of the people who use the Law Library services are members of the general public.

Commissioner Sferrazza asked for a complete breakdown of the Law Library's revenues and expenses. He also asked whether any consideration is being given to providing more information electronically rather than keeping all the books, papers, etc., which take up so much space. Ms. Marz responded that members of the public are more comfortable with the hard copies, and a lot of information is not yet available electronically.

Commissioner Galloway suggested the Law Library and the County Library work together towards transitioning to electronic operations noting that State statutes will also need to be updated to provide records electronically.

Upon recommendation of Ms. Marz, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the 1999-2000 Annual Report for the Law Library be accepted.

A discussion ensued concerning the fact that the Board has previously waived the two term limitation on appointments to the Law Library Board of Trustees since that board only meets four times per year. Commissioner Sferrazza expressed his concern that the County solicits applications for all other positions and did not in this case.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, it was ordered that Bruce Beesley and Scott Buell be reappointed to the Law Library Board of Trustees for two-year terms. It was noted that Mr. Beesley will serve as an attorney member, and Mr. Buell will serve as the non-attorney member.

01-107 APPEARANCE – MIKE SPECCHIO, CHIEF PUBLIC DEFENDER

Mike Specchio, Chief Public Defender, presented an overview of the Public Defender's office and a report which provided caseload statistical information. He forewarned the Board that he will be asking for more employees in the next budget and more funds for the Continuing Legal Education, which is required for the attorneys, and which they do in-house as much as possible by bringing speakers in rather than sending the attorneys out to classes. Additional staff will also mean a need for more space. Mr. Specchio cited the numbers and types of cases, how they have increased over the years, and pointed out they have expanded into other areas such as Family Court and Juvenile Court. He alerted the Board to upcoming issues which will have an impact on his office such as the mental health court and new child protective services legislation. Mr. Specchio reviewed the department's accomplishments, noting their success rate at trial is very impressive. He invited the Board members to tour the Public Defender's offices and responded to specific questions.

Commissioner Sferrazza requested additional information concerning caseload statistics per attorney and by type of case. Commissioner Galloway requested additional information concerning conflict cases and mental health court.

Chairman Shaw congratulated Mr. Specchio and his staff for completing eight consecutive years under budget.

01-108 ADDITIONAL COURTHOUSE SECURITY OFFICER POSITION – SHERIFF

Carla Fells, Detention Operations Manager, responded to questions from Commissioner Sferrazza advising that two Sheriff Support Specialists will be moving to the jail facility, and there will be sufficient personnel for security at the courthouse.

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the addition of one permanent, full-time Courthouse Security Officer position at the Washoe County District Courthouse be authorized. It was noted that

funding for this position, approximately \$11,649, will be taken from the existing budget until June 30, 2001, at which time it will remain a funded position for next fiscal year.

**01-109 AWARD OF BID – STOCKING AND INVENTORY PROGRAM
FOR WATER METER BOXES, TOUCH READ LIDS &
MISCELLANEOUS WATER WORK SUPPLIES - BID NO. 2265-01
– UTILITY SERVICES DIVISION**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on December 15, 2000, for the stocking and inventory program for water meter boxes, touch read lids and miscellaneous water work supplies for the Utility Services Division of the Water Resources Department. Proof was made that due and legal Notice had been given.

One bid was received from Western Nevada Supply Company, a copy of which was placed on file with the Clerk.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Bid No. 2265-01 for the stocking and inventory program for water meter boxes, touch read lids and miscellaneous water work supplies for the Utility Services Division of the Water Resources Department be awarded to the only responsive bidder, Western Nevada Supply Company, at an estimated annual value of \$102,000.00. It was noted that the award shall run from January 1, 2001 through December 31, 2002, with the County retaining an option for a one-year extension provided prices do not increase and service is satisfactory.

It was noted that although only one bid was received, the award was recommended because the supplier has been the vendor of record for a majority of items over the last couple of years and has continuously remained competitive in pricing and delivery of their product.

**01-110 RESOLUTION FIXING DATE OF PUBLIC HEARING –
ECONOMIC DEVELOPMENT REVENUE BONDS – SIERRA
PACIFIC POWER COMPANY**

John Sherman, Finance Director, responded to Board members' questions concerning these bonds stating they are not volume cap bonds and will not become an obligation of the Truckee Meadows Water Authority.

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

RESOLUTION NO. 01-110

RESOLUTION fixing a date for hearing on proposed re-funding revenue bonds in the aggregate principal amount of not to exceed \$80,000,000 for Sierra Pacific Power Company.

WHEREAS, Washoe County, Nevada (the "County") is a political subdivision of the State of Nevada authorized and empowered by the County Economic Development Revenue Bond Law, Sections 244A.669 to 244A.763 of the Nevada Revised Statutes, as amended (the "Act"), to issue revenue bonds to finance one or more projects, including any land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof or any interest therein, used by any corporation (including a public utility) in connection with the furnishing of water if available on reasonable demand to members of the general public, and to refund the same; and

WHEREAS, the Act provides that such revenue bonds shall be payable solely and only from the revenues derived from a project, including payments under a lease, agreement of sale or financing agreement or under notes, debentures, bonds and other secured or unsecured debt obligations executed and delivered by the obligor pursuant to such lease, agreement of sale or financing agreement; and

WHEREAS, the Act provides that such revenue bonds of the County shall be secured by a pledge of the revenues out of which such bonds shall be payable, and if title to or in such project remains in the obligor, such bonds shall also be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor; and

WHEREAS, the County has heretofore issued its \$80,000,000 aggregate principal amount Water Facilities Revenue Bonds (Sierra Pacific Power Company Project) Series 1990 (the "Prior Bonds") in order to finance costs to Sierra Pacific Power Company (the "Company") of certain facilities located in the County and used by the Company in connection with the furnishing of water available on reasonable demand to members of the general public; and

WHEREAS, the Company has requested the County to issue its Water Facilities Refunding Revenue Bonds (Sierra Pacific Power Company Project) Series 2001 (the "Bonds") in one or more series in the aggregate principal amount of not to exceed \$80,000,000 in order to refund all or part of the Prior Bonds; and

WHEREAS, before the County shall undertake to issue any of the Bonds for such purpose, it is deemed necessary and advisable to conduct a public hearing pursuant to Section 244A.707 of the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended;

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners of Washoe County, Nevada, as follows:

Section 1. That this Board of County Commissioners meet at the Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, on February 13, 2001, at 5:30 p.m. at which time and place a public hearing shall be held on the proposal to issue the Bonds in the aggregate principal amount of not to exceed \$80,000,000 to refund all or part of the Prior Bonds, as referred to in the preamble hereof, at which hearing all who appear shall be given an opportunity to express their views for or against the proposal to issue the Bonds for such purpose.

Section 2. That the County Clerk is hereby directed to give notice of intention to issue the Bonds, setting forth the amount and purpose thereof and the time when and place where said hearing will be held, by publication at least once in the "Reno Gazette-Journal," a newspaper published and having a general circulation within the County, the date of the hearing to be not less than fourteen (14) nor more than twenty (20) days after the date of publication of the notice. Said notice shall be substantially in the form placed on file with the Clerk.

Section 3. That this resolution shall be effective forthwith upon its passage and approval.

01-111 CREATION OF BUILDING AND SAFETY ENTERPRISE FUND – FINANCE

Pursuant to discussion at Caucus, Commissioner Galloway stated the one-time "gift" of \$500,000 to start the enterprise fund is money that would have been spent on the operation anyway, but "gift" is not really a properly descriptive term. He moved to approve staff's recommendations to take the necessary steps to establish the Building and Safety Enterprise Fund.

Commissioner Sferrazza advised that he requested and received a breakdown of revenues over the past few years and is concerned with the amount of fluctuation. He also stated the \$500,000 should be considered a loan and should be repaid.

John Sherman, Finance Director, stated the \$500,000 is working capital, and through the course of operating, the enterprise fund will be billed for the appropriate share of County overhead. These funds will be recovered. He also stated the actual revenue and expenditures will be allocated to this fund, not the forecasted numbers provided in the staff report.

Commissioner Sferrazza stated this is also a fiscal equity issue because the \$500,000 will be taken from all taxpayers to fund a program that only serves the unincorporated residents. He emphatically reiterated that this should be a loan, should be paid back with interest, and should be separate from the indirect operating expenses.

Katy Singlaub, County Manager, stated this idea actually came out of the fiscal equity issue, and one of the reasons for establishing an enterprise fund for the Building and Safety Department was to separate it out and attempt to make growth pay for itself, at least in this area.

Commissioner Sferrazza stated, if the operation does not pay for everything, including all capital assets, cash, equipment, computers, rent, etc., it is being subsidized by the general fund. Mr. Sherman and Ms. Singlaub stated the intent is to have the department totally pay for itself. Commissioner Galloway suggested calling it a transfer rather than a gift, in which case the \$500,000 would still be an asset of the County.

Commissioner Galloway stated he would amend his motion to use the word "transfer" with the idea that it would be reasonable for the Building and Safety Department to build up their ending fund balance, and there is a possibility the funds might be transferred back to the general fund.

Madelyn Shipman, Assistant District Attorney, advised that an enterprise fund cannot pay money into the general fund except for legally charged purposes. She further stated if that is the Board's desire, the motion must clearly express that this is a loan and is legally chargeable against the enterprise fund so it can be repaid.

Commissioner Galloway asked if "reimbursable transfer" would solve the problem. Anna Heenan, Senior Administrative Analyst, stated the \$500,000 would be set up as reimbursable to the general fund.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, it was ordered that:

1. The following resolution creating the Building and Safety Fund as an enterprise fund of Washoe County, effective July 1, 2001 be approved and Chairman Shaw be authorized to execute;
2. A **reimbursable** general fund transfer of \$500,000 to the enterprise fund for the opening cash needed for operations be approved and the Comptroller be directed to make the appropriate adjustments effective July 1, 2001;
3. The Business Impact Form be approved and Chairman Shaw be authorized to execute;
4. The Finance Department be authorized to apply for an exemption, as allowed in NRS 354.59891, to the fee cap and staff be further directed to make the appropriate adjustments required if the exemption is approved; and
5. The Building and Safety Enterprise Fund, Fund Policy report, placed on file with the Clerk, be approved.

RESOLUTION

CREATING THE BUILDING AND SAFETY ENTERPRISE FUND

WHEREAS, the resources and disbursements relative to the building and safety services need to be separated from other County financial activity; and

WHEREAS, the County will annually budget resources and disbursements to fund the building and safety services; and

WHEREAS, NRS 354.610 allows for the creation of an enterprise fund; and

WHEREAS, enterprise funds are used to account for services provided to the general public on a user charge basis; and

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

Section 1. That the Building and Safety Fund is hereby created as an enterprise fund subject to the Local Government Budget Act contained in NRS 354.

Section 2. That the County Comptroller is hereby directed to establish said fund on the official books and records of Washoe County for the purpose of accounting for the provision of building and safety services, interest earnings on the assets of the fund, and expenditures and disbursements from the fund.

Section 3. The Resolution shall be effective on passage and approval.

Section 4. The County Clerk is hereby directed to distribute executed copies of the Resolution to the Department of Taxation, the Comptroller, Building and Safety and the Budget Division within thirty days.

**01-112 DISCUSSION – AUTOMATIC RENEWAL OF LEASE
AGREEMENT – HEART OF RENO WEDDING CHAPEL –
GENERAL SERVICES**

Tom Gadd, General Services Director, reviewed the issues relative to the space leased to the Heart of Reno Wedding Chapel on the Pioneer Inn property purchased by the County. The lease expires on April 30, 2001 and has a provision for an automatic one-year renewal unless notice is given that the lease will not be renewed. Other issues are whether the County will need this space as part of the agreement being worked out with the City of Reno for their Municipal Courts and the hold-back monies for the environmental abatement which must be used by August 31, 2001 or forfeited. Mr. Gadd stated the abatement cannot be done if the property is occupied.

Commissioner Sferrazza provided different scenarios and asked if the Reno Municipal Court could be located on a different portion of the property. Mr. Gadd stated that might be possible, but parking would have to be a consideration.

Commissioner Sferrazza asked when the lease for the other wedding chapel expires. Mr. Gadd reminded everyone that the lease for the Starlite Wedding Chapel is the one that was not discovered until just before escrow closed and it does not expire until October, 2002. Commissioner Sferrazza stated he has talked to the chapel owners who indicated they would be willing to terminate both leases if the County was willing to give them space in another building or allow them the right to lease back space in the new building. Katy Singlaub, County Manager, advised that in order for the County to make space available to anyone, there would have to be a finding made that the County did not need the space, which would be difficult under the present circumstances, and the County would have to open it up to the competitive bidding process.

Madelyn Shipman, Assistant District Attorney, stated the Starlite lease is not the subject of this agenda item.

Mr. Gadd stated staff believes the best course of action would be to not allow the automatic extension of the Heart of Reno lease, to attempt to negotiate a mutually agreeable date prior to July 31, 2001 for the Heart of Reno to vacate the space, and if they cannot agree to a date, the tenancy should be terminated April 30, 2001. He further stated if the tenants stay beyond April 30, it would have to be on the basis of a common law month-to-month tenancy.

Dorothy Snelling, Heart of Reno Wedding Chapel, requested they be allowed to continue to operate on a month-to-month basis until such time as the building is imploded or is otherwise deemed unsuitable for the conduct of their business and stated that she was making this request on behalf of her 14 employees. She further stated it would seem prudent for the County to keep collecting the \$5,950 per month as long as it can and noted the economic importance of keeping viable businesses operating in the downtown area.

Commissioner Bond moved to approve staff's recommendation. Commissioner Sferrazza stated he could not support the motion because he does not agree with the July 31 date since it is not yet known whether the Pioneer will be rehabilitated or demolished. Ms. Singlaub stated the action can be revisited and amended in the future to negotiate for a different date if the Board determines the building is not going to be abated or demolished. Commissioner Sferrazza stated he could support the motion with that understanding.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that:

1. Staff be directed to provide notice to the tenants at the Heart of Reno Wedding Chapel that the County is exercising its authority under the amended written lease to prevent the automatic year-to-year renewal of the lease; and
2. Staff be directed to confer with the tenant to try to find a mutually agreeable date prior to July 31, 2001 for vacating the premises; and
3. It is understood that if the tenant holds over beyond April 30, 2001, it is on the basis of a month-to-month, common law tenancy.

**01-113 PROPOSED ZONING BY CITY OF RENO – COUNTY
PROPERTY LOCATED ON NINTH STREET – COMMUNITY
DEVELOPMENT**

Mike Harper, Planning Manager, explained that the City of Reno is proposing to change the land use designation on their master plan and the zoning designation for the property owned by the County on Ninth Street located across the street from the complex. The proposed master plan designation is Neighborhood Commercial (NC) with a zoning classification of Professional Office (PO). Mr. Harper stated Reno staff and County staff have been working cooperatively on this issue, and Reno staff indicated that a Public Facility (PF) zoning might be more appropriate; however, it was later determined that a neighborhood commercial master plan designation does not include PF. He stated County staff does feel PF is the more appropriate zoning for the County-owned property, which would mean staff would need to approach the City of Reno to request that they consider a PF master plan designation. He then reviewed the allowable uses of the property under each designation and responded to Board questions.

Commissioner Sferrazza discussed possible uses of the property, as well as the possibility of the County acquiring more properties in the area, and stated what the County is going to do with the property should be determined first. Katy Singlaub, County Manager, stated staff is currently doing a facilities master plan to determine the best use of this property.

Commissioner Bond asked if there was a need to rush this through. Mr. Harper stated the City of Reno has expressed reluctance to continue this too long. Commissioner Bond stated, without having time to complete the facilities master plan, it would be her desire that the County request the PF zoning if it provides the most latitude.

Commissioner Short asked if staff is suggesting that the three parcels not owned by the County also be rezoned. Mr. Harper advised he thinks they should be included in the request, although the City of Reno may want to take them out, noting there are some private uses allowed under the PF zoning.

Gary Schmidt, County resident, questioned whether anyone has considered using the Ninth Street property for the new courthouse.

Commissioner Sferrazza suggested that the idea of using this property for the new courthouse be passed on to the Justice Facilities Working Committee.

On motion by Commissioner Galloway, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that staff be directed to request the City of Reno to re-zone County-owned property located in the blocks along Ninth Street across from the County Administrative Complex and on Morrill Street, as well as the parcels on Morrill not owned by the County, to the Public Facilities designation.

* * * * *

4:40 p.m. The Board recessed.

5:30 p.m. The Board reconvened with all members present with Commissioner Galloway arriving at 5:35 p.m. and Commissioner Sferrazza arriving at 5:38 p.m.

01-114 **BILL NO. 1286 - ORDINANCE NO. 1112 - AMENDING WCC
CHAPTER 110 (DEVELOPMENT CODE) - SIGNIFICANT
HYDROLOGIC RESOURCES FOR ARTICLE 418, WETLANDS**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on January 12, 2001, for continuation of the public hearing from December 12, 2000, to consider the second reading and adoption of Bill No. 1286. Proof was made that due and legal notice had been given.

Bryan Tyre, Health Department and Chairman of the Stream Advisory Committee, reviewed the final copy of Article 418 containing changes requested at the December 12 meeting. He advised Legal Counsel has indicated the changes would not be considered substantial and the process can move forward.

Chairman Shaw called on those wishing to speak.

Thomas Hall, attorney representing Dr. Dorostkar and Hadi S. Kar, advised his clients own about 230 acres at the intersection of South Virginia Street and U. S. 395. The land has been a natural setting for many years and is irrigated by White's Creek. His clients donated 47 acres to Washoe County for the Southwest Regional Park as part of the development of the Wedge/Dorostkar/Duxbury/Peigh Specific Plan. They believe this Ordinance would be an impairment to the development rights and entitlements they were assured under the Specific Plan. His clients are requesting clarification of what their remaining rights would be if the Ordinance is adopted as drafted. They would also request the definition of a perennial stream be clarified, which they believe should exclude intermittent or ephemeral streams. The part of White's Creek that flows to their land is diverted into irrigation ditches and does not touch the property, and they request the map be changed to eliminate White's Creek from the property. Mr. Hall then responded to questions of the Board.

Robert Sellman, Director, Community Development, advised that staff does not believe the Ordinance would create a significant impact on this parcel. There will always be some issues around the original thread of the stream, but until an actual development plan is presented, there is no way to confirm what the impacts might be. Legal Counsel Shipman advised there is no minimum lot size on the property and the owner would retain the ability to construct the same number of residential units, etc.

Linda Talbott, White's Creek homeowner, spoke in support of the proposed ordinance. She said protection of the streams is very important.

Tom Porta, Bureau Chief for Water Quality Planning, Nevada Division of Environmental Protection, and TRPA Advisory Planning Commission member, advised that the Division and the Bureau support the proposed Ordinance. He discussed the special exemption provision and said, if the Ordinance is adopted, the County Commission should view special exemptions in a cautious and conservative manner and only grant them based on safety and health concerns. Mr. Porta responded to questions of the Board.

Susan Donaldson, Water Quality Education Specialist, University of Nevada Cooperative Extension, spoke in support of the Ordinance. Healthy streams benefit every County resident. The Ordinance is carefully written and a tremendous amount of work was done to consider the needs of the property owner.

Dean Diederich, Loyalton, California resident, spoke in support of the Ordinance. He advised that he worked with the Stream Advisory Committee when he was employed by Washoe County. The Ordinance represents a very balanced product, is an investment in clean water, and will assure new projects come in with the best possible design to minimize any future water quality impacts. The four property owners who helped make the Southwest Regional Park a reality should always be complimented, and specific things are built into the Ordinance that will further benefit those property owners. The source utilized for the definitions in the document was the U. S. Geological Survey. Mr. Diederich then responded to questions of the Board concerning how the current map was determined. He had no recommendation regarding whether the Dorostkar property segment of White's Creek should be retained or dropped on the map, but that issue was reviewed very closely during the process.

Allen Mundt, White's Creek property owner, spoke in support of the Ordinance.

Thomas Erwin, attorney representing Bella Vista Ranch, said they appreciate some of the changes incorporated in Article 418. At the December 12 meeting they requested, and again request, that elements to be considered for the grant or denial of a special exception include recognition of an adverse economic impact to the property owner.

Gary Schmidt, Mt. Rose area resident, said there is no reason to distinguish between commercial and residential property development in the Ordinance. This distinction is made in most regulations because more people own residences than businesses or commercial property and, therefore, have more votes. He favors the Ordinance but it should apply equally to commercial and residential property.

Mr. Tyre responded to questions of the Board concerning some of the issues brought forth. He said there is not a distinction between residential and commercial; the distinction is between the ability to build a single family home on the property and obtaining a building permit for all other uses including subdivisions, etc. Some residential uses such as apartments, etc. have to go through the commercial process. He then advised the Stream Advisory Committee recommended removal of a segment of White's Creek from the Dorostkar property on the map because it is not a naturally functioning stream. In his opinion, Mr. Hall's concerns about the stream are addressed under special exceptions. He pointed out on a map the segment of White's Creek the Dorostkar property owner is requesting be removed. Mr. Tyre said the stream problem could be handled either by special exception when development plans are presented or the segment could be removed from the map.

Lynn Mundt, Stream Advisory Committee, advised the section of White's Creek they suggested be taken off the map was from Wedge Parkway to Virginia Street, not from White's Creek Lane as Mr. Hall has requested. Mr. Hall commented that the characteristic of the stream is the same from Virginia Street to White's Creek. Upon inquiry of Commissioner Galloway, Ms. Mundt advised the area of White's Creek that flows through the residential portion of the Dorostkar property is a beautiful natural stream channel. When a development plan is brought forth, they would like to work with Dr. Dorostkar to maintain that stream environment. Once the stream gets to Wedge Parkway, the terrain has been disturbed and is no longer a natural stream channel.

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

Mr. Tyre advised two letters were received in favor of the Ordinance, and a third letter expressed support of regulations but suggested the Ordinance does not go far enough.

Commissioner Galloway stated he was satisfied that most of the objections made in December have been addressed. The Stream Committee tried to come up with a compromise and he believes the segment of White's Creek between Wedge Parkway and South Virginia should be deleted from the map. This would not represent a significant impact, as it would make the Ordinance less restrictive. He then requested that language be revised in Section 110.418.30(f) to read "Provision for restoration of the project site to predevelopment conditions."

On motion by Commissioner Galloway, seconded by Bond, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1112, Bill No. 1286, entitled

"AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, BY SUBSTITUTING ARTICLE 418, SIGNIFICANT HYDROLOGIC RESOURCES FOR ARTICLE 418, WETLANDS (A RESERVED ARTICLE), TO INCORPORATE NEW STANDARDS TO REGULATE DEVELOPMENT AREAS ADJACENT TO PERENNIAL STREAMS IN THE UNINCORPORATED AREAS OF WASHOE COUNTY. THIS ARTICLE ESTABLISHES STANDARDS FOR USE OF LAND IN "CRITICAL STREAM ZONE BUFFER AREA" AND "SENSITIVE STREAM ZONE BUFFER AREA" TO PRESERVING AND PROTECTING PERENNIAL STREAMS WITHIN WASHOE COUNTY TO IMPLEMENT A POLICY OF "NO NET LOSS" OF SIGNIFICANT HYDROLOGICAL RESOURCE SIZE, FUNCTION AND VALUE. THE PROPOSED STANDARDS RELY ON THE SPECIAL USE PERMIT PROCESS TO IDENTIFY APPROPRIATE MITIGATION WHEN DEVELOPMENT COMES WITHIN 150 FEET OF THE CENTERLINE OF IDENTIFIED PERENNIAL STREAMS. CHANGES ARE ALSO PROPOSED FOR ARTICLE 902, DEFINITIONS, TO ADD NEW DEFINITIONS AS APPROPRIATE TO CLARIFY PHRASES AND TERMS IN ARTICLE 418, SIGNIFICANT HYDROLOGIC RESOURCES, AND OTHER MATTERS PROPERLY RELATING THERETO," be approved as amended, adopted, and published in accordance with NRS 244.100.

* * * * *

Commissioner Sferrazza left the meeting.

01-115 APPEAL CASE NO. AX0012-013: APPEAL OF SPECIAL USE PERMIT CASE NO. SW0009-022 – MOUNT ROSE TRANSFER STATION - COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a notice of public hearing dated January 11, 2001 mailed to affected property owners by the Department of Community Development to appeal the approval by the Washoe County Planning Commission of the request to construct and operate a solid waste transfer station within an enclosed structure. A solid waste transfer station is classified as a General Industrial Use Type, sub-category Heavy (WCC 110.304.30(d)(3)). The transfer of material will occur entirely within the structure and will not involve any processing or sorting. The proposed site is addressed as 1700 Mount Rose Highway (SR 431) and is located adjacent to the existing geothermal power plant on the south side of the highway approximately one-half mile west of its intersection with South Virginia Street. The ±10.00-acre parcel is zoned Industrial (I) in the Steamboat Specific Plan, a part of the Southwest Truckee Meadows planning area subject to review by the Galena-Steamboat Citizens Advisory Board, and is within the NW/4 of the SW/4 of Section 28, T18N, R20E, MDM, County Commission District No. 2, Washoe County. (APN: 049-392-05)

Don Young, Planner, Department of Community Development, reviewed the Mount Rose Transfer Station project. He advised community sewer and water are not available to the site. Bottled drinking water will be used and firefighting water will be stored in an underground tank. Restrooms will be fitted with a holding tank and peri-

odically pumped. Mr. Young advised he received a letter dated January 23, 2001 from Joan Presley, Acting Captain, Reno Fire Department, that specifies the Fire Department's requirements, which he read into the record. Should the Board approve the Special Use Permit, staff recommends Condition No. 34 be added stating that the applicant shall comply with the requirements of the Reno Fire Department as outlined in the letter. Mr. Young then responded to questions of the Board. Upon inquiry of Commissioner Galloway, Captain Presley advised that the Reno Fire Department currently follows County ordinance.

James Hicks, Nevada Comstock Enterprises, appellant, presented a map of the subject area. He provided a written report and discussed their arguments against approval of the special use permit. He said the 35-foot easement access is a License to Pass that runs through Nevada Comstock Enterprises property. Of the four previous heavy industrial applications on parcel, three were denied and one could not meet conditions. In all cases, the reasons for denial were Mt. Rose Scenic Corridor concerns, visual and traffic impacts, safety issues, pollution and noise concerns, land use incompatibility, and fire protection. In 1989, the Board of County Commissioners initiated a zone change from heavy industrial M1 to ME, a more restrictive type of industrial zone. They contend this project represents a heavy industrial use and would have a detrimental impact on their adjacent commercial zoned property. Since 1972, the County Commissioners have not allowed heavy industrial use on this parcel and have even gone to the Nevada Supreme Court to support that position. Mr. Hicks then reviewed the Planning Commission's findings and the reasons why those findings cannot be met by the applicant. He said the project is not consistent with the Comprehensive Plan and the Steamboat Specific Plan. It would be detrimental to the character of the surrounding area. There is no water, sewer, or natural gas and the facility cannot adequately meet the most basic of utility needs. There are also serious concerns about increased traffic and traffic safety.

Ben Veach, Summit Engineering, representing the applicant, Reno Disposal, pointed out the subject area on a map. He said industrial development is located on three sides of the property, being the Steamboat Geothermal Plant and an electric substation. A 30-foot easement is on the fourth side of the property. The property is only visible from a small section of the Mt. Rose Highway, which is because the land in front of the site has not been developed. The facility will look like and be operated very much the same as the Stead facility. It will be cleaned regularly, and refuse will not be allowed to remain on the property, which will help to prevent odors and accumulation of debris. All operations are indoors, will be restricted to daytime hours, and will be suited to residential needs and use on weekends. There will be no outdoor storage, no fuels, and no hazardous materials accepted or stored on the site. Lighting will be the minimum amount allowed and the site is expected to be dark in the evening. Signage is the minimum required in order to provide for accurate direction and hours of operation as required by staff. Heights are less than allowed and setbacks are greatly increased. The project does not represent a heavy industrial use and is an allowed use within one of the few industrial zones located within the specific plan. They conform with the Steamboat Specific Plan and believe the project is a compatible use no matter what the development plans of Nevada Comstock may be. They are in conformance with NDOT and the Steamboat buck-

wheat requirements and have worked through all conditions and findings. Advantages of the project includes a reduction in the number of trucks on the Mt. Rose Highway, fewer vehicle miles, cost savings, and a reduction in illegal dumping in the area. Mr. Veach responded to questions of the Board concerning Health Department conditions, NDOT requirements, Fire Department regulations, water requirements, access issues, etc.

Commissioner Bond disclosed that she visited the Stead transfer facility with Mr. Veach. Commissioner Short disclosed that he also visited the Stead facility.

Paul Solaegui, Traffic Engineer, reviewed traffic issues and advised their plan meets the intent of NDOT's requirements. He then responded to questions of the Board.

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

Thirteen people spoke and four statements were submitted in opposition to the project. Reasons for opposition included increased traffic, safety issues, visual impact, odor, reduced property values, environmental impacts, not an appropriate use for the property, proximity to commercial zoned properties, and access issues. Four people spoke and two statements were submitted in favor of the project. Reasons for support included traffic mitigation and the proposed site being the best location for the project. Al Souza, who spoke in support of the project, presented a letter from William Buck, the closest neighbor to the subject parcel, which expressed support for the project.

John Hoffman, attorney for Nevada Comstock Enterprises, advised the only access discussed to the site is the License to Pass across Nevada Comstock Enterprises property, which is revocable and relocatable. Nevada Comstock Enterprises intends to enforce its rights to keep the roadway private and from being overburdened by public use. They contend the requirements for road access cannot be met with the 35-foot access easement, and the County's approval of the project would amount to a "taking" of Nevada Comstock Enterprises property rights.

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

Commissioner Galloway commented that some things have changed relative to the County's previous position regarding industrial use, and the Specific Plan adopted in 1998 allowed industrial uses in the area. Mr. Young responded to Commissioner Galloway's questions concerning waste disposal and traffic issues. Commissioner Galloway noted that District Health Department conditions would have to be met and NDOT determines ingress and egress requirements on any State highway. Upon inquiry of Commissioner Bond, Mr. Young confirmed that, if the applicant does not get the required access, a building permit would not be granted. Mr. Solaegui then responded to further traffic questions.

Joan Presley, Reno Fire Department, responded to questions concerning Fire Department Regulations. She said they have requested two separate and independent means of access, which the applicant does not have. They would accept a 50-foot roadway consisting of two lanes of 20 feet each with a 10-foot median, which the applicant says they can meet. If the access requirement is not provided by plan submittal, the Reno Fire Department would not approve the plan. Mr. Veach commented they do not have a 50-foot wide roadway, but propose to come back to the Fire Department with other measures they have done in the past. They feel there are many ways to mitigate the issue and would like to work with the Fire Department in this regard. Commissioner Galloway suggested that, if the applicant cannot meet the conditions proposed by the January 23, 2001 letter from Captain Presley, it may be preferable for the condition to simply state they would meet conditions imposed by the Fire Department. He noted this would create substantial risk for the applicant. Mr. Veach advised they are comfortable taking that risk. He said they cannot meet the conditions outlined in the letter word for word and would like to be able to move within normal parameters to satisfy the Fire Department's requirements.

Commissioner Galloway stated he has seriously looked at the proposal and, if the applicant is able to meet the conditions, he does not think the Board has grounds to deny the use. This is an allowed use in the Specific Plan Area, and he does not consider the project as heavy industrial. He does not believe the project will lower anyone's property values given the distance from the properties that would be affected.

Commissioner Short said he has real concerns about traffic and visibility. If he votes for the project, he would want a condition added that it be buffered by something like container trees from any visibility from the Mt. Rose Highway, the new freeway, and homes in the area.

Commissioner Bond said the Stead facility is a good example of a mix of commercial and industrial next to a transfer station. The facility is clean, there is no odor, and it is a very passive use. The project will reduce garbage truck traffic, is properly zoned, is very much needed, and she believes the impacts are easy to mitigate. Wherever the facility would be located, traffic is always going to be a concern, and she believes something can be done to mitigate that issue.

Following discussion concerning the screening issue, Commissioner Galloway suggested the word "screening" be added to Condition No. 28 concerning landscaping and design. He does not believe the project should be required to be invisible and the same kind of rules that apply to everyone else should be utilized.

Chairman Shaw stated he does not support the project as he has major concerns with traffic and the emergency access issue.

Based on the following findings:

1. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Steamboat Specific Plan, a part of the Southwest Truckee Meadows Area Plan;
2. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities are required by the conditions of approval both prior to and during operation of the facility;
3. That the proposed improvements are properly related to existing and proposed roadways;
4. That an adequate public facilities determination has been made in accordance with Division Seven of the Washoe County Development Code;
5. That the site is physically suitable for this type of development and for the intensity of this specific development;
6. That issuance of the permit will not be significantly detrimental to the public health, safety, or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
7. That the Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

upon recommendation of the Washoe County Planning Commission, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, with Chairman Shaw voting "no," it was ordered that the appeal be denied and Special Use Permit Case No. SW0009-022 for the Mount Rose Transfer Station be approved subject to the following conditions which have been amended to add a screening requirement to Condition No. 28 and the addition of Condition No. 34 concerning Reno Fire Department requirements:

<p>CONDITIONS for SPECIAL USE PERMIT CASE NO. SW0009-022 for MOUNT ROSE TRANSFER STATION</p>

(As approved by the Board of County Commissioners on January 23, 2001)

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED

BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

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

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within five years from the date of approval by Washoe County.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site (APN: 049-392-05) and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a part to the covenant. The District Attorney's Office and the Department of Community Development shall determine compliance with this condition.
5. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site

and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

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

NOTE

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

7. Prior to any ground disturbing activities, a copy of the permit issued by the Nevada Division of Forestry shall be supplied to the Department of Community Development.

TRAFFIC

8. 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. The County Engineer shall be responsible for determining compliance with this condition.
9. A detailed traffic report shall be prepared by a registered engineer and shall address driveway locations and turning movements, delivery truck patterns and movements, and provide recommendations on acceleration/deceleration lanes, storage lanes, and access control. The County Engineer shall be responsible for determining compliance with this condition and the traffic improvements that are required.
10. The applicant shall provide documentation of access to the site. The County Engineer shall be responsible for determining compliance with this condition.
11. 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 sent to the County Engineer.
12. The applicant shall submit a detailed geotechnical analysis and report for pavement design recommendations to the County Engineer for review and approval. The report shall be based on the estimated traffic loadings for a 20-year design life and shall include assumptions concerning the distribution of trucks and buses, to include project construction truck traffic. The resultant pavement thickness in the geotechnical analysis must be used if the report indicates a structural section

that is stronger than minimum if required. The minimum pavement requirements for on site paving shall be three inches (3") asphalt on six inches (6") granular base. The County Engineer shall be responsible for determining compliance with this condition.

13. Prior to ground-disturbing activity, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement. The County Engineer shall be responsible for determining compliance with this condition.
14. All regulatory traffic signs shall meet Washoe County standards and the Manual on Uniform Traffic Control Devices. The County Engineer shall be responsible for determining compliance with this condition.
15. The minimum pavement requirements for on-site paving shall be three inches (3") asphalt over six inches (6") granular base. The County Engineer shall be responsible for determining compliance with this condition.

GRADING AND DRAINAGE

16. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, site drainage, erosion control, slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property. The County Engineer shall be responsible for determining compliance with this condition.
17. For construction areas larger than 5 acres, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for Construction and submit a copy to the County Engineer prior to issuance of a grading or building permit.
18. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site. The County Engineer shall be responsible for determining compliance with this condition.
19. Exported materials shall not be sold without the proper business license. The County Engineer shall be responsible for determining compliance with this condition.

20. Prior to any grading, the applicant shall submit a grading bond of \$1,000 per acre of disturbed area to the County Engineer.
21. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated. The County Engineer shall be responsible for determining compliance with this condition.
22. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.
23. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the County Engineer for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties. The County Engineer shall be responsible for determining compliance with this condition.
24. Any increase in storm water runoff resulting from the development and based upon the 5-year storm shall be detained on site, unless otherwise approved by the County Engineer.
25. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts. The County Engineer shall be responsible for determining compliance with this condition.
26. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site. The County Engineer shall be responsible for determining compliance with this condition.

HEALTH

27. The applicant shall comply with the requirements of the District Health Department as outlined within their letter of October 20, 2000. Any appeals of their requirements must be made to the District Board of Health.

LANDSCAPING AND DESIGN

28. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval. Said plan shall address, but not be limited to: screening in accordance with the Steamboat Specific Plan, type and color of building materials, and specifically the color perspectives or other means to articulate the expanse of the buildings, general architectural design, parking, parking lot circula-

tion and striping, signage, exterior lighting, fencing, landscaping material, landscaping location, and landscaping irrigation methods.

29. The applicant shall construct present a covered employee break area be provided to provide sun and rain protection. Plans for this structure or structures shall be submitted to the Department of Community Development for review and approval.
30. The applicant shall meet all the requirements of the Reno Fire Department.

OPERATIONAL CONDITIONS

31. All waste handling activities shall occur within enclosed structures. These structures may be open on the ends to provide drive-through capability during the hours of operation. No equipment shall be stored or maintained outside of a building. The Department of Community Development shall be responsible for determining compliance with this condition.
32. Security lighting will be minimal and will be limited to sodium vapor lamps. Floodlights are not permitted. The Department of Community Development shall be responsible for determining compliance with this condition.
33. The applicant shall be responsible for policing trash around the site. The Department of Community Development shall be responsible for determining compliance with this condition.
34. The applicant shall install signage adjacent to Mount Rose Highway (SR 431) which indicates the hours of operation for the public. The Department of Community Development shall be responsible for determining compliance with this condition.

**01-116 ALTURAS INTERTIE POWER LINE MITIGATION FUNDS –
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on January 12, 2001, to review results of an informal community poll conducted in the Silver Knolls/Red Rock Road area to determine the community's preference between the following options for use of the community's remaining Alturas Power Line Mitigation Funds:

Option A

1. Silver Knolls Community Center (Building) \$400,000
2. Addition to Silver Lake Volunteer Fire Station \$ 90,000

Option B

1. Combined Community Building/Firehouse Expansion for Silver Lake Volunteer Fire Station/Water Tender \$490,000

Bob Webb, Planning Manager, Department of Community Development, advised that, pursuant to Board direction on August 22, 2000, the Silver Knolls/Red Rock Road community was informally polled on their choice between the two groups of projects to be funded with their remaining Alturas Power Line Mitigation Funds. Informal polls were returned to Community Development by January 10, 2001 and there was a 49.5% return rate. 31.5% of the returned and marked polls voted for Option A and 68.5% voted for Option B. He then advised that staff recommends, whichever option is selected, the project managers be directed not to draw funds until after the final deposit of \$500,000 is made by Sierra Pacific Power Company in January 2002.

Commissioner Bond commented there was a long and lengthy community process and some people worked very hard to try to obtain some consensus for putting a community center on the park in Silver Knolls. At the August 22, 2000 meeting a considerable number of people indicated they had other plans for the money, and the County had no way of trying to access the community's wishes short of forming a group to try to arrive at a preferred project. On August 22 she said she would honor the results of the survey and plans to do that. Commissioner Bond then stated she is concerned about the status of the Silver Lake volunteer fire group.

Chairman Shaw opened the public hearing and called on those wishing to speak on this issue.

Bill Howe, President and Chief, Silver Lake Volunteer Fire Station, advised there are currently 6 people on the roster.

John Howe, Mary Rinden, Janet Rossano, Tina Grasseschi and Lee Grasseschi, Silver Knolls residents, spoke in support of Option B.

Janet Sawyer, Silver Knolls resident, spoke in support of Option A. Mark Poirier questioned how many qualified fire volunteers Silver Lake has and whether a water tender is needed. Chairman Shaw advised that Nicole Poirier submitted a letter expressing disfavor of Option B and requesting to be part of the community center design and placement process.

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

Chief Roy Slate, Reno Fire Department and Volunteer Liaison, responded to questions of Commissioner Bond. He said one of their established goals is better recruitment and retention of volunteer members and believes there is the potential for good membership to the Silver Lake Company. He then advised, if they had the option to buy a water tender and locate it at its maximum usage point, Silver Lake would probably not be the first priority. However, this is a unique opportunity and water tenders are a very valuable commodity. Upon inquiry of Commissioner Galloway, Chief Slate advised the water tender would be the property of TMFPD No. 1, and the interlocal agreement with the Reno Fire Department states that no volunteer apparatus will be relocated to a career

station for use other than in an emergency. He said the Reno Fire Department is supportive of either proposal. Chief Slate then commented that he questions the need for a 3500 gallon water tender for Silver Lake. He would like to have the opportunity for the Reno Fire Department, Silver Lake volunteers, and the residents to look at that issue to determine the best size needed for the community, noting there might be better use for the money if something smaller is more appropriate.

Commissioner Bond requested that a community group again be involved in the design and construction of the facility. If by some remote possibility, all the money is not used, she would want it placed in a trust in the County's control in the event the community would want a park site or some other project in the future.

On motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that Option B, a combined community building/firehouse expansion for the Silver Lake Volunteer Fire Station/water tender, in the amount of \$490,000 be approved. It was further ordered that Public Works (lead) with Reno Fire Department be designated as Project Manager for the projects; and that the community be very actively involved in the process, with discussions to include the appropriate size water tender needed for the community.

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There being no further business to come before the Board, the meeting adjourned at 9:45 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

*Minutes prepared by:
Sharon Gotchy and Barbara Trow
Deputy County Clerks*