

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. JULY 23, 1996

PRESENT:

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

Judi Bailey, County Clerk (a.m.)
Betty Lewis, Chief Deputy County Clerk (p.m.)
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

ABSENT:

Jim Shaw, Commissioner

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

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the agenda for the July 23, 1996, meeting be approved.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried with Commissioner Sims abstaining, Chairman Bradhurst ordered that the minutes of the regular meeting of June 25, 1996, be approved.

PUBLIC COMMENTS

There was no response to the call for public comments.

96-733 MANUFACTURER'S LICENSE - COPPER SUMMIT BREWING CO., LTD.

Upon recommendation of Richard Kishpaugh, Business License Division, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that a brew pub manufacturer's license for Copper Summit Brewing Co., Ltd., located at 7671 South Virginia Street, Reno, Nevada, be granted subject to approval by the City of Reno Business License Department.

96-734 ORDINANCE NO. 963, BILL NO. 1138 - FINAL DEVELOPMENT AGREEMENT - SOUTHWEST POINTE

9:30 a.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on July 12, 1996, to consider second reading and adoption of Bill No. 1138, approving the Final Development Agreement for Southwest Pointe, a residential community of 1,090 homesites with golf courses and recreational and commercial facilities in the Southwest Truckee Meadows

planning area. Proof was made that due and legal Notice had been given.

Don Young, Department of Development Review Planner, presented an overview of the history of the Southwest Pointe project stating that this is the first legislatively enabled Development Agreement to be presented to the Board; and that the purpose of a Development Agreement is to provide protection against future changes in an increasingly complex and uncertain land development process, which is necessary in a project such as this that will not be completed for many years. He further stated that the Preliminary Development Agreement was approved by the Board on February 8, 1994; and that, although it has been amended a couple of times, there have been no major changes or issues relating to the project other than the alignment of White's Creek Lane which was resolved. Mr. Young explained that the applicant's representative, Attorney Robert Sader, has submitted a letter clarifying the non-potable water source to be used as the interim water supply for irrigating the golf course and common areas until such time as the treated effluent from the South Truckee Meadows Wastewater Treatment Plant is available.

Using the overhead projector, Mr. Young then displayed the findings that the Board must be able to make in accordance with the Development Code in order to approve the Final Development Agreement and staff's rationale for determining that the findings can be made. He stated that those required findings are: Finding #1) the proposed gross residential density or intensity of use is not changed, or the total number of dwelling units permitted by the Preliminary Development Agreement, 1,090, is the same; (note: Mr. Young stated that in double-checking, it was determined that the zoning only allows for 1,084 residential units, but that the 1,090 figure was provided to the developer by staff back in 1992 and that the developer has relied on that number all these years.); Finding #2) the proposed ratio of residential to non-residential use is not changed; Finding #3) the area set aside for common open space is not reduced or the area is not substantially relocated; Finding #4) the floor area proposed for non-residential use is not increased; Finding #5) the total ground area covered by buildings and the height of buildings is not increased; and Finding #6) the plan provisions are consistent with the adopted Preliminary Development Agreement.

In response to Chairman Bradhurst, Mr. Young advised that CAB review and Planning Commission approvals were required before the Preliminary Development Agreement and the amendments thereto were approved by the County Commissioners; and that one of the reasons there is very little controversy on this project is because there have been so many reviews.

In response to Commissioner Sims, Mr. Young, Mr. Sader and John Collins, Washoe County Utility Division, provided a more detailed explanation concerning the agreement regarding the non-potable water and the use of creek water and/or potable water when non-potable water is not available for the golf course.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Brita Tryggvi, CFA, Inc., representing the developer, was present to respond to questions. She stated that the Chairman of the Southwest Truckee Meadows Citizen Advisory Board has requested some minor wording changes to clarify and emphasize that public access will be allowed to the golf course and pedestrian/bike paths and pointed out a typographical error on Table 1-2 which indicates the lot sizes by percentages of total lots. Ms. Tryggvi stated that the developer does not have a problem with these changes; and she and Mr. Young then cited the specific pages where the wording could be changed as proposed. Legal Counsel Madelyn Shipman advised that since these are minor changes needed just for clarification or to correct errors and are not part of the ordinance, she is not concerned.

Mr. Sader reviewed the planning process for this specific project and answered questions of the Board. He also pointed out typographical errors and requested that corrections be made.

Lyn Mundt, Southwest Truckee Meadows Citizen Advisory Board Chair, stated that the CAB feels very strongly that public access through the development for bikes and pedestrians be insured and suggested that wording to that effect be added to the CC&R's as well as the Development Standards Handbook and cited pages that the CAB would like to have changed. She discussed the use of White's Creek Lane as the construction haul route and stated that it was always assumed that White's Creek would be completed to two paved lanes prior to the issuance of the 31st building permit and requested that that be changed. She also talked about the use of non-potable creek water being used for dust control, the golf course, etc., until the treated effluent is available and expressed a concern regarding downstream water rights holders and whether the required State Engineer approvals for such use have

been received. Ms. Mundt then cited Section E, page 8-1, regarding certain modifications being approved by the Director of the Department of Development Review and stated that the citizens of the Southwest Truckee Meadows are very uncomfortable with that provision and requested that, at the very least, there should be notification, a time frame, and the changes should be presented to the CAB for comment.

Chairman Bradhurst asked Ms. Mundt if she is satisfied that there has been good citizen involvement in this process and project. Ms. Mundt stated that she is and that CFA has been very good at working with them and that many of the problems were resolved before this went to the Planning Commission.

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

Advising that he is authorized by the developers to approve changes that might be requested at this meeting, Mr. Sader stated that as far as public access to the paths, the developer is prepared to make the appropriate changes requested by Ms. Mundt to satisfy that concern; and that he certainly appreciates that the CAB Chairman has taken the time to really review this and is prepared to discuss it. Mr. Sader further stated that he would like to discuss the other three issues raised by Ms. Mundt, the haul route, the creek rights, and having all future changes reviewed and approved by the CAB, a little further. Regarding the haul route, Mr. Sader stated that he thinks there is just a misunderstanding in that the language in Exhibit I addresses what happens prior to issuance of the 35th building permit and the conditions of the Tentative Map require that two lanes of White's Creek Lane be completed prior to the issuance of the 35th building permit. In regard to the use of creek water until the treated effluent is available, Mr. Sader explained that both Thomas Creek and White's Creek flow right through the project; that they are not planning to divert Thomas Creek water, so Corps of Engineer approval is not required; that the plan is to let that water flow all the way through, just as it does now, until it gets to the sewer treatment plant at which point the water is owned by South Meadows Properties; and that that is where the water has primarily been used for the last 100 years. He further stated that South Meadows is then selling some of these water rights for Southwest Pointe to use up on the fan; that the plan is to store the water in the treatment facility reservoir and then pump it back up; and that they will need to obtain State Engineer approval to change the way the water is used. He stated that he would suggest adding language indicating that any necessary State or Federal approvals must be obtained; and that he wants to assure the Board that they are not going to divert Thomas Creek.

Mr. Sader then stated that the issue on substantial compliance is by far the most important to all concerned. He stated that a project this large, that is going to take 15 years to complete, is going to change; that some changes will be substantial and some will not; and that the question is--should every change go through the whole procedure required for changing a development agreement with lengthy publication and public hearing processes. Mr. Sader explained that what has been negotiated so far is that insubstantial changes can be done through the Director of the Department of Development Review and substantial changes be done through the Board; and that the system will not work if every change has to go through the whole process. Chairman Bradhurst cited the examples of insubstantial changes and asked who is going to determine what is substantial noting that there should at least be CAB review of changes.

Mr. Sader responded that the question of whether an issue is substantial or insubstantial is made by the Director and is appealable; and stated that he does not have a problem with CAB review; and that he would urge that the Board not change the basic concept of the development agreement process. Chairman Bradhurst suggested that adding "with review and comment by the CAB" in Exhibit "E", the Development Standards Handbook, on page 8-1, after "Modifications that are in substantial compliance with the overall character.....and approved by the Director of Development Review." Mr. Sader stated that they would agree to that addition.

Ms. Mundt stated that she understands that it would be unworkable to expect CAB approval of every change, but that without some kind of notification and chance for comment back to the Director, there could be changes that the citizens know nothing about and would not have a chance to appeal; and that she agrees with the wording Chairman Bradhurst suggested.

Commissioner Bond suggested that the Director of Development Review provide periodic reports to the Board regarding the changes being requested. Mr. Young advised that the conditions of the Development Agreement require quarterly reports and Nevada Revised Statutes requires a 2-year review process.

Commissioner Sims asked where he can find the specific conditions regarding screening along White's Creek Lane stating that he has been approached by residents who have expressed concerns and that it appears that not all the affected property owners are in agreement as to the type of screening they would like to see. Mr. Young cited the condition and stated that that will be addressed when the special assessment district for White's Creek Lane comes back before the Board. In further response to Commissioner Sims, Mr. Young confirmed that Fieldcreek property owners will not be assessed in the special assessment district for the construction of White's Creek Lane and screening along the road.

Chairman Bradhurst and Mr. Young then reviewed page-by-page the changes that have been requested and agreed upon. Those changes are:

Final Development Agreement:

Section 4.6 - Nonpotable Water Agreement: addition of a paragraph on page 11.

Section 7.10 - Indemnity: Correction of typographical errors on page 16.

Development Standards Handbook (Exhibit E):

Page 1-5, Table 1-2 - Lot Summary: Corrected numbers are:

- 12,000 sf - 436 (40%)
- 1/2 acre and larger - 382 (35%)
- 1 acre and larger - 272 (25%)

Page 2-14, Paragraph 3, last sentence: add the words "a public" so that it reads "The 8-foot width is intended to be a public multi-purpose -- bicycle, pedestrians, in-line skating, etc."

Page 2-22, Paragraph 2, the sentence that starts with "The private street will have an 120-foot..." and ends with "...8-foot wide meandering asphalt path on both sides." Insert a sentence after that that states, "Public access will be allowed to these paths."

Page 2-23, Paragraph 2, add that same sentence after "On collector roads with up to 9,600 ADT, the 8-foot path will be asphalt."

Page 8-1, Paragraph 2, to the sentence that reads "Modifications that are in substantial compliance with the overall character and design of the project may be requested by Southwest Pointe Partners or its successor and approved by the Director of Development Review." add: "with an opportunity for review and comment by the Southwest Truckee Meadows Citizen Advisory Board."

Chairman Bradhurst noted that the assumption would be that that would be done before the Director makes his decision.

Chairman Bradhurst asked Ms. Mundt if these changes will satisfy the concerns of the CAB. Ms. Mundt stated that they will. Mr. Sader stated, for the record, on behalf of the owners in the project agreement, that the changes to the development agreement and exhibits discussed are agreed to by the owners.

Based on the findings that:

1. The proposed gross residential density or intensity of use is not changed;
2. The proposed ratio of residential to non-residential use is not changed;
3. The area set aside for common open space is not reduced or the area is not substantially relocated;
4. The floor area proposed for non-residential use is not increased;
5. The total ground area covered by buildings and the height of buildings is not increased; and
6. The plan provisions are consistent with the adopted Preliminary Development Agreement;

on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Ordinance No. 963, Bill No. 1138 entitled, "An ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving the Final Development Agreement for Southwest Pointe. The Agreement facilitates the development of a residential community which includes 1,090 homesites with common open space, a water delivery system, two golf courses with related recreational facilities, a day care facility, an equestrian center, and a commercial village center. The project has a total acreage of 3,271.6 acres and is located north of Mount Rose Highway (SR431) and west of Thomas Creek Road. The property is designated Low Density Suburban (LDS), Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR) and General Rural (GR) in the Southwest Truckee Meadows Area Plan and is situated within portions of Sections 3, 10, 13, 14, 15, 22, 23, 24, 26 and 27, T18N, R19E, MDM Washoe County, Nevada, (APN: 41-030-12, 49-010-04, and 49-010-10)" including the amendments as listed above and agreed upon by the parties at this meeting, and in accordance with the following Development Agreement, Tentative Map and Special Use Permit conditions, be approved, adopted and published in accordance with NRS 244.100:

CONDITIONS FOR DEVELOPMENT AGREEMENT CASE NO. DA9-1-93 FOR SOUTHWEST POINTE (As amended by the Washoe County Planning Commission on May 7, 1996)

UNLESS OTHERWISE STATED, PRIOR TO APPROVAL OF THE FINAL DEVELOPMENT AGREEMENT, ALL CONDITIONS MUST BE MET. A COPY OF ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR DEPARTMENT OF DEVELOPMENT REVIEW.

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. Unless specifically stated in the final Development Agreement, all uses, densities and standards shall be consistent with the Washoe County Development Code and with the goals and policies in the Comprehensive Plan and the Southwest Truckee Meadows Area Plan. Unless specifically stated in the final Development Agreement, the allowed uses, densities, and standards of the land subject to the Development Agreement shall be those in effect at the time the final agreement is approved.
2. The final Development Agreement shall specify any time frames that have been extended beyond those specified by Washoe County Code or Nevada Revised Statutes. The Department of Development Review shall be responsible for determining compliance with this condition.
3. A "statement of compliance" format or formats for both residential and non-residential projects shall be made a part of the final Development Agreement. The Department of Development Review shall be responsible for determining compliance with this condition.
4. The developer and all successors shall direct any potential purchaser of the site, or portions thereof (other than individual single-family lots), to meet with the Department of Development Review to review the Development Agreement and the conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Development Review of the name, address, telephone number, and contact person of the new purchaser within 30 days of the final sale.
5. Prior to submittal to the Washoe County Board of County Commissioners, the final Development Agreement shall be reviewed and approved by the Office of the District Attorney of Washoe County.
6. The final Development Agreement will be submitted to the Washoe County Board of County Commissioners within three months of submission of a completed agreement with all accompanying exhibits, provided the Department of Development Review does not delay the submission in order to approve provisions of the agreement to its satisfaction. Extension of any of these time frames may be requested if mutually agreeable to Washoe County and the developer.

7. The developer shall provide the Department of Development Review staff with a quarterly report indicating the number of building permits issued and other building activity, once residential construction has started.

8. The developer shall define a process to ensure that the maintenance and replacement of the streets, parking areas, lighting, landscaping, recreational facilities, utilities, and other private infrastructure shall be performed by the homeowners associations and shall be perpetually funded. The County Engineer and the Department of Development Review shall be responsible for determining compliance with this condition.

STREETS AND TRAFFIC

9. A Level of Service C, or the current Washoe County standard, shall be used as a basis for evaluating transportation needs and traffic impact mitigation requirements.

10. The final Development Agreement shall not be approved until the right-of-way (ROW) of all necessary off-site accesses from the project to Thomas Creek Road are obtained. Preliminary golf course and roadway grading may commence before such approval has been obtained so long as such construction is done in accordance with Condition 21 for tentative maps. An approved and recorded ROW document shall be provided to the County Engineer and the District Attorney's Office.

11. Prior to final approval of the Development Agreement, the developer for Southwest Pointe shall petition the Washoe County Board of County Commissioners to create a Special Assessment District for the purpose of financing the construction of Whites Creek Lane from the project site to Wedge Parkway and other roads as defined in the SAD agreement. In the event that a special assessment district is not created, the developer shall construct Whites Creek Lane, as outlined in Conditions 17 and 19 for tentative maps, from the project site to Wedge Parkway. The County Engineer shall be responsible for determining compliance with this condition.

12. A Construction Traffic Haul Route Plan shall be submitted to the County Engineer for review and approval. The primary construction haul route shall be Whites Creek Lane. However, as part of Phase I development, Zolezzi Lane may be used, for construction mobilization only, for completion of the first 18-hole golf course and for the extension of utilities into the project site. Prior to approval of any final map or prior to the issuance of the first building permit for the first final map, all construction traffic will be diverted to Whites Creek Lane. No construction traffic will be allowed on Thomas Creek Road between Whites Creek Lane and Zolezzi Lane. Access to Whites Creek Lane will be from the Mt. Rose Highway to Thomas Creek Road. When the 35th building permit is issued, all construction traffic will be required to use Whites Creek Lane from Wedge Parkway. Construction traffic will use Whites Creek Lane from Wedge Parkway if this segment is completed prior to the issuance of the 35th building permit. Thomas Creek Road from Mt. Rose Highway to the proposed Whites Creek Lane may be considered for a haul route provided the developer submits a traffic analysis and intersection design prepared by a licensed Nevada Civil Engineer which addresses and provides, as a minimum, recommendations regarding:

- a. site distance requirements;
- b. left turn storage capacity and design;
- c. intersection location and alignment;
- d. proximity to existing intersections and recommended separate distances;
- e. existing center median and landscaping concerns;
- f. determination of adequacy of existing Thomas Creek Road roadway geometric section; and
- g. determination of adequacy of existing structural section and load bearing capability.

The submitted report shall be evaluated and accepted by the County Engineer prior to any approval of the use of Thomas Creek Road as a haul route. Once Whites Creek Lane is connected to Wedge Parkway, this road shall become the primary construction haul route.

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 supporting capability. 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 Pavements.

13. The developer shall provide a schematic pedestrian circulation plan. The Department of Development Review shall be responsible for determining compliance with this condition. The "statement of compliance" shall require that a detailed pedestrian circulation plan will be submitted as part of each tentative map and approved by the Department of Development Review.

14. Unless specifically stated in these conditions of approval or in the final Development Agreement, all public and private street design and construction is to be done in accordance with the Washoe County standards that are in effect at the time the final Development Agreement is recorded. The County Engineer shall be responsible for determining compliance with this condition.

15. Unless otherwise stated in these conditions of approval or in the final Development Agreement, 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.

16. All private roadways shall be depicted on the final maps and identified on the tentative map as either private access easements over individual adjacent lots or, if identified as separate parcels, as either common areas with equal fractional ownership by all of the lots within the development or common areas owned by the homeowners association. The County Engineer shall be responsible for determining compliance with this condition.

GRADING AND DRAINAGE

17. A general concept-level storm drain master plan shall be submitted to the County Engineer for approval prior to acceptance of the final Development Agreement. The general concept-level storm drain master plan shall address in general terms proposed methods for handling the existing and increased flows for the 10- and 100-year storms including detention and other proposed mitigation measures for both on-site and off-site areas. This master plan shall include a drawing which shows the existing drainage basins within the development and indicate how they may be impacted. After approval of the general concept-level storm drain master plan and the final Development Agreement, and prior to approval of a tentative map for any phase or approval of any special use permit, a preliminary hydrology report shall be submitted to the County Engineer for approval. The County Engineer shall be responsible for determining compliance with this condition.

18. Detention/retention facilities are to be maintained by a homeowners association and perpetually funded unless Washoe County agrees to accept maintenance and financial responsibilities. Regional facilities would be maintained by Washoe County. The County Engineer shall be responsible for determining compliance with this condition.

19. A maintenance plan of all drainage facilities to be owned by the homeowners association shall be provided prior to approval of the conditions, covenants, and restrictions (CC&Rs). All treatment of stormwater, including snow storage runoff and storm water facilities design, is to consider the future planned Washoe County water treatment plant and associated Steamboat Ditch conveyance system. The County Engineer shall be responsible for determining compliance with this condition.

20. The off-stream detention/debris basin recommended in the 1990 Kennedy, Jenks, Chilton report shall be reserved based on the following timetable:

a. Washoe County will have three years to obtain the necessary permits for construction of the off-stream detention basin. This three years shall commence upon the approval of the final Development Agreement. If Washoe County fails to obtain the necessary permits, the property for the detention site shall be offered by the developer or his successors, for dedication to the Washoe County School District for a middle school or revert to open space.

b. If Washoe County does obtain the necessary permits within three years, construction of the project shall commence within 5 years of the approval of the final Development Agreement. If construction is not started by that date, the

property for the detention site shall be offered by the developer or his successors, for dedication to the Washoe County School District for a middle school or revert to open space.

c. If an alternative solution or site becomes available for flood control, this property will immediately become available for dedication to the Washoe County School District for a middle school or revert to open space.

d. If the detention basin is constructed, Washoe County shall pay fair market value for the property.

21. The increase in development-caused runoff from the 100-year storm, including drainage's which run directly into the Steamboat Ditch, shall be detained/retained on-site because of the limited capacity of the flood control facilities in the area of South Virginia Street and the Steamboat Ditch Company. The County Engineer shall be responsible for determining compliance with this condition.

22. A geotechnical report shall be prepared, which considers the effects of earthquake forces and faulting in the area. The siting and design of detention/retention facilities shall be addressed based on the findings and recommendations provided in the geotechnical report. The County Engineer shall be responsible for determining compliance with this condition.

23. The development shall comply with the requirements of the Hillside Ordinance of the Development Code, as applicable. The Department of Development Review shall be responsible for determining compliance with this condition.

WATER AND WASTEWATER

24. A schematic water system plan for the referenced proposal must be submitted to the Utility Division and the District Health Department. Prior to a final map approval, the plan must show that the water system will conform to the State of Nevada Water Supply Regulations, NAC Chapter 445, and the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 through 278.410.

25. Prior to the approval of the final Development Agreement, a complete water analysis from at least one monitoring well must be submitted to the District Health Department. The analysis must demonstrate the water conforms to the existing and proposed drinking water standards.

26. The developer shall utilize treated wastewater from the South Truckee Meadows Wastewater Treatment Plant. As part of the initial construction, the developer shall provide the necessary on-site easements needed to construct the infrastructure. When this resource becomes available to irrigate the golf course, the developer shall construct the necessary on-site infrastructure. The Utility Division shall be responsible for determining compliance with this condition.

FIRE PROTECTION

27. If requested by the applicable fire protection agency, a minimum one-acre site for a fire station shall be offered for dedication prior to recordation of the first final map. The developer shall enter into talks with the applicable fire protection agency for any other requirements, such as, a fire station site, manpower and equipment needs, or for coordination with other developments that have similar requirements and the results of those discussions, as they relate to the entire project, shall be incorporated into the Development Agreement.

PARKS/RECREATION/OPEN SPACE

28. An open space management plan and map shall be prepared that specifies the ownership of open spaces, type of uses allowed and who is responsible for maintenance. This plan shall address the provisions of Section 110.408.45 of the Development Code. Common areas shall be maintained by the homeowners association and provisions be made for perpetual funding for maintenance. Prior to approval of the final Development Agreement, a government entity (e.g. United States Forest Service, Washoe County Parks Department, etc.) or a non-profit organization (e.g. Washoe Parks Foundation) shall be identified that will accept the dedication

of the open space buffers public identified on the Concept Plan, which consists of approximately 1,500 acres. The Parks and Recreation Department and the Department of Development Review shall be responsible for determining compliance with this condition.

29. The final Development Agreement shall include a provision for the public open space that prohibits the sale of any open space without the consent of Washoe County. The Department of Development Review shall be responsible for determining compliance with this condition.

30. A minimum 10-acre public park site shall be offered for dedication to the county. A sketch plan will be included in the final Development Agreement. The final park design shall be mutually agreeable to the county and the developer. The developer will construct the recreation facilities in the park and then be reimbursed for the cost of the construction from the Residential Construction Tax. The responsibility of park maintenance shall be negotiated by the developer and Washoe County prior to the approval of the final Development Agreement. The Parks and Recreation Department and Department of Development Review shall be responsible for determining compliance with this condition.

31. The developer will work with the Department of Parks and Recreation to locate the proposed regional public trails to the satisfaction of Washoe County and the developer. The Parks and Recreation Department and Department of Development Review shall be responsible for determining compliance with this condition.

LANDSCAPING/ARCHITECTURAL DESIGN

32. Prior to approval of the final Development Agreement, the developer shall submit a Development Standards Handbook for the entire project to the Design Review Committee for its review and approval. These guidelines shall address, but not be limited to, type and color of building material, general architectural design, fencing, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained. The Design Review Committee shall also review the design of Whites Creek Lane, specifically to address Condition 19.c. for tentative maps. The Department of Development Review shall be responsible for determining compliance with this condition.

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CONDITIONS FOR TENTATIVE SUBDIVISION MAP CASE NO. _____ FOR _____ SUBDIVISION

(As recommended by Department of Development Review and attached to Staff Report dated _____)

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 DEVELOPER 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 DEPARTMENT OF DEVELOPMENT REVIEW.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF DEVELOPMENT REVIEW 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 DEVELOPMENT REVIEW AT

LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS TWO YEARS 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 DEVELOPMENT AGREEMENT, 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. The subdivider shall present to the planning commission a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within two (2) years after the date of approval of the tentative map. Prior to the expiration of a tentative map, the planning commission or, upon appeal, the governing body may grant a two (2) year extension for the presentation of the entire final map or next successive final map. The effective date of the extension shall be two (2) years from the date upon which the map would have expired. If the subdivider fails to record a final map for any portion of the tentative map or obtain an extension within two years after the date of approval of the tentative map, all proceedings concerning the subdivision are terminated.

2. Unless specifically stated in the final Development Agreement, final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of approval of the final map or any subsequent extension date. The Department of Development Review shall be responsible for determining compliance with this condition.

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

4. As part of every tentative map and final map application, the developer shall include a completed "statement of compliance" that demonstrates how the development will be or is consistent with the recorded final Development Agreement. The "statement of compliance" for the final map shall incorporate a description of how the conditions of approval have been met. The Department of Development Review shall be responsible for determining compliance with this condition.

5. Conditions, covenants, and restrictions (CC&Rs) shall be reviewed and approved by the District Attorney's Office, County Engineer, and the Department of Development Review prior to final map approval or prior to issuance of a certificate of occupancy for a non-residential use. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's office. If the CC&Rs are not recorded on the entire property, subsequent phases will be annexed to the previously recorded CC&Rs. Said CC&Rs shall specifically address the ability of the county to enforce certain provisions against the property and the individual property owner's responsibilities for the perpetual funding, maintenance and replacement, of the following items, at a minimum:

- a. Private roads within the subdivision.
- b. Equestrian center.
- c. Staffing of maintenance and security forces.
- d. Common area landscaping.
- e. Entrance gates.
- f. Snow removal and storage areas.
- g. Common area landscaping including along streets or landscaping along Whites Creek Lane.
- h. Fire and fuelbreaks.
- i. Detention basins and the accumulated sediment.
- j. Equestrian/pedestrian trails.
- k. Bicycle and pedestrian paths.

- m. Golf cart crossings.
- n. Off-site residential parking areas.

At a minimum, the CC&Rs shall also specifically address the following items:

- a. Requirement to abide by Architectural/Community Design Guidelines.
- b. All homes must have a garage with space for a minimum of two cars.
- c. Specifications on the limitation of turf area for single-family homes.
- d. Retention of public access to the golf course, bike paths, (i.e., 8-foot meandering paths along minor arterials and some collectors; refer to street sections), public trails, and non-residential uses.
- e. Notice of requirement to pay future sewer user fees.
- f. Requirement to adhere to National Electric Safety Code setbacks for existing overhead power lines.
- g. Potential for conservation easements or dedication of open space.
- h. Prohibition of motorized vehicles in open space.
- i. Areas with potential for equestrian traffic.
- j. Access to open space for pedestrian and bicycle traffic.
- k. Notice of pedestrian easements to abutting properties.
- l. Minimum defensible space requirements.
- m. Snow storage areas.

6. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map, the developer shall submit an archaeological/historical survey to the Department of Development Review. The Department of Development Review shall submit the survey to the State Historic Preservation Office of the Department of Museums, Library and Arts for review. Following that review, the State Historic Preservation Office shall submit a letter to the Department of Development Review that indicates the survey was acceptable.

7. 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.

8. 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.

9. 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.

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

11. All soil boring logs must be included as part of the construction drawings. The County Engineer shall be responsible for determining compliance with this condition.

12. All new utilities shall be placed underground. The County Engineer shall be responsible for determining compliance with this condition.

13. 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.

14. The final map shall designate faults, by distance and bearings, that have been active during the Holocene epoch of geological time and 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 faults have been located by Civil Engineer Registered in Nevada and experienced in Geotechnical Engineering and field surveyed by a Nevada Registered Land Surveyor.

The Department of Development Review shall be responsible for determining compliance with this condition.

15. The Washoe County Planning Commission certificate on the final map shall be approved by the County Engineer and the Department of Development Review.

STREETS AND TRAFFIC

16. The developer 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, 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 is required. The County Engineer shall be responsible for determining compliance with this condition.

17. Prior to the issuance of the first building permit, two lanes of Whites Creek Lane shall be constructed, to two-lane minor arterial standards as a minimum, from Thomas Creek Road to the project site. The County Engineer shall be responsible for determining compliance with this condition.

18. Prior to the issuance of the first building permit, a second access shall be constructed to the project site to emergency standards to the satisfaction of the applicable fireprotection agency.

19. The County Engineer shall be responsible for determining compliance with this condition. Prior to the issuance of the 35th building permit, the following roadway improvements shall be constructed:

- a. The remaining two lanes of Whites Creek Lane from Thomas Creek Road to the project site if warranted by projected traffic demands.
- b. Two (2) lanes of Whites Creek Lane from Thomas Creek Road to Wedge Parkway with 100 feet of right-of-way. These two lanes will be constructed so that an additional two lanes may be added in the future if warranted by projected traffic volumes.
- c. Whites Creek Lane will be designed in a manner that minimizes any impacts on the adjacent homes to the north in Fieldcreek Ranch (e.g., fencing, berms, lowering the travel lanes).

20. The minimum pavement structural section shall be 5 inches of asphalt over 8 inches of aggregate base for minor arterials, 4 inches of asphalt over 6 inches of granular base for roadways (private and public) for collector streets, and 3 inches of asphalt over 6 inches of granular base for roadways for local streets. The County Engineer shall be responsible for determining compliance

with this condition.

21. Prior to or upon approval of the CC&Rs, the developer shall have a street maintenance program approved by the County Engineer and the Department of Development Review. Maintenance of private streets shall be performed by the homeowners association and shall be perpetually funded.
22. The following roadway sections shall be applicable to the public and private on-site streets shown on the tentative map. A traffic report shall be submitted with each tentative map and shall identify the ultimate average daily traffic on each street and shall make recommendations for geometric design (e.g., left turn storage capacity, sight distance, minimum required turning radius, etc.). The County Engineer shall be responsible for determining compliance with this condition.
 - a. Private Common Driveways - Serving 4 or less lots, pavement width 20 feet; serving 5 or more lots, pavement width 22 feet; no parking either side. Curb returns shall have a minimum face of curb radius of 20 feet on local streets and 25 feet on collector streets. Private common driveway locations will be shown on all tentative maps. Private common driveways will line up with proposed street intersections where possible and will comply with street intersection offset requirements. Single lot driveway access will not be allowed onto streets on which the average daily traffic exceeds 2000 trips. (Refer to street sections.)
 - b. Rural Private - 60 foot minimum ROW (maximum 200 ADT): minimum 22 foot pavement width; curb and gutter or County Engineer-approved concrete header with roadside ditch both sides (developer's discretion); no parking either side. A minimum 4-foot path or gravel shoulder on both sides of the street will be provided unless alternate provisions or locations of pedestrian paths can be provided and shown in the Pedestrian Circulation Plan. The County Engineer shall be responsible for determining compliance with the provisions of this condition. (Refer to street sections.)
 - c. Local Private - 60 foot minimum ROW (200 - 500 ADT): minimum 22 foot pavement width; curb and gutter or County Engineer-approved concrete header with roadside ditch both sides (developer's discretion); no parking either side. A minimum 4-foot path on both sides of the street will be provided unless alternate provisions or locations of pedestrian paths can be provided and shown in the Pedestrian Circulation Plan. The County Engineer shall be responsible for determining compliance with the provisions of this condition. (Refer to street sections.)
 - d. Collector Private - 60 foot minimum ROW (500 ADT to 2000 ADT): minimum 24-foot pavement width; curb and gutter or County Engineer-approved concrete header with roadside ditch both sides (developer's discretion); no parking either side. A minimum 4-foot path on both sides of the street will be provided unless alternate provisions or locations of pedestrian paths can be provided and shown in the Pedestrian Circulation Plan. The County Engineer shall be responsible for determining compliance with the provisions of this condition. (Refer to Street Sections.)
 - e. Collector Private - 60 foot minimum ROW (2000 ADT to 8000 ADT): minimum 24-foot pavement width with an additional 12-foot left turn lane at intersections where warranted; curb and gutter or County Engineer-approved concrete header with roadside ditch both sides (developer's discretion); no parking on either side. A minimum 8-foot path on both sides of the street will be provided unless alternate provisions or locations of pedestrian paths can be provided and shown in the Pedestrian Circulation Plan. The County Engineer shall be responsible for determining compliance with the provisions of this condition. No residential driveway access will be allowed. Access for private common driveways will be allowed. (Refer to street sections.)
 - f. Collector Private - 120 foot minimum ROW collector street (up to 9600 ADT): A minimum 27-foot center median from curb face to curb face, 19-foot pavement width on either side of the median; curb and gutter on both sides or County Engineer-approved concrete header with roadside ditch both sides (developer's discretion); no parking either side except during special events; a minimum 8-foot meandering asphalt path both sides; no residential driveway access allowed. (Refer to street sections.)
 - g. Minor Arterial, Private - 120 foot minimum ROW (more than 10,800 ADT): A minimum 27-foot center median from curb face to curb face, 24-foot pavement width on either side of the median; County Engineer-approved concrete header with roadside ditch; no parking either side; a minimum 8-foot meandering asphalt path both sides; no residential driveway access allowed. A gate may be installed at the point where Whites Creek Lane becomes a private road. (Refer to street sections.)

h. Minor Arterial, Public - 120-foot minimum ROW (more than 10,800 ADT): A minimum 27-foot center median from curb face to curb face, 29.5-foot roadway section on either side of the median; curb and gutter on both sides; a minimum 6-foot concrete sidewalk on both sides; no residential driveway access is allowed. (Refer to street sections.) A gate may be installed at the point where Whites Creek Lane becomes a private road. A public turn-around is required on the public side of the gate.

23. All roadway grades shall be limited to the maximum allowable grades for each street classification as provided in the Washoe County Standards. The County Engineer shall be responsible for determining compliance with this condition.

24. Construction near fault lines shall be as follows:

a. Buildings for human occupancy shall be set back from the centerline of fault traces. Setback distances shall be determined by a geotechnical investigation prepared by a Nevada Registered Civil Engineer experienced in geotechnical engineering. The minimum setback shall be 50 feet on each side of the fault line.

b. Roadway construction in fault zones and along fault traces shall be reviewed by a Nevada Registered Civil Engineer experienced in geotechnical engineering. Any recommended special construction requirements (e.g., flexible joint connections for utilities) shall be complied with. The County Engineer shall be responsible for determining compliance with this condition.

25. All cul-de-sacs shall be a minimum pavement radius of 43.5 feet to front face of curb or 45 feet to edge of pavement. The County Engineer shall be responsible for determining compliance with this condition.

26. Landscaped medians shall be designed in accordance with AASHTO site distance and safety guidelines. The County Engineer and the Department of Development Review shall be responsible for determining compliance with this part of the condition. Maintenance of median landscaping shall be by the homeowners association as provided for in a separate maintenance agreement to be approved by the County Engineer and the District Attorney's Office prior to approval of the CC&Rs.

27. Temporary county standard turnarounds shall be constructed on all phased roadways which extend more than one lot depth beyond a maintained public or private street. The County Engineer shall be responsible for determining compliance with this condition.

28. All-weather emergency access roads shall be constructed at the end of all cul-de-sacs that are longer than 1,500 feet. These roads shall have a 30-foot access easement with a minimum 20-foot width and 2.5 inches of asphalt concrete pavement on an engineered gravel base. The roads shall be controlled by emergency access gates and shall be posted with signs stating "For Emergency Vehicles Only". The County Engineer and the applicable fire protection agency shall be responsible for determining compliance with this condition.

29. Prior to final map approval, the developer shall provide all weather emergency access easements and road improvements at the locations shown on the tentative map, terminating at public or privately-maintained streets. The County Engineer shall be responsible for determining compliance with this condition.

30. Meandering asphalt paths will be acceptable provided that:

a. Pedestrian easements are included for portions of the paths located outside the county right-of-way.

b. Landscaping between the back of the curb and the path shall be designed in accordance with AASHTO site distance and safety guidelines. The County Engineer shall be responsible for determining compliance with the provisions of this condition.

c. Maintenance of the asphalt paths and landscaping shall be the responsibility of the developer and, when created, by the homeowners association as provided for in a separate maintenance agreement and to be approved by the County Engineer and the District Attorney's office prior to approval of the final Development Agreement.

31. Asphalt paths or gravel shoulders, located adjacent to private streets shall be privately maintained and funded. The County

Engineer shall be responsible for determining compliance with this condition.

32. Street lights shall be installed at major intersections. The County Engineer shall be responsible for determining compliance with this condition.

33. No at-grade golf cart crossings shall be allowed across any street with 500 ADT or greater. Where possible, crossings should be below the grade of public streets. The County Engineer shall be responsible for determining compliance with this condition.

34. Off-site parking areas shall be provided within 500 feet of homes that have lots ranging in size between 12,000 square feet and one-half acre. One space shall be provided for every three homes. Parking areas shall be evenly distributed to avoid large paved areas and shall be shown on the tentative map(s). The Department of Development Review shall be responsible for determining compliance with this condition.

35. Project streets that are designed with security gates at points intersecting with public streets shall have adequate on-site stacking space. The specific type and size of the stacking areas must be approved by the County Engineer and constructed as approved.

36. Regulatory signs must be installed at the juncture of all public streets with a private street and at intersections along the primary loop road. Said sign shall state: "PRIVATE STREET NOT MAINTAINED BY COUNTY." All regulatory signs shall meet the Manual of Uniform Traffic Control Device standards. The County Engineer shall be responsible for determining compliance with this condition.

37. Street names shall be reviewed and approved by the Regional Street Naming Coordinator. The tentative map shall indicate street names for identification purposes.

DRAINAGE AND GRADING

38. After approval of the general concept-level storm drain master plan and the final Development Agreement, and prior to approval of a tentative map for any phase, a preliminary hydrology report shall be submitted to the County Engineer for approval. This preliminary hydrology report shall be prepared in accordance with county requirements for tentative maps, in conformance with the general concept-level storm drain master plan, and be applicable to the specific tentative map or special use permit being approved. The report shall include, as a minimum, the locations, points of entry and discharge, flow rates and flood limits of all 10- and 100-year storm flows impacting both on-site and off-site areas and the methods for handling these flows as well as the proposed methods for handling storm water increases due to development. Proposed mitigation measures shall be included for any impacts on existing on-site and off-site properties and facilities. The County Engineer shall be responsible for determining compliance with this condition.

39. Prior to the submittal of any final map or issuance of any grading permit, a final detailed hydrology/hydraulic report for that phase, prepared by a Nevada Registered Engineer, shall be submitted to the County Engineer for approval. The report shall be in substantial compliance with the general concept-level storm drain master plan and contain all final storm drain pipe, ditch and retention pond sizing calculations and mitigation measures for any impacts on existing on-site and off-site properties and facilities. All drainage improvements shall be designed, constructed, and approved by the District Health Department and the County Engineer. The developer shall arrange for financial assurances, acceptable to the County Engineer, for all or part of these improvements.

40. A maintenance plan of all drainage facilities, to be owned by the homeowners association, shall be provided prior to approval of the CC&Rs. All treatment of stormwater, including snow storage runoff and storm water facilities design, is to consider the future planned Washoe County water treatment plant, and associated Steamboat Ditch conveyance system. All runoff from improved areas which runs into the Steamboat Ditch shall be pre-treated for silt and petrochemicals and shall be routed through a "wet" detention facility or approved alternative. The Utility Division and the Department of Development Review shall be responsible for determining compliance with this condition.

41. 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. 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. The County Engineer shall be responsible for determining compliance with this condition.

42. Prior to approval of the final map, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection. If required, point discharge permit for each proposed detention pond will be obtained from the Nevada Division of Environmental Protection and copy shall be submitted to the County Engineer.

43. The developer shall provide pretreatment for petrochemicals, nutrients and other chemicals used for landscaping, and silt for all storm drainage from the site. Systematic cleaning of the streets, parking lots, and catch basins, and control of salt and sanding activities shall to be delineated in the maintenance plan. The County Engineer shall be responsible for determining compliance with this condition.

44. Prior to issuance of a grading permit for the golf course and/or final map, a final wetlands determination must be made and approved by the US Army Corps of Engineers and the approval letter provided to the Department of Development Review.

45. Prior to issuance of a grading permit for the golf course or approval of a final map, the developer shall obtain from the Army Corps of Engineers a 404 permit for wetland and dredge and fill for all roadway crossing of Thomas and Dry Creeks, or a letter from the COE indicating that a 404 permit is not required and a copy submitted to the County Engineer.

46. All street crossings of Thomas and Dry Creeks shall be designed to pass the 100 year flood flows without obstruction or overtopping of the roadway. Erosion protection shall be provided based upon the recommendation of the geotechnical report. The County Engineer shall be responsible for determining compliance with this condition.

47. 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 District Health Department and the County Engineer shall be responsible for determining compliance with this condition.

48. The stormwater discharges from this development that flow to Dry Creek shall be controlled to pre-development flow conditions and will be controlled to prevent water quality degradation of Steamboat Ditch. The developer shall provide drainage structures under Steamboat Ditch that would pass the 10-year frequency storm or demonstrate that there will not be any water quality degradation in Steamboat Ditch. The County Engineer shall be responsible for determining compliance with this condition. The developer shall contact the Division of Water Resources, State of Nevada, to determine whether the proposed flood detention facilities will require permits. If required, copies shall be submitted to the County Engineer.

49. Prior to the approval of a grading permit or approval of a final map, a detailed dust control plan shall be prepared and submitted to Air Quality Management of the District Health Department and to the Department of Development Review. The dust control plan shall address, as a minimum, "phased grading" and stabilization methods that include the revegetation, application of palliatives or other District approved methods prior to any grading of new phases, as well as effective street cleaning for any mud or soil tracking to existing paved surfaces, and dust controls on any screening methods or storage piles located on the site.

50. Prior to approval of the first final map, an erosion control and soil stabilization plan and a grading plan shall be approved by the Washoe-Storey Conservation District. A copy of the approval shall be submitted to the District Health Department, Department of Development Review, and County Engineer.

51. A buffer shall be provided next to riparian vegetation. The size of the buffer shall be mutually agreeable to Washoe County and the developer. A minimum 50-foot buffer shall be provided from any structures. The Department of Development Review shall be responsible for determining compliance with this condition.

52. Individual lot drainage shall not be allowed to drain onto neighboring properties without proper reciprocal drainage easements and the individual lot drainage swales shall be designed to handle the 100-year flows and lined. The County Engineer shall be responsible for determining compliance with this condition.

WATER AND WASTEWATER

53. The developer shall construct or provide the financial assurances for the construction of the water and sewer system facilities. The financial assurances must be in a form and amount that is satisfactory to the Utility Division.

54. Fees for plan checking and inspection shall be paid in accordance with Washoe County ordinance. The Utility Division shall be responsible for determining compliance with this condition.

55. Easements for all water and sewer utilities shall be offered for dedication to Washoe County. The Utility Division shall be responsible for determining compliance with this condition.

56. No "certificate of occupancy" shall be issued until the water and sewer facilities have been completed and accepted for operation and maintenance. The Utility Division shall be responsible for determining compliance with this condition.

57. The sanitary sewer collection system and water system facilities, with the exception of the golf course and common area irrigation systems, must be offered for dedication to Washoe County. The Utility Division shall be responsible for determining compliance with this condition.

58. The Nevada Division of Environmental Protection must submit a letter to the District Health Department certifying their approval of the final map.

59. The developer shall deposit with the Utility Division the sum of \$50.00 per lot prior to recordation of all or part of the final map. This fee shall represent the prorated share of the completed water and wastewater facilities plan for the South Truckee Meadows for this development.

60. In accordance with the Washoe County Utility Division policies for the Southwest Truckee Meadows, water rights shall be dedicated to Washoe County. Prior to acceptance, the water rights must be in good standing with the State of Nevada Division of Water Resources and must reflect a point of diversion, place and manner of use acceptable to the Utility Division.

61. All minor infrastructure for potable water distribution shall be designed, constructed, inspected, and approved by the District Health Department and the Utility Division. The developer shall coordinate with the Utility Division to ensure the major infrastructure design can be accomplished prior to the approval of the final map.

62. Responsibility for design of wells, pump structure, controls, telemetry, and appurtenances, storage tanks, and transmission lines to the edge of the subdivision, all necessary to provide water service to the project, will rest with the Utility Division. The Utility Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Division and the developer shall jointly select that engineer. Funding of design and infrastructure in excess of the minimum requirements or that to serve the development as determined by generally 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 hookups to the developer at the time of recordation of the final map.

63. Prior to final map approval, a letter of approval from the Division of Water Resources for the water rights serving this proposal must be submitted. A water "will-serve" letter for a final map will not be issued until the production wells have been determined to have adequate water resource. The Utility Division shall be responsible for determining compliance with this condition.

64. Before approval of the final map will be considered, a letter from the water purveyor committing adequate water service to

this proposal must be submitted to the District Health Department. This letter shall indicate that the facility will not be brought beyond its permitted capacity by this service.

65. Prior to the approval of a final map by the District Health Department, the production wells that will serve any phase of this development must be constructed, pump tested and sampled to ensure the proposed water system has sufficient quality and quantity.

66. Water quality results from a state-certified laboratory for new water sources shall be submitted to the Utility Division. The water quality sampling and testing shall be in compliance with the current State of Nevada Regulations for Public Water Systems, NAC 445.

67. If the water quality of the wells does not meet the secondary or the primary standards, as defined by NAC 445, water treatment facilities must be on-line and functioning prior to issuance of any building permits. The Utility Division shall be responsible for determining compliance with this condition.

68. If a supplemental water source is required, evidence that an adequate source has been procured by the developer/water purveyor shall be submitted to the Utility Division for their review and approval.

69. Any wells on the property not in use for production or monitoring purposes, shall be properly abandoned in accordance with State Regulations governing Water Wells and Related Drilling. The Utility Division shall be responsible for determining compliance with this condition.

70. The developer shall provide access to the existing monitoring wells. In the event access is no longer available, the developer shall construct new wells. The Utility Division shall be responsible for determining compliance with this condition.

71. The tentative maps shall show the maintenance roads for the existing and proposed water tanks. The location of these roads shall be mutually agreeable to the Department of Public Works and the developer.

72. The final map owner's certificate shall contain language indicating that the developer and his assignees agree to the use of residential water meters. The Department of Development Review shall be responsible for determining compliance with this condition.

73. Pursuant to Section 278.340 of the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, no grading permit shall be issued prior to District Health Department approval of the referenced final map. This condition does not apply to the construction of production wells required in Condition 68. The developer may seek relief from the District Board of Health for this requirement or may choose to create a separate parcel for the first 18-hole golf course.

74. The Department of Development Review shall be responsible for determining compliance with this condition. The final map shall contain the following note:

NOTE

No Certificate of Occupancy shall be issued until the water facilities have been completed and accepted by Washoe County.

75. Responsibility for design of any pump stations and interceptors to provide sewer service to the project will rest with the Utility Division. The Utility Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Division and the developer shall jointly select that engineer. Funding of design and infrastructure in excess of the minimum requirements or that to serve the development as determined by generally 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 hookups to the developer at the time of recordation of the final map.

76. All minor infrastructure for sewer collection shall be designed, constructed, inspected, and approved by the District Health Department and the Utility Division.

77. The sewer "privilege connection fee" must be paid for each lot when required by the Washoe County Utility Division since it is not anticipated that there will be any additional major infrastructure needed to serve this development. The Utility Division shall be responsible for determining compliance with this condition.

78. All sewer hookup fees for the area within the final map will be paid to Washoe County. The Utility Division shall be responsible for determining compliance with this condition.

79. The final subdivision map shall show a dedicated, all-weather easement, with access, over the developments sanitary sewer lines. The Utility Division shall be responsible for determining compliance with this condition.

80. Proper easements shall be shown for off-site sewage and drainage systems. The Utility Division and the County Engineer shall be responsible for determining compliance with this condition.

81. Prior to final map approval, a letter, which can be a will-serve letter, from the Utility Division committing sewer service, must be submitted to the District Health Department. This letter shall indicate that the treatment facility will not be brought beyond its permitted capacity by this service.

FIRE PROTECTION

82. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the applicable fire protection agency. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys. Access and fire flows shall be addressed to the satisfaction of the fire protection agency prior to the approval of a final map.

83. The developer shall minimize grading to the maximum extent possible in the area around the critical mule deer habitat in order to preserve the existing browse shrubs. The Department of Development Review, in conjunction with the applicable fire protection agency, shall be responsible for determining compliance with this condition.

OTHER

84. A minimum 25-foot landscape buffer shall be installed between the homes and the collector and the arterial streets. The homeowners association shall be required to perpetually maintain these areas. The Department of Development Review shall be responsible for determining compliance with this condition.

85. Prior to acceptance of the first final map, the telephone easement Doc. No. 415899, which runs through the middle of many lots, shall be realigned with appropriate abandonment and relocation easements, or the proposed lots realigned. The County Engineer shall be responsible for determining compliance with this condition.

* * * * *

CONDITIONS FOR SPECIAL USE PERMIT CASE NO. _____ (As recommended by Department of Development Review and attached to Staff Report dated _____)

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 DEVELOPER 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

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

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

GENERAL CONDITIONS

1. As part of every special use permit application, the developer shall include a completed "statement of compliance" that demonstrates how the development will be or is consistent with the recorded final Development Agreement. The Department of Development Review shall be responsible for determining compliance with this condition.
2. Prior to ground-disturbing activity, the developer shall submit an archaeological/historical survey to the Department of Development Review. The Department of Development Review shall submit the survey to the State Historic Preservation Office of the Department of Museums, Library and Arts for review. Following that review, the State Historic Preservation Office shall submit a letter to the Department of Development Review that indicates the survey was acceptable.
3. 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.

4. 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.
5. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable division of the Department of Public Works shall be responsible for determining compliance with this condition.
6. All new utilities shall be placed underground. The County Engineer shall be responsible for determining compliance with this condition.
7. An animal waste management plan shall be prepared prior to the issuance of any building permit for a facility that might require such a plan. The plan must document how the migration of bacteria, nutrients, and other animal waste by-products to surface and ground waters will be prevented. The Department of Development Review shall be responsible for determining compliance with this condition.

STREETS AND TRAFFIC

8. All street construction shall comply, at a minimum, with the requirements for a subdivision within this project. The County Engineer shall be responsible for determining compliance with this condition.
9. The developer 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, 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 is required. The County Engineer shall be responsible for determining compliance with this condition.

10. The minimum pavement structural section shall be 5 inches of asphalt over 8 inches of aggregate base for minor arterials, 4 inches of asphalt over 6 inches of granular base for roadways (private and public) for collector streets, and 3 inches of asphalt over 6 inches of granular base for roadways for local streets. The County Engineer shall be responsible for determining compliance with this condition.

11. Prior to the issuance of the first building permit, two lanes of Whites Creek Lane shall be constructed, to two-lane minor arterial standards as a minimum, from Thomas Creek Road to the project site. The County Engineer shall be responsible for determining compliance with this condition.

12. Prior to the issuance of the first building permit, a second access shall be constructed to the project site to emergency standards. The applicable fire protection agency shall be responsible for determining compliance with this condition.

13. Construction near fault lines shall be as follows:

a. Buildings for human occupancy shall be set back from the centerline of fault traces. Setback distances shall be determined by a geotechnical investigation prepared by a Nevada Registered Civil Engineer experienced in geotechnical engineering. The minimum setback shall be 50 feet on each side of the fault line.

b. Roadway construction in fault zones and along fault traces shall be reviewed by a Nevada Registered Civil Engineer experienced in geotechnical engineering. Any recommended special construction requirements (e.g., flexible joint connections for utilities) shall be complied with. The County Engineer shall be responsible for determining compliance with this condition.

14. Asphalt paths or gravel shoulders, located adjacent to private streets shall be privately maintained and funded. The County Engineer shall be responsible for determining compliance with this condition.

15. No at-grade golf cart crossings shall be allowed across any street with 500 ADT or greater. Where possible, crossings should be below the grade of public streets. The County Engineer shall be responsible for determining compliance with this condition.

GRADING AND DRAINAGE

16. After approval of the general concept-level storm drain master plan and the final Development Agreement, and prior to approval of any special use permit, a preliminary hydrology report shall be submitted to the County Engineer for approval. This preliminary hydrology report shall be prepared in accordance with county requirements for tentative maps, in conformance with the general concept-level storm drain master plan, and be applicable to the specific tentative map or special use permit being approved.

The report shall include, as a minimum, the locations, points of entry and discharge, flow rates and flood limits of all 10- and 100-year storm flows impacting both on-site and off-site areas and the methods for handling these flows as well as the proposed methods for handling storm water increases due to development. Proposed mitigation measures shall be included for any impacts on existing on-site and off-site properties and facilities. The County Engineer shall be responsible for determining compliance with this condition.

17. Prior to the submittal of any final map or issuance of any grading permit, a final detailed hydrology/hydraulic report for that phase, prepared by a Nevada Registered Engineer, shall be submitted to the County Engineer for approval. The report shall be in substantial compliance with the general concept-level storm drain master plan and contain all final storm drain pipe, ditch and retention pond sizing calculations and mitigation measures for any impacts on existing on-site and off-site properties and facilities. All drainage improvements shall be designed, constructed, and by the District Health Department and the County

Engineer. The developer shall provide for financial assurances, acceptable to the County Engineer, for all or part of these improvements. Prior to the issuance of a grading permit, the developer shall provide a letter granting a blanket drainage and construction easement to the Southwest Pointe Subdivision that allows the subdivision to drain onto the golf course and to construct detention facilities necessary to accommodate the subdivision-generated stormwaters in mutually agreed-upon locations. The easement shall be submitted with the plans for the final golf course improvements. The County Engineer shall be responsible for determining compliance with this condition.

18. Prior to the approval of a grading permit, a detailed dust control plan shall be prepared and submitted to Air Quality Management of the District Health Department and to the Department of Development Review. The dust control plan shall address, as a minimum, "phased grading" and stabilization methods that include the revegetation, application of palliatives or other District approved methods prior to any grading of new phases, as well as effective street cleaning for any mud or soil tracking to existing paved surfaces, and dust controls on any screening methods or storage piles located on the site.

19. For all projects larger than 5 acres, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection and submit a copy to the County Engineer prior to ground-disturbing activity.

20. The developer shall provide pretreatment for petrochemicals, nutrients and other chemicals used for landscaping, and silt for all storm drainage from the site. Systematic cleaning of the streets, parking lots, and catch basins, and control of salt and sanding activities shall to be delineated in the maintenance plan. The County Engineer shall be responsible for determining compliance with this condition.

21. The stormwater discharges from this development that flow to Dry Creek shall be controlled to pre-development flow conditions and will be controlled to prevent water quality degradation of Steamboat Ditch. The developer shall provide drainage structures under Steamboat Ditch that would pass the 10-year frequency storm or demonstrate that there will not be any water quality degradation in Steamboat Ditch. The County Engineer shall be responsible for determining compliance with this condition.

22. All street crossings of Thomas and Dry Creeks shall be designed to pass the 100 year flood flows without obstruction or overtopping of the roadway. Erosion protection shall be provided based upon the recommendation of the geotechnical report. The County Engineer shall be responsible for determining compliance with this condition.

23. 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 District Health Department and the County Engineer shall be responsible for determining compliance with this condition.

24. Prior to issuance of a grading permit for the golf course and/or final map, a final wetlands determination must be made and approved by the Army Corps of Engineers and the approval letter provided to the Department of Development Review.

25. Prior to issuance of a grading permit for the golf course or approval of the final map, the developer shall obtain from the United States Army Corps of Engineers a 404 permit for wetland and dredge and fill for all roadway crossing of Thomas and Dry Creeks, or a letter from the COE indicating that a 404 permit is not required and a copy submitted to the County Engineer.

26. 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.

27. Prior to the issuance of a grading permit for the golf course, a golf course management plan shall be prepared that documents how the migration of fertilizers, pesticides, herbicides, and fungicides to surface and ground waters will be prevented. A surface and ground water sampling program shall be implemented to demonstrate that migration is not occurring and commits to modifying practices in the event that any of the above materials are detected. The Department of Development Review shall be responsible for determining compliance with this condition.

28. The sanitary sewer collection system and water system facilities, with the exception of the golf course and common area irrigation systems, must be offered for dedication to Washoe County. The Utility Division shall be responsible for determining compliance with this condition.

29. The developer shall construct or provide the financial assurances for the construction of the water and sewer system facilities. The financial assurances must be in a form and amount that is satisfactory to the Utility Division.

30. Fees for plan checking and inspection shall be paid in accordance with Washoe County ordinance. The Utility Division shall be responsible for determining compliance with this condition.

31. Easements for all water and sewer utilities shall be offered for dedication to Washoe County. The Utility Division shall be responsible for determining compliance with this condition.

32. No "certificate of occupancy" shall be issued until the water and sewer facilities have been completed and accepted for operation and maintenance. The Utility Division shall be responsible for determining compliance with this condition.

33. If required and in accordance with the Washoe County Utility Division policies for the Southwest Truckee Meadows, water rights shall be dedicated to Washoe County. Prior to acceptance, the water rights must be in good standing with the State of Nevada Division of Water Resources and must reflect a point of diversion, place and manner of use acceptable to the Utility Division.

34. Responsibility for design of wells, pump structure, controls, telemetry, and appurtenances, storage tanks, and transmission lines to the edge of the subdivision, all necessary to provide water service to the project, will rest with the Utility Division. The Utility Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Division and the developer shall jointly select that engineer. Funding of design and infrastructure in excess of the minimum requirements or that to serve the development as determined by generally 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 hookups to the developer at the time of recordation of the final map.

35. Water quality results from a State of Nevada-certified laboratory for new water sources shall be submitted to the Utility Division. The water quality sampling and testing shall be in compliance with the current State of Nevada Regulations for Public Water Systems, NAC 445.

36. If the water quality of the wells does not meet the secondary or the primary standards, as defined by NAC 445, water treatment facilities must be on-line and functioning prior to issuance of any building permits. The Utility Division shall be responsible for determining compliance with this condition.

37. If a supplemental water source is required, evidence that an adequate source has been procured by the developer/water purveyor shall be submitted to the Utility Division for their review and approval.

38. Any wells on the property not in use for production or monitoring purposes, shall be properly abandoned in accordance with State Regulations governing Water Wells and Related Drilling. The Utility Division shall be responsible for determining compliance with this condition.

39. The developer shall provide access to the existing monitoring wells. In the event access is no longer available, the developer shall construct new wells. The Utility Division shall be responsible for determining compliance with this condition.

40. Responsibility for design of any pump stations and interceptors to provide sewer service to the project will rest with the Utility Division. The Utility Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Division and the developer shall jointly select that engineer. Funding of design and infrastructure in excess of the minimum requirements or that to serve the development as determined by generally 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 hookups to the developer at the time of recordation of the final map.

41. The sewer "privilege connection fee" must be paid for each lot when required by the Washoe County Utility Division since it is not anticipated that there will be any additional major infrastructure needed to serve this development. The Utility Division shall be responsible for determining compliance with this condition.

FIRE PROTECTION

42. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the applicable fire protection agency. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys. Access and fire flows shall be addressed prior to the introduction of any combustible materials to the site. The fire protection agency shall be responsible for determining compliance with this condition.

43. The developer shall minimize grading to the maximum extent possible in the area around the critical mule deer habitat in order to preserve the existing browse shrubs. The Department of Development Review, in conjunction with the applicable fire protection agency, shall be responsible for determining compliance with this condition.

LANDSCAPING

44. Detailed landscaping and irrigation plans for the village commercial center, club house, golf course, golf driving range, equestrian center, or other non-residential uses requiring special use permit review shall be submitted prior to the issuance of a building permit for the particular use.

45. A buffer shall be provided between the fairways/greens and all creeks. The setback of the buffer shall comply with 100.200(e) of the Uniform Building Code Section 7011 amended. The Department of Development Review shall be responsible for determining compliance with this condition.

96-735 SPARKS CONSTABLE - COMPENSATION AND SALARY SCHEDULE

County Manager John MacIntyre provided background information and responded to questions raised at Caucus concerning the salary of the Sparks Constable.

Legal Counsel Madelyn Shipman explained that the Board of County Commissioners of each county sets the compensation package for their county's various constables in July of each election year when Constables are being elected; and that the Washoe Board did so on July 26, 1994 establishing a base salary for the Reno, Sparks and Incline Village Constables of \$10,000 plus net revenues (fees collected minus expenses) up to \$55,000 and thereafter the net revenues would be split 50-50 between the County and the Constables. She further explained that when the Finance Division discovered that Sparks Constable John Langon surpassed the \$55,000, they requested that the additional funds be paid to the County and Constable Langon refused to do so. Ms. Shipman stated that the District Attorney's office has a conflict in this matter in that they cannot represent and advise both the Board and the Constable should court action be necessary to resolve this; and that the Board and Constable Langon may have to hire their own outside counsel.

Pursuant to questions raised at Caucus, Brian Mirch of the Finance Division provided additional information to the Board regarding this matter as well as the amount of other financial support provided by the County to the Constables for office space, staff, supplies, etc.

Sparks Constable John Langon contended that the Board only has the authority per Nevada Revised Statutes to set the minimum salary for the Constables; that what their prior action does, in fact, is set a maximum salary; and that according to the statutes, the

Constables are entitled to the fees.

Ms. Shipman stated that another avenue towards resolving this conflict would be to seek an Attorney General's opinion if Mr. Langon would agree to abide by that opinion, whatever it may be.

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

1. The Board reaffirm its understanding of the July 26, 1994, Commission action establishing the salary of the Sparks Constable as \$10,000 base salary with a 50%-50% split of net revenue generated above a combined total of \$55,000;
2. Staff be directed to ascertain, in writing, whether Mr. Langon would agree to abide by an Attorney General opinion regarding whether the Board action establishing the salary for the Constables was appropriate, and, if so, request an Attorney General opinion;
3. If Mr. Langon is not willing to abide by an Attorney General opinion, staff be directed and authorized to seek outside counsel and take appropriate action to obtain compliance with the salary established by the Board and collect the fees that Mr. Langon owes to Washoe County.

96-736 RESOLUTION - ADOPTING THE AMENDED SPANISH SPRINGS AREA PLAN - COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA95-SS-01

Dean Diederich, Department of Comprehensive Planning, reviewed the history and background of the development of the Spanish Springs Area Plan, including infrastructure for water, sewer, roads, etc., and stated that the targeted number of residential units is approximately 3,000. Mr. Diederich then answered questions of the Board stating that the real tightening has come through the Regional Transportation Commission traffic modeling relating to road impacts; that back in 1992, the region committed to this general development pattern and have been working to provide the necessary infrastructure to support it since then; and any other developers will be encouraged to request Comprehensive Plan Amendments so that these kinds of impacts can be addressed and mitigated.

Following further discussion, on motion by Commissioner Bond, Commissioner Sims, which motion duly carried, it was ordered that the following resolution be adopted, based on the approval of the Truckee Meadows Regional Plan Amendment and the finding of conformance, and Chairman Bradhurst authorized to execute on behalf of Washoe County:

RESOLUTION

ADOPTING THE AMENDED SPANISH SPRINGS AREA PLAN (CPA-SS-1) A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

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

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

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

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan including the Spanish Springs Area Plan was first held on May 21, 1991, with the most recent amendment to the Spanish Springs Area Plan being held on December 19, 1995, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, at the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the Spanish Springs Area Plan, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the Spanish Springs Area Plan, was first held on October 23, 1991, with the most recent amendment to the Spanish Springs Area Plan being held on June 26, 1996, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

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

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

96-737 ENERGY CONSERVATION RETROFIT CONSTRUCTION CONTRACT - ENERGY MASTERS - NEGOTIATIONS AND FINANCING

Tyrone Brooks, Finance Department, distributed a handout detailing a side-by-side analysis of the three options presented for the energy conservation retrofit construction contract as was requested at the Caucus meeting. Mr. Brooks stated that the Finance Division feels Option No. 1 provides the County the greatest savings at the least cost, and that the technical service fee will really help the County maximize the energy savings available by continually monitoring energy uses, staff training and calibrating the air handlers. He then answered questions of the Board regarding the differences between the three options.

Katy Simon, Assistant County Manager, Finance, stated that performance monitoring and verification, calibrating of all the electronic equipment, staff training, and on-going support are the things included in the technical service fee.

Bud Fujii, General Services Director, stated that he feels Energy Masters did an outstanding job on the initial assessment.

Tex Barrett, Sierra Pacific Power Company, stated that they provided comments to Mr. Fujii regarding the proposal; that their main concern was that the project come in with a 5-year payback; and that they did not want to see the County locked into a 10-year deal.

Upon recommendation of Mr. Brooks, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the Energy Coordinator be authorized to negotiate an energy conservation retrofit construction contract with Energy Masters as presented in Option 1 as outlined in the agenda memorandum dated July 12, 1996. It was further ordered that the Finance Division be authorized to pursue all available methods of financing needed for the energy conservation retrofit construction of Option 1.

96-738 AWARD OF RFP - MEDIA BUYING SERVICES - HEALTH DEPARTMENT - RFP NO. 1931-96

This was the time to consider acceptance of proposal, Notice to Bidders for receipt of sealed proposals having been published in the Reno Gazette-Journal on May 13, 1996, for media buying services on behalf of the Washoe County District Health Department. Proof was made that due and legal Notice had been given.

Pursuant to the Caucus meeting, Mike Sullens, Purchasing Department, and Eileen Coulombe, Cass Luke, and Phil Ulibarri of the District Health Department, were present to answer questions of the Board.

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

Innerwest
Marketing Synergists
Media Directions
Rose-Glenn Advertising, Inc.

Stephanie Kruse and Associates submitted a "no-bid" response; and The Wyman Group failed to respond to the request for proposal.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the following proposals for Media Buying Services on behalf of the District Health Department be accepted:

Marketing Synergists: WIC and Waste Management Programs
Media Directions: Air Quality Management Program

It was noted that these Health Department programs will recognize the above-mentioned firms as their primary source for media buying services for the period August 1, 1996 through July 31, 1997, with the option to renew the agreements for media buying services in annual increments, not to exceed two renewals.

96-739 AGREEMENT RENEWAL - RENO TENNIS CLUB - PARKS DEPARTMENT

Karen Mullen, Parks Department, was present to respond to questions of the Board. Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the revised renewal of the ongoing agreement between Washoe County and the Reno Tennis Club, concerning the club assisting the County in maintaining, repairing, landscaping and otherwise improving the tennis complex on West Moana Lane in exchange for granted use of the premises on a limited priority basis for its club's functions at no cost be approved and Chairman Bradhurst authorized to execute.

96-740 AGREEMENT - IVGID - ACKNOWLEDGMENT AND ASSUMPTION OF RISK AND COVENANT NOT TO SUE - CRYSTAL BAY RESERVOIR REPLACEMENT PROJECT

Bill Quesnel, Senior Engineer, Incline Village General Improvement District, stated that they were not aware that they needed a special use permit from Washoe County, in addition to the other permits, to replace the Crystal Bay water tank; that they have now submitted the application for that permit; and that if they stop work and wait for that permit to be issued, they will not be able to complete the project this year.

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Commissioner Sims temporarily left the meeting.

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On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an Acknowledgment and Assumption of Risk and Covenant Not to Sue agreement between Washoe County and the Incline Village General Improvement District regarding the application for special use permit for the Crystal Bay Reservoir Replacement Project be approved and Chairman Bradhurst authorized to execute on behalf of Washoe County.

96-741 INTERNAL CONTROL REVIEW OF CONSTABLES' REVENUES AND EXPENDITURES

John Sherman, Management Analyst, was present to respond to questions of the Board.

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Commissioner Sims returned to the meeting.

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Upon recommendation of Mr. Sherman, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that staff be authorized to direct the contract internal auditor to perform a detailed review of the internal controls over revenues and expenditures for the Gerlach, Incline Village, Reno, Sparks, Verdi and Wadsworth Constables.

96-742 EXPENDITURE OF 1.5% WATER MANAGEMENT FEE - DEVELOPMENT OF WATER MANAGEMENT PLAN - COMPREHENSIVE PLANNING

Steve Walker, Water Management Planner, provided background information regarding this item and answered questions of the Board. He advised that the proposal for the Scope of Work for the Huffaker Reservoir evaluation was recommended for approval by the Regional Water Planning Commission. Jamel Demir, Carollo Engineers, was present to respond to questions.

Commissioner Mouliot stated that he does not support the expenditure because it represents the fourth cost overrun of the contract. Commissioner Sims commented that the Regional Water Planning Commission understands this issue better than anyone in the community, and it is prudent to listen to their recommendations.

Commissioner Bond stated that she is also concerned about cost overruns, but feels this is a very worthwhile issue that needs to be addressed.

Following discussion, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, with Commissioner Mouliot voting "no," Chairman Bradhurst ordered that the Scope of Work presented by Carollo Engineers to analyze the most cost effective use of Huffaker Reservoir to assist the Regional Water Planning Commission in its Regional Plan Development be approved.

It was noted that this action will require an amendment to the existing contract with Carollo Engineers; that the total costs are \$49,620; and that the expenditure of funds from the Regional Water Management Fee for water planning purposes has been approved in the 1996-97 budget.

96-743 UPDATE REPORT - REGIONAL WATER PLANNING COMMISSION - COMPREHENSIVE PLANNING

Steve Walker, Water Management Planner, presented the update report on the activities of the Regional Water Planning Commission and responded to questions of the Board. John McQuay, Washoe County Representative, Regional Water Planning Commission, also provided comments and answered questions of the Board. He advised that they should be able to meet their schedule; and that everything is going fine with the Commission. Chairman Bradhurst commented that he is pleased with the work that has been done to date by the Commission.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the update report on activities of the Regional Water Planning Commission be accepted.

96-744 CORRECTION OF FACTUAL ERRORS - 1996/97 SECURED TAX ROLL - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the following Roll Change Request Nos. 274 to 280 correcting factual errors on tax bills already mailed for the 1996/97 Secured Tax Roll, be approved for the reasons indicated thereon and mailed to the property owner, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the error be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

Franklin D. Cathcart III, Et Al, Tr.

Parcel No. 011-162-02

Daniel P. & Theodora Cordova

Parcel No. 018-280-33

Brent & Suzanne Harmon

Parcel No. 088-095-17

Lifestyle Homes, Inc.	Parcel No. 035-011-04
Lifestyle Homes, Inc.	Parcel No. 035-012-11
Lifestyle Homes, Inc.	Parcel No. 035-032-01
Lifestyle Homes, Inc.	Parcel No. 087-430-04

96-745 AWARD OF BID - MOSQUITO ABATEMENT PRODUCTS - BID NO. 1938-96 - HEALTH DEPARTMENT

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on May 28, 1996, for Mosquito Abatement Products for the Environmental Health Division of the Health Department. Proof was made that due and legal Notice had been given.

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

Fennimore Chemicals
 Target Specialty Products, Inc.
 Van Waters & Rogers
 Zanus Corporation

Clark Mosquito Control, Hogentogler & Co., Las Vegas Fertilizer, London Fog, Inc., Lowndes Engineering Co., Public Health Equipment and Supply, Inc., and W.W. Grainger, Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1938-96 for Mosquito Abatement Products for the Environmental Health Division of the Health Department be awarded as follows:

BIDDER	BID ITEM	DESCRIPTION	COST
Fennimore Chemicals			\$ 22.50 Per Pound
	1	VECTOBAC TECH POWDER: Packaged in 25 lb. drums	
	2	VECTOBAC 12-AS: Packaged two (2) per carton, 2 1/2 gal. container	\$ 17.91 Per Gal.
	6	PYROCIDE #7067: Mosquito fogging concentrate in 5 gal. drums	\$114.00 Per Gal.
	7	WITCO, GOLDEN BEAR #1356: Packaged in 55 gal. drums	\$ 4.25 Per Gal.
	9	ABBOTT or TEKNAR (B.T.I.) liquid packaged in 5 gal. containers	\$ 17.91 Per Gal.
	10	ABBOTT or TEKNAR (B.T.I.) powder packaged in 25 lb. containers	\$562.50 Per Ctn.
		[Award in conjunction with Zanus Corp., Bid price is the same.]	
	11	ABBOTT or TEKNAR (B.T.I.) GRANULES Packaged in forty (40) pound containers	\$ 60.00 Per Ctn.

Zanus Corporation

3	ZOECON ALTOSID LIQUID LARVACIDE:	\$208.00 Per Gal.
1 gal. container		
4	ZOECON ALTOSID 30 DAY BRIQUETTES:	\$329.00 Per Ctn.
400 Briquettes per carton		
5	ZOECON ALTOSID PELLETS:	\$ 23.00 Per Pound
packaged in 22 lb. containers		
10	ABBOTT or TEKNAR (B.T.I.) powder	\$562.50 Per Ctn.
packaged in 25 lb. containers		
[Award in conjunction with Fennimore Chemical, Bid price is the same.]		

It was further ordered that, as Bid Item #8 - Pyraperm, #455 dust, and Bid item #7B - Whitco Golden Bear #111 (Bulk) did not receive consideration from any of the responding bidders, the Purchasing and Contracts Administrator be authorized to procure these items on the open market on an as-needed basis during the term of this agreement.

It was noted that the Mosquito Abatement Products shall be procured on a requirements basis during the term of the agreement period, fiscal year 1997 (July 1, 1996 through June 30, 1997); that the budgeted amount for Fiscal Year 1997 is \$140,000; and that on bid items #2 and #9, Van Water & Rogers of San Jose, CA submitted prices that were less expensive than the next lowest bidder, but the products offered have not been approved by the Washoe County Vector Controls Division.

96-746 AWARD OF BID - LIQUID ASPHALT AND ANIONIC EMULSIFIED ASPHALT - BID NO. 1941-96 - ROADS

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 June 21, 1996, for Liquid Asphalt and Anionic Emulsified Asphalt for the Roads Division of the Public Works Department. Proof was made that due and legal Notice had been given.

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

Reed and Graham
Telfer Sheldon Oil

California - Fresno Oil Co. and Granite Construction Co., Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1941-96 for Liquid Asphalt and Anionic Emulsified Asphalt for the Roads Division of the Public Works Department be awarded to the lowest responsive, responsible bidders, Reed and Graham, Inc., and Telfer Sheldon Oil Company, as follows:

Reed & Graham		Terms - Net 30 Days					
Bid Item #1	\$182.20	Bid Item #1A	\$171.20	Bid Item #2	\$182.20	Bid Item #2A	\$171.20
Bid Item #3A	\$137.25	Bid Item #3A.1	\$152.25	Bid Item #4	\$150.95	Bid Item #4.1	\$165.95
Bid Item #4A	\$137.25	Bid Item #4A.1	\$152.25				
Telfer Sheldon Oil		Terms - 5% - 20 days					
Bid Item #3	\$155.00	Bid Item #3.1	\$170.00	Bid Item #5	\$189.00	Bid Item #5.1	\$204.00
Bid Item #5A	\$178.00	Bid Item #5A.1	\$193.00				

It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into a one year agreement for Liquid

Asphalt and Anionic Emulsified Asphalt, estimated July 1, 1996 through June 30, 1997, with Washoe County retaining a one year renewal option, provided services have been satisfactory in the opinion of Washoe County, and there is no increase in price.

It was noted that these are road maintenance items and will be procured on a requirements basis; that the estimated value of the award is \$110,000 per fiscal year; and that, although Reed & Graham submitted lower base prices on some of the bid items, Telfer Sheldon Oil Co. offered a 5% - Net 20 Days discount, which made them the low bidder for those items.

96-747 AWARD OF BID - THE PROVISION, INSTALLATION, AND MAINTENANCE OF A COMPLETE TELEMAGEMENT SYSTEM - RFP NO. 1928-96 - TELECOMMUNICATIONS

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 May 17, 1996, for the provision, installation, and maintenance of a complete telemagement system for the Telecommunications Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

Communications and Computer Network Services
Vision Communication Services, Inc.

Computer Communications Specialists, Inc., Fidelity Communications, NEC Business Communications Systems, NEC Business Communications (West), Pacific Bell, Telemate Software, and Toshiba Telecommunications failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that RFP No. 1928-96 for the provision, installation and maintenance of a complete telemagement system for the Telecommunications Division of the General Services Department be awarded to the lowest, responsive, responsible proposal, Communications and Computer Network Services, in the net total amount of \$36,544.10.

96-748 INTERPRETER CONTRACTS - DISTRICT COURT

John MacIntyre, County Manager, advised that it has been requested that this item be continued because the Court Administrator was unable to attend this meeting. On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that this item be continued.

96-749 MEMORANDUM OF LEGISLATIVE COOPERATION - WASHOE COUNTY, CITY OF RENO, CITY OF SPARKS, REGIONAL TRANSPORTATION COMMISSION, AND SCHOOL DISTRICT - 1997 LEGISLATIVE SESSION

John MacIntyre, County Manager, advised that discussion was held on this item at yesterday's caucus.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Memorandum of Legislative Cooperation by and among Washoe County, the City of Reno, the City of Sparks, the Regional Transportation Commission, and the Washoe County School District for the 1997 legislative session be approved and Chairman Bradhurst be authorized to execute.

96-750 REVISIONS - ALCOHOL AND DRUG TESTING PROGRAM - PERSONNEL

Upon recommendation of Joanne Ray, Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the revisions to the Washoe County Alcohol and Drug Testing Program, as contained in the agenda memorandum placed on file with the Clerk, be adopted; and that the responsibility of revising the program document be delegated to the Personnel Division.

It was noted that in 1994 the County adopted the Alcohol and Drug Testing Program in compliance with the U.S. Department of Transportation's (DOT) mandated drug testing program which has been revised twice since the adoption of the program; and that this action authorizes the Personnel Division to revise the Program document whenever changes are made to the DOT regulations.

96-751 ACCEPTANCE OF GRANTS (FOUR) - STATE OF NEVADA EMERGENCY RESPONSE COMMISSION - EMERGENCY MANAGEMENT

Upon recommendation of Press Clewe, Emergency Manager, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that four State of Nevada, Emergency Response Commission, emergency training and equipment project grants in the amount of \$19,500 be accepted.

96-752 GRANT APPLICATION - U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE - 1996 OMNIBUS APPROPRIATIONS ACT - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that submittal of a grant application to the U. S. Department of Justice, Bureau of Justice Assistance under the 1996 Omnibus Appropriations Act (Pub. L. 104-134) be authorized.

It was noted that the County is eligible to apply for a direct award of \$57,206.00 under this program, with a matching contribution of 10%, being \$6,356.00.

96-753 APPOINTMENTS - WEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

Pursuant to completion of interviews of the applicants, upon recommendation of Chairman Bradhurst, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following individuals be appointed to the West Truckee Meadows Citizen Advisory Board, with terms to expire June 30, 1998:

Cynthia Ellis-Pinto	West of McCarran Blvd.	At-Large representative
Molly Grein	West of McCarran Blvd.	At-Large representative
Ellie Riley	East of McCarran Blvd.	At-Large representative
Frank Nenzel	East of McCarran Blvd.	Alternate

96-754 RESOLUTION - DISAPPROVING TCI CABLEVISION'S PROPOSED EQUIPMENT CHARGES - PURCHASING

John MacIntyre, County Manager, advised that discussion was held regarding this item at yesterday's caucus meeting.

Following discussion, upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bradhurst be authorized to execute:

Resolution of Washoe County Pursuant to Sections 76.936, 76.940, 76.941 and 76.942 of the Rules and Regulations of the Federal Communications Commission Disapproving TCI's Proposed Equipment Charges in its Franchises Within Washoe County and Establishing Permitted Rates for Equipment and the Effective Date of Those Rates

WHEREAS, Washoe County (the "County") has been certified by the Federal Communications Commission (the "Commission", the "FCC") to regulate the Basic Service Tier, and associated equipment, which certification was effective on March 14, 1994; and

WHEREAS, The County has adopted regulations with respect to the Basic Service Tier and associated equipment that are consistent with the regulations prescribed by the Commission; and

WHEREAS, TCI Cable (hereafter the "Operator") has filed with the County its FCC Form 1205 Regulated Equipment and Installation

Costs Forms for its franchises within the County; and

WHEREAS, The County has reviewed all relevant information including, but not limited to, the FCC Forms 1205, the Report of County's cable television consultant, The Buske Group, and other relevant written evidence; and

WHEREAS, The County has given proper notice of this hearing pursuant to Section 76.935 of the Rules and Regulations of the Federal Communications Commission; and

WHEREAS, The Operator has been provided with a copy of the staff report and the consultant's reports and has been given the opportunity to comment thereupon; and

WHEREAS, The County has made adjustments to TCI Cable's FCC Form 1205 filing for (1) capitalized converter overhead, (2) security devices, (3) certain insurance costs, and (4) unfunded deferred taxes; and

WHEREAS, The Operator has been notified of the adjustments made and the County and the Operator have agreed in writing with regard to these matters; and

WHEREAS, The County has now made a final decision upon the appropriateness, or lack thereof, of the proposed rates and charges to regulate equipment and installation as identified in the FCC Forms 1205 filed by TCI for its franchises in Washoe County; now, therefore, be it

RESOLVED, By the Washoe County Board of Commissioners as follows:

Section 1 The Washoe County Board of Commissioners hereby finds and determines that the proposed rates and charges for basic service tier and regulated equipment and installations for the period of June 1, 1996 to May 31, 1997 shall be as set forth in Attachment "B" [placed on file with the Clerk.]

Section 2 The Operator is hereby ordered to adjust rates for the basic service tier, equipment and installation to the levels set forth in Attachment "B" within 60 days of the effective date of this resolution. Any difference between the rates provided in Attachment "B" and the rates implemented by the Operator on or about June 1, 1996 will be credited on customers' bills.

Section 4 The County Clerk is hereby directed to post a copy of this Resolution in such place or places as County Notices are normally posted and to make copies of this written decision available to the public at the Office of the County Clerk during business hours.

Section 5 This Resolution shall be effective as of the date of adoption.

96-755 RATIFICATION OF DISTRICT ATTORNEY ACTIONS - GOLCONDA FIRE PROTECTION DISTRICT V. COUNTY OF HUMBOLDT

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the actions of the District Attorney on behalf of Washoe County in Golconda Fire Protection District v. County of Humboldt be ratified.

96-756 AFFIDAVIT TO FILE DEVELOPMENT APPLICATION - ACKNOWLEDGMENT AND ASSUMPTION OF RISK AND COVENANT NOT TO SUE AND INDEMNIFICATION AGREEMENT - PAVICH & ASSOCIATES, INC. (HIGHLAND PINES)

Upon recommendation of Maureen Sheppard-Griswold, Deputy District Attorney, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the request of Pavich & Associates, Inc. and Highland Pines to approve the owner's affidavit allowing them to file a development application on land which includes County property be approved. It was further ordered that the Acknowledgment and Assumption of Risk and Covenant Not to Sue and Indemnification Agreement be approved and Chairman Bradhurst be authorized to execute.

Howard Reynolds, Assistant County Manager, reviewed background information and responded to questions of the Board.

Following discussion, upon recommendation of Howard Reynolds, Assistant County Manager, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that staff be directed to draft an ordinance amending the Washoe County Code providing for overtime to be computed at straight time rather than time-and-one-half for the following confidential employees:

Administrative Assistant II (Public Defender)
Administrative Health Services Officer
Assistant County Librarian
Assistant Director General Services
Assistant Director Parks and Recreation
Assistant to County Manager
Budget Coordinator
Chief Deputy Assessor
Chief Deputy Comptroller
Chief Deputy County Clerk
Chief Deputy County Recorder
Chief Deputy Treasurer
Chief Investigator (District Attorney)
Division Director, Adult Services
Division Director, Air Quality Management
Division Director, Child Protective Services
Division Director, Environmental Services
Division Director, Nursing
Human Service Coordinator
Management Analyst
MIS Division Director
Personnel Analyst II
Public Affairs Director
Senior Administrative Analyst
Senior Personnel Analyst
Senior Risk Management Analyst

* * * * *

Howard Reynolds, Assistant County Manager, reviewed background information and advised that he has been requested by several individuals on the unclassified management schedule to revisit this issue; that there is an argument that the current system of not reporting absences of a half day or less is not equitable because it benefits the manager who works very little overtime and doesn't adequately compensate the manager who works a great deal of overtime; and that there is not a good answer to the situation as there is no policy that can be developed that is both equitable and not subject to abuse. He further stated that of the 13 unclassified management employees that have contacted him regarding this matter, 7 were in favor of keeping the current reporting requirement and 6 were in favor of changing. He then discussed his recommendation to discontinue the practice of considering the payment for holidays, annual leave, sick leave and other paid leave as hours worked for the purpose of computing overtime, and responded to questions of the Board.

Following a lengthy discussion, the Board directed that a workshop be scheduled to discuss the various issues associated with this

item.

COMMISSIONER'S/MANAGER'S COMMENTS

Commissioner Sims stated that he feels the Board should be provided information regarding the District Attorney's opinion relative to the Truckee Meadows Importation Project. Chairman Bradhurst referred to the recent decision by the Supreme Court relative to this issue and stated that he feels the Board should have further explanation of that document, as well as the document provided by John Swendseid in terms of the contract, etc., so the Board will have a better understanding of this matter.

Legal Counsel Shipman advised that the District Attorney's Office will present the Board with a confidential memorandum regarding this issue.

Chairman Bradhurst then referred to the issue raised during the STMGID meeting this morning regarding a letter by the Johnson's expressing concerns relative to an agreement with South Meadows Properties, and stated he would like the matter addressed as quickly as possible.

Commissioner Sims suggested that it be placed on a future agenda for discussion.

* * * * *

2:10 p.m. On motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, the Board adjourned to a closed personnel session to discuss negotiations with employee organizations.

STEPHEN T. BRADHURST, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk