

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. OCTOBER 8, 1996

PRESENT:

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

Judi Bailey, County Clerk (left at 6:30 p.m.)
Betty Lewis, Chief Deputy County Clerk (arrived at 6:30 p.m.)
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

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

96-986 WORK CARD PERMIT APPEAL - DAVID A. SUTHERLAND

This appeal was considered on MONDAY, OCTOBER 7, 1996, prior to the Caucus meeting, the Board having convened, with Commissioner Shaw absent and all other members of the Board present and Chairman Bradhurst presiding, to consider the appeal of DAVID A. SUTHERLAND of the Sheriff's denial of his work permit application as a private security guard with S & W PROTECTIVE SERVICE.

On motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Debi Williams, Records Section of the Sheriff's office. The Board then reconvened in open session wherein the following action was taken.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the denial by the Sheriff to DAVID A. SUTHERLAND for a work card to work at S & W SECURITY be overturned and the work permit granted.

96-987 WORK CARD PERMIT APPEAL - DANIEL SCOTT WRIGHT

This appeal was considered on MONDAY, OCTOBER 7, 1996 prior to the Caucus meeting, the Board having convened, with Commissioner Shaw absent and all other members of the Board present and Chairman Bradhurst presiding, to consider the appeal of DANIEL SCOTT WRIGHT of the Sheriff's denial of his work permit application as a private security guard with PINKERTON SECURITY.

On motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Debi Williams, Records Section of the Sheriff's office. The Board then reconvened in open session wherein the following action was taken.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried with Commissioner Sims voting "no," Chairman Bradhurst ordered that the denial by the Sheriff to DANIEL SCOTT WRIGHT for a work card to work at PINKERTON SECURITY be overturned and the work permit granted.

96-988 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried,

Chairman Bradhurst ordered that the agenda for the October 10, 1996 meeting be approved with the following amendments: Delete -- Item 7H, donations from the Lemmon Valley Land Company, Inc.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the minutes of the regular meetings of August 27 and September 10, 1996 be approved.

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried with Chairman Bradhurst "abstaining," it was ordered that the minutes of the special meeting of September 9, 1996 be approved.

96-989 STATUS REPORT - EMERGENCY ASSISTANCE FUNDING - CHILD PROTECTIVE SERVICES

May Shelton, Director, Department of Social Services, advised that at the August 20, 1996 County Commission meeting she reported that with the Welfare Reform Act, HR3734, passed by Congress, the Emergency Assistance Program is abolished. She stated that a meeting was held with State officials on September 5th and no commitment was made for funding past September 30, 1996; that a subsequent meeting was held on September 19th, at which time the State proposed an unspecified amount of money to the various Counties for Emergency Assistance services during the transition period defined as from October 1st to the time the State plan is approved for temporary assistance for needy families, which is estimated to be December 1 or January 1, 1997; and that the State's proposal would require agreement by Clark County, Washoe County, and the State of the modified EA program for this transition period.

Steve Shaw, Deputy Director, State Department of Human Resources, stated that the State is closely tied with Washoe County and Clark County on this issue. He reviewed Title IV-A, the Emergency Assistance Fund, and advised that HR 3734, the personal responsibility and work opportunity act passed late this summer which became effective October 1, 1996, abolished the EA entitlement program; that in order to keep the EA program going at a modified level the Department of Human Resources is willing to guarantee a minimum amount of \$40,000 per month until January 1, 1997, noting that the State may be able to provide more funds and will pass on everything it can; and that this is a two part proposal with Washoe County, Clark County, and the State having to agree to continue the program to January 1 for any of those entities to receive any funds, and all must contract with Maximus, a private firm with the sole purpose of maximizing Federal revenue that the State and Counties are entitled to. He further advised that the State has done an extensive background check on Maximus in other jurisdictions; that the firm would spend three to four days with County staff to determine if there is untapped Federal revenues in Title IV-A or other resources; that there would be no cost to the County and Maximus would receive a 9% finders fee of the improved funds received by the County; and that the State would have no take in this procedure. He commented that Ms. Shelton has indicated there is a problem with the County's second and third quarter billings by the State during Federal Fiscal Year 1995 and stated that they will look into this, and if there is basis for an appeal, they will pursue that with the Federal Government.

A discussion commenced and Mr. Shaw responded to questions of the Board. Chairman Bradhurst expressed concern that some of the jurisdictions in other states have been way out in front of the Welfare Reform Act, and the feeling is that the County was left out in the design and development of the plan; that he asked staff sometime ago if anything in the Welfare Reform Act allows local governments to go ahead and receive block grant money based on State legislative action so that there are no administrative costs taken off by the states; and that he agrees it is in the best interest of all to be going in the same direction in this matter, but he would want the playing field to be level.

Ms. Shelton stated that she feels the County should do a further background check regarding Maximus and commented that she would like to be assured that monies they find would not have to be returned at a later time.

Upon inquiry, Mr. Shaw stated that the State would like to have a decision from the County by sometime next week, as Clark County is scheduled to make a decision on October 15.

County Manager John MacIntyre stated that he has plans to meet with his counterpart in Clark County to discuss these issues and obtain a better understanding of the situation and how Clark County is looking at the matter.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that this item be continued to the October 15, 1996 meeting.

Chairman Bradhurst requested that the County Manager obtain information from Clark County and that Ms. Shelton also obtain as much additional information as possible looking into the possibility of an appeal process relative to the FY 1995 quarterly billings.

96-990 POTENTIAL SALE - GERLACH HOT POOL

John MacIntyre, County Manager, referred to the letter received by the Board dated September 10, 1996 from the Gerlach General Improvement District outlining their plans for the use of funds received from the possible sale of the Gerlach Hot Pool. He advised that the District Attorney's Office has reviewed information relative to whether the fact that the County provided some funding in past years would pose any limitation of what could be done with the proceeds of the sale, and they have determined that the GID would not owe the County any money and that proceeds of the sale would be theirs to dispose of as they deem appropriate. He further advised that Mike McMahon, Human Service Coordinator, has provided additional information about other programs that might be available to assist them.

Commissioner Bond expressed her support of the GID's plans and stated that the upgrades they are proposing are sorely needed in their community.

On motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, the Board offered its support of the use of money received from the possible sale of the New Gerlach Hot Pool as proposed by the Gerlach General Improvement District which would include construction of a new water storage tank, enlargement of the sewer system, and replacement of a backhoe.

Commissioner Bond suggested that the Gerlach GID work with Mr. McMahon to determine if their money could be better leveraged with regard to replacing the water tank.

96-991 PROCLAMATION - "NATIONAL FIRE PREVENTION WEEK"

John MacIntyre, County Manager, advised that, pursuant to discussion at yesterday's caucus, the wording of the Proclamation has been changed to reflect the full extent of the County's participation and involvement in the Fire Protection District.

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

PROCLAMATION

WHEREAS, October 6 through 12, 1996, is National Fire Prevention Week which observes the date of the Great Chicago Fire of 1871; and

WHEREAS, This fire marked the start of community efforts to prevent fires; and

WHEREAS, Fire Prevention Week is observed by educating the public about how to prevent fires as well as how to protect themselves and their families in the event of fire; and

WHEREAS, A goal of the fire service is to work together with organizations, communities and individuals in a cooperative effort to attack the Nation's fire problem; and

WHEREAS, We call upon our citizens to actively support fire prevention activities during this week as a prelude to a year-round fire prevention effort; and

WHEREAS, This year's national campaign is "Let's Hear It For Fire Safety! Test Your Detectors"; and

WHEREAS, Fire safety education is helping to protect lives and property from the dangers of fire; and

WHEREAS, The Truckee Meadows Fire Protection District, Sierra Forest Fire District and all cooperating agencies recommend to all area residents "To Learn Not To Burn" by:

1. Installing and maintaining smoke detectors in their homes.
2. Planning and practicing home fire escape drills with all family members; and
3. Supporting and encouraging fire safety programs for elementary school children.

PROCLAIMED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the week of October 6, 1996, is designated as National Fire Prevention Week and the Board urges all residents to participate in this cooperative community fire prevention awareness program and to cooperate in promoting fire prevention throughout the year.

96-992 REVISION - PRO TEM JUSTICE OF THE PEACE LIST

Upon recommendation of Joanne Ray, Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the revision of the pro tem justice of the peace list which was last revised on July 9, 1996, to include several additional names, as set forth in the agenda memorandum dated September 17, 1996, be approved.

96-993 EMPLOYEE COURSE ENROLLMENTS

Upon recommendation of the Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following employees be granted approval to enroll in the courses noted and seek reimbursement for expenses upon satisfactory completion with a grade of "B" or better:

1. Department of Development Review: Nancy Hendricks, Administrative Secretary 1, course entitled "Records Management" at Truckee Meadows Community College.
2. Department of Juvenile Services: Mike Loranger, Youth Advisor, course entitled "Introduction to Counseling and Guidance" at the University of Nevada, Reno.
3. Sheriff's Office: Kathy Zeiser, Principal Clerk, course entitled "DOS/PC Operations and Business Applications (COT 205B)" at Truckee Meadows Community College.

96-994 GRANT OF EASEMENT - SIERRA PACIFIC POWER COMPANY - SPECIAL ASSESSMENT DISTRICT 21 - COLD SPRINGS WASTEWATER TREATMENT PLANT - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Grant of Easement between Washoe County as Grantor and Sierra Pacific Power Company as Grantee for construction of overhead electric distribution and communication facilities for Special Assessment District 21, Cold Springs Wastewater Treatment Plant, be approved and Chairman Bradhurst be authorized to execute.

96-995 APPLICATION FOR GRANT - NEVADA STOP VIOLENCE AGAINST WOMEN PROGRAM - DISTRICT ATTORNEY

John MacIntyre, County Manager, responded to questions asked by Chairman Bradhurst at yesterday's caucus regarding the issue of maintenance of effort being addressed with regard to the fiscal impact statement relative to this item as well as the following agenda item when the term of the grant has expired. He advised that in discussing the matter with Katy Simon, Assistant County Manager-Finance, it was agreed that it would be appropriate to devise a means for "flagging" and bringing it to the attention of those departments that come forward with receipt of grant funds.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the District

Attorney's Office be authorized to submit an application for a grant under the Nevada Stop Violence Against Women Program for a period of one year beginning January 1, 1997 to fund the position of two victim advocates to be assigned to cases involving domestic battery and sexual assault with the stipulation that there is no commitment for maintenance of effort, that the grant funds stand on their own, and that receipt of these grant funds will not be rolled into base budget calculations.

96-996 ACCEPTANCE OF TRU-VISTA GRANT - SUPERVISED VISITATION EXCHANGE PROGRAM - DISTRICT COURT

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a grant in the amount of \$35,000 from TRU-VISTA for program operations in FY 96/97 for the Supervised Visitation Exchange Program be accepted, with the stipulation that there is no commitment for maintenance of effort, that the grant funds stand on their own, and that receipt of these grant funds will not be rolled into base budget calculations, and Chairman Bradhurst be authorized to execute the Independent Contract for Supervised Visitation Exchange Program Services.

It was further ordered that the following account transactions be authorized:

Increase Account	Amount	Increase Account	Amount
001-121202D-5802	\$35,000.00	001-121202D-7103	\$16,000.00
		001-121202D-7250	\$19,000.00
TOTAL	\$35,000.00	TOTAL	\$35,000.00

96-997 UNBUDGETED CAPITAL OUTLAY - SECURITY SCANNER - COURTHOUSE ANNEX - FINANCE

John MacIntyre, County Manager, provided comments relative to questions asked at yesterday's caucus meeting regarding the magnitude of change orders that have occurred for the Courthouse Annex. He advised that funds are available for the security scanners, and should the County become responsible for the totality of the change orders, staff may have to come before the Board to request funds out of contingency, but he does not believe this will occur.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the unbudgeted capital outlay for the purchase of security scanners for the Master's conference rooms and the Temporary Protection Order conference rooms located on the third floor of the Courthouse Annex at a cost of \$9,300 be approved.

96-998 REFUND OF FEES - COMPREHENSIVE PLAN AMENDMENT APPLICATION - CPA 96-SS-1 - SPANISH SPRINGS - COMPREHENSIVE PLANNING

John MacIntyre, County Manager, provided additional information regarding this item as requested by the Board at yesterday's caucus and advised that there is no specific provision in the County's Development Code to address consideration of application fee refunds; and that Catherine McCarthy of Comprehensive Planning and John Collins, Chief Sanitary Engineer, have presented memorandums dated October 8, 1996 providing additional information regarding this matter.

Catherine McCarthy, Planner, Department of Comprehensive Planning, provided background information and advised that the main issue raised by the applicant appears to be how much an applicant pays to go through the Comprehensive Plan Amendment process and, specifically, the amount of fees paid to the Utility Division. She stated that the fee rate is not really the issue under consideration because the County Commission sets application fees after going through an agency review and public hearing process; and that the Code does not contain specific

provisions for consideration of application fee refunds, but does contain provisions for withdrawn applications that are resubmitted. Ms. McCarthy reviewed Mr. Collins memorandum advising that the Utility Division has not seen the new application and does not feel it is in a position at this point to provide feedback on the number of hours it would take to review the new application. She noted that the application is deemed incomplete at this point as it has not yet been sent out for agency or CAB review.

Roy Hibdon, Civil Engineer representing the applicant, reviewed background information relative to the withdrawal of the original application and submission of the new application and stated that he is bringing this matter to the Board's attention because he questions the man-hour rate the fees represent; and that he also questions the amount of refund recommended by staff which represents approximately 16% of the original funding. He stated that he does not understand why the utility fees, which are set by Ordinance, would equate to more man-hours at a reasonable man-hour rate of \$75/hr than he believes it would take in the planning effort to review an application; and that they do not begrudge the County recovering their costs to do the work, but feel the fees should be reevaluated. Mr. Hibdon then responded to questions of the Board.

Chairman Bradhurst noted that the fees represent a flat rate and are not based on an hourly rate and, while he does not believe there is any basis for a refund, there may be an avenue to recover more of the fees if same areas of review are being made. He stated that this issue should be brought to the attention of the various reviewing parties to determine if the County fees are reasonable and whether a possible amendment needs to be made to the County Ordinance. Commissioner Bond stated that she is concerned about setting a precedent regarding the refund of fees. Commissioner Shaw stated that he feels Mr. Hibdon makes a good point and further discussion is warranted with the Utility Division staff so that all parties understand the basis for the rates.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that this item be continued. It was further ordered that staff be directed to provide a report to the Board regarding the pros and cons of the Ordinance containing a refund provision and addressing the issues raised by Mr. Hibdon relating to the amount of time expended on this particular project versus the amount of money that was paid.

96-999 MUTUAL AID AGREEMENT - PYRAMID LAKE DEPARTMENT OF PUBLIC SAFETY - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Mutual Aid Agreement between Pyramid Lake Department of Public Safety and the Sheriff's Office concerning the furnishing of law enforcement personnel, resources, and facilities to each other as may be necessary for the good of the citizens of Washoe County and Pyramid Lake be approved and Chairman Bradhurst be authorized to execute.

96-1000 SECURITY SERVICES AGREEMENT - UNIVERSITY OF NEVADA, RENO - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that Security Agreement between Washoe County, the Washoe County Sheriff, the Board of Regents of the University and Community College System of Nevada on behalf of the University of Nevada, Reno, Police Department concerning the provision of Washoe County Sheriff's Office off-duty personnel for the purposes of providing security services and traffic control for campus events at the University of Nevada, Reno be approved and Chairman Bradhurst be authorized to execute.

96-1001 RESOLUTION - AMENDMENT AND RENEWAL OF HUMAN SERVICE CONSORTIUM INTERGOVERNMENTAL AGREEMENT

Upon recommendation of Michael McMahon, Human Service Coordinator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the amendment and renewal of the Human Service Consortium Intergovernmental Agreement that allowed for the formation of a regional human service allocation and administrative process be approved and Chairman Bradhurst be authorized to execute. It was further ordered that the following Resolution necessary to execute same be adopted:

RESOLUTION-

A RESOLUTION APPROVING THE WASHOE COUNTY HUMAN SERVICE CONSORTIUM INTERGOVERNMENTAL AGREEMENT

WHEREAS, the Cities of Reno and Sparks and Washoe County have been participating in the Washoe County Human Service Consortium (hereinafter referred to as the "Consortium") since 1994 by virtue of an Intergovernmental Agreement; and

WHEREAS, the Cities of Reno and Sparks and Washoe County desire to continue sharing a consolidated process for receiving, reviewing, and allocating various funding sources to address human service needs of citizens within their respective jurisdictions; and

WHEREAS, the Cities of Reno and Sparks and Washoe County desire to enhance the efficiency and stability for the funding of human service providers; and

WHEREAS, the Cities of Reno and Sparks and Washoe County desire to continue the consolidated process to more effectively monitor providers of human services programs and accurately measure their impact on resolving human service issues; and

WHEREAS, the Cities of Reno and Sparks and Washoe County have determined that the Consortium serves a valid and useful governmental service by consolidating the process by which nonprofit agencies providing human service programs are more efficiently and effectively able to serve the needs of citizens within their respective jurisdictions; and

WHEREAS, NRS 277.110 provides that political subdivisions of the state may enter into cooperative agreements for the performance of any governmental function;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, that the Washoe County Human Service Consortium Intergovernmental Agreement is hereby approved.

96-1002 RESOLUTIONS (2) - GRANT PROGRAM COMMUNITY SUPPORT SERVICE CONTRACTS - PROJECT RESTART AND YWCA, INC. - HUMAN SERVICE CONSORTIUM

John MacIntyre, County Manager, provided information in response to questions asked at yesterday's caucus meeting and advised that since January of this year, Project Restart has served a total of 1,241 clients and has referred 155 clients from the County Jail. He further advised that it is his understanding that the City of Reno has not budgeted any money this current fiscal year, but did allocate \$10,000 last fiscal year through the Consortium process, noting that the concept has been that the City of Reno would spend the capital funds necessary to construct a homeless

facility, which number has been in the range of \$2,000,000.

Commissioner Mouliot stated that if the City of Reno does not build the facility the County is forever going to be supporting the homeless, which he objects to; and that he does not like having to contribute \$100,000 every year to take care of Reno's homeless problem. He stated that he will support the recommendation but wanted his statement and objections noted. Commissioner Shaw stated that he will support the recommendation but would request that next year Project Restart go through the Consortium process rather than directly to the Board. Chairman Bradhurst noted that Project Restart is tied to the jail which may be the reason they have not gone through the Consortium process. He asked Commissioner Shaw if this might be a matter that could be discussed between the Consortium and the Triumvirate to determine the proper process for Project Restart and Commissioner Shaw stated that this would be appropriate.

County Manager MacIntyre advised that staff is also talking to Project Restart board members and the Executive Director about the review process and the criteria against which their performance would be judged. Commissioner Mouliot noted that the tie to the jail was not made effective until May of this year and the County has been paying for it for two years. Chairman Bradhurst noted that Reno is in the County and Commissioner Sims agreed stating that he does not think it is right to say that the homeless problem belongs to only one jurisdiction. Commissioner Mouliot commented that he would just like to see more participation from the other entities.

Upon recommendation of Michael McMahon, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that Community Support contracts between Washoe County on behalf of the Human Service Consortium and Project ReStart concerning the reduction of recurrence of homelessness by implementing collaborative case management, and between Washoe County and the YWCA concerning basic skills to prevent drowning and other water-related injuries to youth, be approved and Chairman Bradhurst be authorized to execute.

It was further ordered that the following Resolutions necessary to execute same be adopted:

RESOLUTION- AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE NONPROFIT ORGANIZATION

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 1996-1997 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private, nonprofit organizations; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Project ReStart, Inc., a private, nonprofit organization, a grant for fiscal year 1996-1997 in the amount of \$94,888.00.

2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Community Support Agreement, which Agreement is incorporated herein by reference.

RESOLUTION - AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE NONPROFIT ORGANIZATION

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purposed; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 1996-1997 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private, nonprofit organizations; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that:

- 1. The Board hereby grants to the YWCA, Inc., a private, nonprofit organization, a grant for fiscal year 1996-1997 in the amount of \$4,800.00.
- 2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Community Support Agreement, which Agreement is incorporated herein by reference.

96-1003 FLOODPLAIN MANAGEMENT STUDY - EAST WASHOE VALLEY - COMPREHENSIVE PLANNING

Leonard Crowe, Jr., Acting Flood Control Manager, reviewed this item and advised that if the Board accepts the East Washoe Valley Floodplain Management Study, the report will be forwarded to FEMA for their review, and the documents will then come back to the County for a 90 day review period; that the study addresses what would be required of almost any subdivision that would come under the Board's jurisdiction to provide a 10-year storm drain capacity system to control movement of water through the community. Mr. Crowe then responded to questions of the Board.

Commissioner Sims stated that he has attended several meetings in which people are not too happy about having FEMA and flood insurance, but they also do not support a minimum \$2.5 million 100-year flood mitigation project to be financed through the special assessment district; that he believes the report is well written and staff clearly represents the situation and understands the need to reevaluate the drainage systems in the County because of the soils; and that it is important that staff work with the East Washoe Valley CAB and the property owners association.

Upon inquiry of Commissioner Bond, Mr. Crowe advised that the CAB for the area is relatively new, but meetings held with the property owners association were well attended by the CAB members; and that when the maps are received back and FEMA starts the 90-day review period, staff will send a letter to those people letting them know the process has started and provide them the opportunity to participate.

Chairman Bradhurst stated that this is a well written document and he was pleased with the public participation throughout the process.

Upon recommendation of Leonard Crowe, Jr., Acting Flood Control Manager, on motion by Commissioner Sims, seconded by Commissioner

Bond, which motion duly carried, Chairman Bradhurst ordered that the following actions be taken:

1. The East Washoe Valley Floodplain Management Study prepared by the USDA Natural Resources Conservation Service be approved and staff be authorized to submit the report and technical appendices to the Federal Emergency Management Agency for review and approval.
2. Staff be directed to evaluate the carrying capacity of the existing ditches and culverts in East Washoe Valley and present an improvements plan and costs to the Board for funding consideration.
3. Staff be directed to prepare a recommended operation and maintenance plan that would address the needs expressed by the East Washoe Valley home owners and present the plan to the Board for funding consideration.

96-1004 SECONDARY STORAGE PRIORITIES - TRUCKEE RIVER OPERATING AGREEMENT - COMPREHENSIVE PLANNING

David Roundtree, Acting Public Works Director, responded to questions of the Board asked at yesterday's caucus and reviewed the agenda memorandum from Donald Mahin, Hydrologist, dated September 30, 1996 concerning the storage of water which is secondary to the primary purposes of the Truckee River Operating Agreement (TROA). He stated that staff recommends Option 3 outlined in Mr. Mahin's memo with additional language to reflect the assumption that 30,000 acre feet of storage would be made available, and to address subsequent allocations of storage, which issues and language recommendations he discussed.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Option No. 3 with additional language as recommended by staff be approved as follows: Concur with the Department of the Interior approach to reserve one third of the Secondary Stored Water storage space and allow future water storage applicants to seek the use of the space to store their Truckee River water rights, which space would be allocated only after the full implementation of NEPA so that the impacts to other users (including the Water Quality Agreement) are identified and found to be minimal or offset by the benefits of the new proposed use of the reserved storage space; and that this action is taken with the assumption that the 30,000 acre feet of storage is going to be made available to the Truckee Meadows, that subsequent allocations of storage in the reservoirs would be based on compliance with the need for provisions, and that the County's preference for storage rights would be allocated to those projects that would provide environmental enhancements to the river, the river corridor, and the aquatic habitat, if multiple applications are being reviewed.

96-1005 LEGISLATIVE POSITION ON PRINCIPLES AND PROJECTS - INFRASTRUCTURE FUNDING

Katy Simon, Assistant County Manager-Finance, provided a status report on regional infrastructure planning for the 1997 Nevada Legislature and reviewed the participating entities involved in the process. Ms. Simon then responded to questions of the Board and requested the Board's suggestions and comments.

The Board discussed the report and Chairman Bradhurst stated that he is pleased with the principles of infrastructure legislation outlined in the agenda material and would hope the participating entities would be able to come together on these issues.

Commissioner Bond stated that she would like a more complete report based on input from the other jurisdictions. Commissioner Sims stated

that he feels staff is going in the right direction and believes the Board is willing to step forward and meet with the other entities to work out a consensus and be a united force at the Legislature. He complimented County Manager MacIntyre and staff on doing an excellent job and for recognizing that this is a regional issue. Following further discussion, Ms. Simon suggested that the Board might want to consider scheduling an action item workshop to review the principles. Chairman Bradhurst suggested that this matter also be placed on the agenda of the Regional Planning Governing Board for their endorsement.

On motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that staff be directed to schedule an action item workshop regarding the Legislative Position on Principles and Projects for Infrastructure Funding in the very near future.

96-1006 PROPERTY EXCHANGE - APN'S 088-020-48, 50 AND PORTION OF 47 - ENGINEERING

7:00 p.m. This was the time set in a Resolution and Notice of Intent to Sell County Property published in the Reno Gazette-Journal on August 29, September 5, and 12, 1996 and Notice of Public Hearing published in the Reno Gazette-Journal on September 27, 1996 to consider additional offers of cash or exchange on four parcels consisting of 17.94 acres located on North Hills Blvd. between the Lemmon Valley and Golden Valley exits off of U.S. 395 within the southwest one-quarter of section 10, T20N, R19E, MDB&M being Assessor's Parcel Numbers 088-020-48, 50 and a portion of 47. Proof was made that due and legal notice of hearing had been given.

James Gale, Sr. Property Agent, Department of Public Works, advised that on August 20, 1996 the Board received an offer to exchange a portion of County property on North Hills Boulevard for the same amount of adjoining property; that pursuant to NRS 244.282, publication was made in the Reno Gazette-Journal asking for additional offers of exchange or cash; and that no other offers have been received.

Chairman Bradhurst opened the public hearing, declared all sealed bids received, and called for oral bids.

Larry Sheller, representing Flemming H. Carstensen, the owner of APN 088-020-54, stated that they are offering the Assessor's appraised value of \$415,000 for all parcels totaling 19.6 acres; and that Mr. Carstensen would like a February 28, 1997 on or before closing because he is presently selling a property in Hawaii with the use of Federal funds that will not be available until after the first of the year.

Chairman Bradhurst asked if anyone else wished to present an oral bid and there was no response.

Chairman Bradhurst stated that the Board must decide whether it considers the bid made by Mr. Sheller to be in the best interest of Washoe County; that at yesterday's caucus the Board indicated that it was initially looking at consolidating the County's parcels in the subject area to obtain one piece of property that would be useful to the County; that the offer made today represents a cash offer rather than the original offer to exchange property; and that his concern is whether the County wants to walk away from the property at this point in time.

Commissioner Mouliot stated that he would like to have information as to the potential for the property and commented that he believes consolidation of the property versus sale of the property would be more appropriate.

Legal Counsel Shipman requested clarification of the cash offer versus the previous exchange offer, and Mr. Sheller stated that they would

prefer to purchase the property, but would be willing to honor the offer for exchange as initially proposed.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that this item be continued; and that staff be directed to report back to the Board by the second meeting in November, if possible, regarding whether or not it is in the best interest of the County to sell the property, and indicating the potential for the property and the cost to replace the property.

96-1007 SPECIAL USE PERMIT CASE NO. SPW7-33-96 - JACKLING AGGREGATES PIT/GRANITE CONSTRUCTION COMPANY - APPEAL - DEVELOPMENT REVIEW

7:00 p.m. This was the time set in a notice of public hearing dated September 26, 1996 and mailed to affected property owners by the Department of Development Review to consider the appeal of Pierre Hascheff and Michael A. Rosenauer from the Washoe County Planning Commission approval of Special Use Permit Case No. SPW7-33-96 for Jackling Aggregates Pit/Granite Construction Company to expand and consolidate previously approved special use permits involving extraction and production of aggregate construction materials using crushing equipment, an asphalt batch plant and a concrete batch plant on property located 1 mile west of Pyramid Lake Highway (SR445) north of the Spring Creek Subdivision being a 475-acre parcel designated General Rural (GR) in the Spanish Springs Area Plan situated in a portion of Section 9, T20N, R20E, MDM, Washoe County, Nevada.

Chairman Bradhurst reviewed the appeal process pursuant to Development Code Section 110.810.50 and the procedure to be followed at the hearing, advising that opponents and proponents would be provided an equal opportunity to participate in the process.

Commissioner Bond disclosed that she has friends representing both sides of this issue. Chairman Bradhurst disclosed that last Spring he visited the site, and approximately a month ago and prior to the item going before the Planning Commission he met with Mr. Hascheff to discuss their concerns and issues. Commissioner Mouliot disclosed that he also has friends on both sides of this issue and has visited the site with both sides prior to the appeal being filed. Commissioner Sims disclosed that he has visited the site with the applicant and also met with Mr. Hascheff prior to the Planning Commission hearing. Commissioner Shaw disclosed that he visited the site during the summer and has met with Mr. Hascheff and Mr. Rosenauer.

Ron Kilgore, Department of Development Review, provided background information and advised that he would respond to any issues related to the Code or the Ordinance relative to this matter. Mr. Kilgore then responded to questions of the Board.

Chairman Bradhurst opened the public hearing and requested that the appellant present their testimony at this time.

Pierre Hascheff, representing Rocky Ridge, presented exhibits marked 1 through 10 containing County Commission action items, staff reports, aggregate resource studies, etc. and stated that although Rocky Ridge is a competitor, they are appearing for the purpose of fair and equitable treatment under the Development Code. He reviewed the exhibits and stated that they have come to a different conclusion from staff and believe that the absolute moratorium against new pits and the expansion of existing pits until the aggregate resource study has been completed continues to exist, and this project does not meet any requirements for an exception to that moratorium; that the proposed project represents new uses and operations 1/2 mile away from the existing pit; that it is their contention that the mining regulations in Article 334 of the

Development Code to be used to review applications until aggregate regulations in Article 332 can be completed must be used to process this application; and that they believe the applicant needs to do a land use classification change under the County's Comprehensive Plan because it is their position that the general rural designation does not allow for the proposed uses under the County's Development Code, noting that this position is supported by a recent Nevada Supreme Court decision. He further stated that they disagree with staff that the aggregate study has been completed because it specifically excludes the community impacts which is a requirement of the study; and that the Spanish Springs CAB is telling Rocky Ridge that they need an EIS and an EA study which is a two-year process and which would indicate that the County is receiving inconsistent results, and they believe that firm guidelines for staff and members of the industry need to be developed.

Richard DeLong, Environmental Management Associates, Inc., representing appellant, discussed environmental issues. He referred to the display model of the project and stated that the archeological study referenced in the application did not address the potential archeological resources in the area of mining which is a requirement under Article 334.20(j); that the applicant has stated that their wetlands survey has indicated that no wetlands exist and, therefore, no waters of the U.S., but there is another class of waters that would indicate there are waters of the U.S. relative to the property and would require a section 404 permit from the Army Corps of Engineers that they have not yet addressed; that the applicant has been required to develop a reclamation cost estimate consistent with the BLM Reclamation Handbook which would require a detailed reclamation plan which has not been provided by the applicant; and that the visual analysis done for the project did not include the Sun Valley Area where there is a potential visual impact from the project.

Sohrab Rashid, Fehr and Peers Associates, representing appellant, discussed traffic issues and stated that the applicants traffic study stated an average of 276 daily trips would be generated at the new facility which was based on the comparable facility at Patrick; that they conducted 24-hour counts at the Patrick facility in October which showed that 1300 trips per day were being generated; and that this discrepancy calls into question the validity of the traffic study findings and the potential impacts to traffic flow on Pyramid Lake Highway and the Spanish Springs area. He stated that the Sparks Boulevard extension was not analyzed as part of the traffic study, and neither the schedule for construction of the extension nor the final right of way have been determined.

Pierre Jones, Mining Engineer and UNR Mining Professor, representing appellant, stated that the mining plan presented by Granite Construction represents an inferior report that is poorly presented and lacks the necessary detail normally expected in such a report; that no technical analysis or test results are presented to verify the extent or quality of the aggregate resource; that there is no reclamation plan; that little detail is provided on the blast vibration tests and the frequencies that were measured; that impacts on wildlife has not been adequately addressed; and that the report is insufficient to establish any solid conclusion as to the potential noise impacts of the project. He further stated that he is concerned that a decision which will impact many citizens will be made without an adequate technical analysis.

Michael Rosenauer, appellant representing a group of Spanish Springs property owners, presented a large display map of the area and discussed the traffic, visual, and noise impacts of the project. He stated that they are concerned about the noticing requirement which is to property owners within 600 feet, noting that there are very few people within 600 feet of the proposed pit, and this is a regionally significant development. He referred to the number of experts the applicant has hired and the time and amount of mitigation they have testified that they have done, noting that this would indicate that there are a lot of problems with respect to the project; that there is substantial citizen input against the project; that there is a great discrepancy in the number of truck trips; that this will be a 30-year operation that will tremendously impact the residents; that the applicant is trying to bootstrap an industrial use into a general rural zone which is an inappropriate manipulation

of the County Code; that the acceleration and deceleration lanes will not be adequate to mitigate traffic hazards created by the large trucks; that this will be a 24-hour operation and the type of noise this project will generate cannot be mitigated; and that the project is inconsistent with the surrounding area, is totally inappropriate, and is very unfair to the residents.

Chairman Bradhurst requested that the applicants present their testimony at this time.

John Sande, attorney with Vargas and Bartlett, representing Jackling Aggregates, Ltd., and Martin Giudici, Jackling partner and owner of American Ready Mix, introduced Bill Raggio of Vargas and Bartlett, and Steve Mollath, representing Granite Construction. He stated that after a lengthy public hearing, the Planning Commission made the necessary findings required by the County Development Code for the Special Use Permit for this project, which findings were supported by substantial expert testimony presented on behalf of the applicant; that he has never been involved with a project where the applicant has spent more time and resources attempting to address all legitimate concerns that have been raised; and that Granite Construction has also agreed to connect Sparks Boulevard to Pyramid Lake Highway which will dramatically improve traffic conditions on the Pyramid Lake Highway. He discussed conditions imposed by the Planning Commission and stated that they address the concerns that have been expressed. He referred to the costly public relations campaign financed by Rocky Ridge, a direct competitor of the applicant, and stated that they are designed to mislead and frighten the public; that no credible evidence has been presented against the applicants proposal; and that the applicant is entitled to rely upon the interpretations of staff regarding compliance with County ordinances.

Tom Gallagher, Summit Engineering, representing Granite Construction, American Ready Mix, and Jackling Aggregates, stated that the appeal has no actual basis in fact and it is unfortunate that such an extreme attempt has been made by the appellant to mislead the residents of the area as to the scope of the project; that the video issued to numerous residents in the area was intentionally misleading and intended to muster opposition from the residents; that the appellant's experts statements were not based upon any data they generated for the project; and that the material submitted by the applicant is based upon reality and a conservative approach as they want to be absolutely sure they have a feasible project that will fit into the area over the long term. He referred to the display model and stated that it is a scaled depiction of what will exist at the completion of the mining of the site and the actual scope of the development and the operation will be as invisible as any operation of this nature could be. He reviewed the proposed traffic improvements that will be made by the applicant and the various studies regarding traffic, noise levels, water resources, aggregate quality, etc. and stated that they submitted a preliminary plan based on the final mining plan criteria of Washoe County and their final mining plan will meet all standards and requirements; that a letter from the State Historic Preservation Office dated June 21, 1996, stated compliance with the project relative to archeological preservation and protection; and that the Army Corps of Engineers staff indicated they have no concerns over wetlands in the area. Mr. Gallagher further stated that the project has received staff support, unanimous support by the Spanish Springs CAB, majority support by the Sun Valley CAB, and approval by the Planning Commission, and they feel it stands on its merits and will withstand the scrutiny of the Board.

Paul Solaegui, Solaegui Engineering, Ltd., reviewed the traffic report and stated that they have conducted a comprehensive and thorough analysis that has been positively reviewed by the County and the Nevada Department of Transportation; that the opponent's statement that 1300 trips are generated out of the Patrick plant shows their unfamiliarity with the area and that operation and would suggest that they have not adjusted for the number of axles on the vehicles and have not taken into account that the existing project is in the final process of completion and extensive construction and set up are still occurring; and that he feels, based on substantial local knowledge, that 331 trips a day is an

accurate number. He further stated that they are just beginning to establish the final design criteria for the acceleration and deceleration lanes on Pyramid Highway and will work with the other agencies in establishing legitimate lanes with lengths that would accommodate the large trucks and which will be a good sound design; and that the Sparks Boulevard connection will provide an improvement in the operation of the Pyramid/McCarran intersection.

Larry Johnson, SEA, Inc., discussed the issues of noise and blasting levels and stated that their planning staff made several noise readings around the proposed pit area as well as around existing plant operations, have responded to criticisms that more calculations could have been done, and have concluded that they do not feel noise will impact the surrounding area. He then reviewed their analysis and stated that it is a proven fact that noises can be heard more at night, which is why the project is conditioned to use strobe lights on equipment at night, and there will be no blasting, no excavation, no crushing, no screening operations at night, and the only night time operations would be operation of the batch plant for special projects.

Clint Thiesse, Summit Engineering, reviewed the mining plan and reclamation issues, demonstrating same on the display model. He advised that they plan to start mining from the top, move down the hill at 2:1 slopes with 10-foot benches every 30 feet which will serve the purpose of stabilization of the slope, erosion control, and drainage; and that the 2:1 slopes are acceptable to the Washoe Storey Conservation District, are in conformance with the Uniform Building Code, and are in compliance with Washoe County Engineering. He stated that the final reclamation and mining plan will be prepared as bond estimates are prepared and will need the approval of Washoe County Engineering and Planning staff, Washoe County Conservation District, and the Health Department. Mr. Thiesse showed a sample of aggregate material from a 100-foot depth and advised that the quality of material at the pit is far superior to that currently being seen in local labs, and quality material is greatly needed in the Truckee Meadows.

Following a short recess, Chairman Bradhurst advised that further testimony would be taken and 10 minutes would be allotted for each side of the issue.

Shirley Geek, Sun Valley resident, spoke in opposition; Kim Monahan, Spanish Springs resident, presented a petition containing 1,950 signatures in opposition to the project; Mary Hanson, Sun Valley resident and another Spanish Springs resident spoke in opposition to the project, citing concerns relative to noise, traffic, quality of life, and the inappropriateness of the project for the area.

Elaine Donnelly, Sparks resident; Theresa Morose, Jane Morose Construction and Development Company and Spanish Springs resident; Larry Gruvey, Summit Engineering and resident of Spanish Springs; Gloria Barrere, Spanish Springs resident; and Randy Feelandar, Silver Springs resident and former Reno resident, spoke in support of the project, stating that the improvements to the intersection of Highland Ranch Parkway and Pyramid Highway, as well as the extension of Sparks Boulevard are badly needed and will be very beneficial to the area; and that the applicant has made every effort to address all the concerns of the residents and be a good neighbor.

Chairman Bradhurst stated that at this time 15 minutes would be allotted to the appellant and the applicant for final statements.

Mr. Rosenauer stated that the applicant is unable to police the project and staff has indicated that they do not have the ability to monitor the project; that there is still an unresolved issue with regard to the wells and what will happen if a well goes dry; that there were no annual updates on the operation for 12 years; that even with the turn lanes, trucks will still cross two lanes of traffic and create a traffic hazard; that

the piece of aggregate presented today by the applicant's representative was from a 100-foot depth and brings the question of how much DG will need to be removed to get to the good rock; that night time operations for special projects will occur for several months from May into at least October; and that the project is bad for the area and inconsistent for the use.

Mr. Rashid discussed the discrepancy regarding traffic counts and confusion with tonnage figures, and stated that he believes these issues need to be sorted out; that he agrees the Sparks Boulevard extension will be a vast improvement but thinks there is a problem with timing as there is no definite schedule for right of way acquisition; and that discussion about safety of an intersection cannot be held until sufficient data has been obtained to prove the issue.

Mr. DeLong stated that they have supplied a sufficient amount of data and could have provided more hard data if they had been given access to the site. He further stated that regardless of what the applicant says the fact is they have not evaluated archeology and waters of the U.S.; that the Washoe Storey Conservation District in April of this year reviewed the proposal by the applicant to construct a temporary facility and recommended a 3:1 slope, but have now indicated that they only prefer the 3:1 slope.

Glenn Miller stated that he has been involved in the development of mining reclamation legislation for the State of Nevada and advised that he does not live in Spanish Springs, has not been retained, and does not know either of the companies mentioned tonight. He stated that the reclamation law for Washoe County falls very short and he is concerned about the County Commission making a decision without knowing the ultimate environmental impacts; that based on the document presented to the State, the Bureau, and the Forest Service would not allow this operation to go forward; that he is very concerned that staff does not have the capability and expertise to monitor and enforce reclamation regulations; and that ultimate land use in this area should be looked at as this is clearly an area of major development, and this project represents a major mine in an urban setting.

Mr. Jones stated that there is a lack of information in the mining document and there have been conflicting statements relative to the aggregate and the for blasting because of the depth of the good solid rock. He further noted that no data has been included in their mining plan as to the quality of the rock, and there is no data to backup their table of predicted values relative to blasting vibrations.

Mr. Rosenauer concluded the appellant rebuttal testimony stating that substantial professional and expert testimony has demonstrated that this is the wrong project in the wrong place; that it does not withstand technical scrutiny; and that the project is absolutely inappropriate for the surrounding area based upon citizen and technical input.

Chairman Bradhurst requested that the applicant provide closing remarks at this time.

Mr. Gallagher stated that the applicant has owned the pit only since June of 1995 and has not been out of compliance, and all mitigation's have been provided; that good aggregate has been encountered from 8 feet to 200 feet in the same area and not at just the 100-foot level; that there will be no crushing at night and the only night operation will be the asphalt plant which would be a requirement of some state and local contracts; that there is no sand that would need to be hauled out of the Patrick pit which accounts for the different tonnage counts; and that they have already initiated meetings with the owners of the right of way for the Sparks Boulevard extension.

Mr. Solaegui stated that they are doing everything they can to soften traffic impacts; that the intersection will meet Washoe County required

levels of service and will operate acceptably; and that he remains adamant that their numbers of trip generation are accurate.

Mr. Sande stated that they believe the project will provide high quality aggregate that is badly needed in the Reno/Sparks area and will also provide necessary competition; that the operation will provide good jobs and a strong healthy economy for the entire valley and its residents; and that the law supports that special use permits should not be denied unless substantial competent evidence exists indicating that the impacts are absolutely adverse. He noted that Nevada's Supreme Court has said that mere fear or conjecture is not adequate and the evidence must be compelling.

Chairman Bradhurst closed the public hearing.

Mr. Kilgore reviewed the appeal issues listed in the appeal letter dated September 12, 1996 and advised that there appears to be some confusion regarding the moratorium issue. He stated that when the County speaks of "contiguous operations," the reference is usually to a parcel of land; and that there have been two major expansions of existing pits, one being Rocky Ridge and the other being Granite's Lockwood pit. Mr. Kilgore further stated that the aggregate resource study was accepted by the Planning Commission in the Fall of 1992; that the original budget called for an expenditure of \$80,000 and only \$45,000 was available, but 87% of the scope of work was accomplished by the consultant; that the document only represents a study and there is nothing contained in it that requires conformance; that Article 332 addressing aggregate facilities regulations has, indeed, been delayed because of requests from both the Planning Commission and the County Commission to try to find a way to bring all pits into conformance with the same standards; that there has been a great deal of confusion relative to industrial uses versus industrial zoning and that aggregate operations are an allowed use with a special use permit; and that the State of Nevada has no mechanism to allow the County to require Environmental Assessments and Environmental Impact Statements, but occasionally they are obtainable because BLM or Federal property is involved. Mr. Kilgore then responded to questions of the Board regarding several other issues that were presented, the findings that must be made, and the conditions of the special use permit.

A lengthy discussion commenced relative to the various issues including traffic, night operation, right of way acquisition for the Sparks Boulevard Extension, etc. Mr. Gallagher stated that the applicant would be willing to not open the batch plant or the concrete plant until the Sparks Boulevard connection was constructed, advising, however, that they would like to pave that extension with material from the batch plant; that there would be no nighttime operation from 7:00 p.m. to 7:00 a.m.; that restoration of the previously mined area is currently occurring; and that the applicant would be willing to commit \$100,000 to the improvement of the intersection at Pyramid and McCarran.

Upon inquiry, Randy Walter, SEA, Inc., advised that negotiations are under way for the right of way acquisition and they believe that the negotiations will be successful. He stated that should an impasse occur, a condition of the special use permit provides for commencement of condemnation proceedings.

Commissioner Bond stated that she appreciates everything the applicant has offered to do to improve the traffic situation, but she cannot approve a project that is going to put more trucks on Pyramid and McCarran.

Chairman Bradhurst reviewed the findings the Board must make.

Commissioner Bond stated that she cannot make all of the findings, especially the finding that issuance of the permit will not be significantly

detrimental to the public health, safety or welfare, injurious to the property or improvements of adjacent properties, or detrimental to the character of the surrounding area. Commissioner Bond then moved that the appeal be upheld and the special use permit be denied. The motion died for lack of a second.

Further discussion ensued and the Board members reviewed additional conditions they would want placed on the special use permit.

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Bond voting "no," Chairman Bradhurst ordered that the appeal of Pierre A. Hascheff and Michael A. Rosenauer be denied and that Special Use Permit Case No. SPW7-33-96 be granted subject to the conditions listed below as approved by the Planning Commission and including additional conditions addressing the following: 1) a 26,000 pound weight limit on Highland Parkway, except that the applicant will be allowed to haul loads to the Lifestyle Development, 2) concrete construction of the two mile extension of Sparks Boulevard, 3) gravel operation only until traffic mitigation measures are complete, 4) applicant to contribute \$100,000 toward the mitigation of Pyramid and McCarran, 5) no night operations from 7:00 p.m. to 7:00 a.m. except for specific contracts applied only to the asphalt plant, 6) a review by the Planning Commission after one year for compliance with conditions, 7) if after two months the acquisition of the right-of-way to extend Sparks Blvd. has not been negotiated, a report is to be provided back to the Board for review of issues relative to condemnation proceedings, and 8) the total number of truck trips not to exceed 331 per day on average over the whole year.

Commissioner Mouliot further requested that the applicant apply all possible pressure to the State to place a red light at the intersection of Highland Parkway and Pyramid.

CONDITIONS FOR SPECIAL USE PERMIT CASE NO. SPW7-33-96 UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF DEVELOPMENT REVIEW.

THIS SPECIAL USE PERMIT SHALL EXPIRE 5 YEARS FROM THE DATE OF APPROVAL BY WASHOE COUNTY. COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

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

GENERAL CONDITIONS

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

2. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
3. If water is necessary, the applicant shall execute an agreement with an appropriate water purveyor acceptable to Washoe County for water supply or shall show evidence of an ability to supply water service. A copy of said agreement or evidence must be submitted to the Utility Division and the Nevada Division of Water Resources.
4. The applicant shall prepare a test pumping and monitoring plan for the proposed well to be reviewed and approved by the Utility Division. At the tests conclusion, data shall be provided to the Utility Division. If, in the opinion of the Utility Division, the test results indicate an adverse impact on existing wells in the area, these impacts shall be mitigated or the applicant must identify and develop another water source for the project.

The Department of Development Review and the Utility Division will determine compliance with this condition.

5. Prior to the export of material from the expanded area via the Pyramid Highway the applicant shall complete the access interchange with Highland Parkway and the described intersection improvements at the junction of Highland Parkway and Pyramid Highway. These improvements shall include, but not be limited to, widening Pyramid Highway to allow for a north bound center turn lane, a south bound deceleration lane, and a south bound acceleration lane. Improvements required to allow the connection of Highland Parkway and Sparks Boulevard will be completed with the intersection improvements as required by the Nevada Department of Transportation. The applicant shall be responsible for the construction of Sparks Boulevard improvements consisting of a two lane access from the existing terminus of Sparks Boulevard to its intersection with Pyramid Highway. Upon acquisition of the required right-of-way by Washoe County or the Regional Transportation Commission, the applicant shall complete construction of the facility within 12 months. Within 6 months of final approval of this use permit by Washoe County, the applicant shall schedule an update on the progress of the Sparks Boulevard extension before the Planning Commission.
6. Construction noise and ongoing operational noise associated with the project shall meet all noise standards of the Development Code. Upon unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be obligated to compensate the county for all costs incurred to complete two 24 hour monitoring of the operation to assure compliance with noise standards. Failure to compensate the county within 30 days of presentation of the contract fee shall render the special use permit null and void.

Should the noise monitoring report substantiate non-compliance with noise standards, within one week the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Development Review. Upon approval of the submittal by Department of Development Review staff, the plan shall be immediately implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.
7. The Nevada Division of Environmental Protection must submit a letter to the District Health Department certifying its approval of the project prior to the issuance of any building permit.
8. The applicant shall obtain an "Authority to Construct/Permit to Operate" from the District Health Department.

- 9. If the District Health Department determines that the proposed project falls under the prevention of significant deterioration (PSD) regulations, any requirements to be met and any subsequent permits issued by the District Health Department, shall be made a part of this special use permit.
- 10. During the period of operation, the applicant shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.
- 11. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.
- 12. The applicant must demonstrate to the District Health Department that the wastewater facilities conform to the District Board of Health regulations governing sewage, wastewater, and sanitation.
- 13. If explosives are to be used, the applicant shall develop a plan for use and notification of affected property owners to the satisfaction of the applicable fire protection agency.
- 14. Ridge lines shown as those to be protected on the Development Suitability Map of the Spanish Springs Area Plan shall not be disturbed in any way.
- 15. The applicant shall obtain an occupancy permit from the Nevada Department of Transportation (NDOT), if required, for access to and from roads and highways maintained by NDOT.
- 16. A note shall be placed on all grading plans, construction drawings, and mining plans stating:

NOTE

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

17. The applicant shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to hours of operation and maintenance, fencing and signage, storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon completion of mining for each phase of the operation, to the satisfaction of the County Engineer and the District Health Department. The Washoe-Storey Conservation District shall review the slope stabilization and the phased revegetation portion of the mining plan. Once the plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer. In calculating the amount of any bond for reclamation and restoration, BLM standards shall be used. The County Engineer shall annually review the financial assurance and adjust its amount as deemed appropriate.

18. The applicant shall ensure that any financial assurances required by the provisions of this special use permit are maintained for the life of the project to the satisfaction of the County Engineer. Should transfer of the site or the special use permit occur without the continuation of

the financial assurances, this special use permit shall become null and void.

19. During the period of operation, the applicant's mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
20. If the Nevada Department of Wildlife determines a habitat modification permit is required, the applicant shall be required to obtain that permit prior to issuance of a building permit. Requirements of the habitat modification permit shall be included as part of this special use permit.
21. During the period of operation, the applicant shall notify the Department of Development Review, any agency from which approval to operate has been received, and any other applicable agencies of any temporary, seasonal, or permanent shutdown occurrences.
22. If the operation ceases for a period of 12 months, this special use permit becomes null and void. The applicant will be required to file a new application with the Department of Development Review for appropriate review and approval.
23. During the period of operation, this special use permit shall be reviewed by the Department of Development Review on an annual basis. This review shall be based upon submittal of a report by the applicant detailing compliance with the conditions of the special use permit.
24. The applicant and any successors shall direct any potential purchaser of the site and/or special use permit to meet with the Department of Development Review to review the conditions of approval prior to final sale. Any subsequent purchaser shall notify the Department of Development Review of the name, address, and contact person of the new purchaser.
25. Highland Parkway west of its junction with the pit access interchange shall have a gross vehicle weight limit of 26,000 pounds. This limitation shall not apply to deliveries of material to the Lifestyle Homes project in Sun Valley.
26. Should a life cycle cost analysis by the RTC determine that concrete is the preferred material for the extension of Sparks Boulevard to its intersection with Pyramid Highway, the applicants shall pave the extension with concrete.
27. The applicant shall contribute \$100,000 for the mitigation of traffic impacts on the intersection of McCarran Boulevard and Pyramid Highway.
28. With the exception of the paving of the extension of Sparks Boulevard, the asphalt and concrete batch plants shall not be operated until traffic mitigation measures are complete.
29. This application shall be reviewed by the Planning Commission after one year to determine compliance with conditions.
30. Hours of operation shall be limited to 7am to 7pm with the exception that the asphalt batch plant may be operated on a 24 hours basis to supply material for night paving operations, as specified by contract.
31. If after two months from the date of this approval, the right-of-way for the extension of Sparks Boulevard has not been obtained, the

applicant shall report back to the Board of County Commissioners with suggested options for obtaining the right-of-way.

32. The total number of truck trips shall not exceed an average of 331 per day calculated on an annual basis.

96-1008 ABANDONMENT CASE NO. AB7-11-96 - HARRY HAASER - DRAINAGE EASEMENT - APN 131-250-18 - DEVELOPMENT REVIEW

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on September 27 and October 3, 1996, and mailed to affected property owners on September 27 and 30, 1996 to consider the recommendation of the Washoe County Planning Commission to conditionally approve Abandonment Case No. AB7-11-96 for Harry Haaser to abandon a 20-foot wide drainage easement which bisects a .603-acre lot on property located at 996 Third Green Court, Lot 75, Fairway Estates Subdivision, Unit No. 1 and designated Medium Density Suburban (MDS) in the Tahoe Area Plan situated in a portion of Section 15, T16N, R18E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Ron Kilgore, Department of Development Review, provided background information regarding this item.

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

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private easement described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Abandonment Case No. AB7-11-96 for Harry Haaser be approved subject to the following conditions:

1. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
2. The applicant shall comply with all conditions necessary to effect the Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

96-1009 VARIANCE CASE NO. V7-45-96 - BORDERHOUSE BREWERY - APN 123-042-07 - APPEAL - DEVELOPMENT REVIEW

7:00 p.m. This was the time set in a notice of public hearing dated September 26, 1996 and mailed to affected property owners by the Department of Development Review to consider the appeal of Dale McKenzie, Crystal Bay Club Casino, from the approval of the Board of Adjustment of Variance Case No. V7-45-96 for Borderhouse Brewery to Vince Scott to reduce the required front yard setback from 10 feet to not less than seven feet to facilitate the addition to an existing structure. [Other portions of the variance request, the reduction of the rear yard setback from 10 feet to not less than 3 feet and the reduction of the front yard setback from 10 feet to 0 feet for the existing structure, were approved by the Board of Adjustment and were not appealed] The property is located at 24 State Line Road, Lot 11, Block B, Nevada Vista Subdivision and is a .26 acre parcel designated Tourist Commercial (TC) within the North Stateline Community Plan and the Tahoe Area Plan situated in a portion of Section 30, T16N, R18E, MDM, Washoe County, Nevada.

John MacIntyre, County Manager, advised that a letter dated September 25, 1996 has been received from Dale McKenzie withdrawing the appeal of this variance.

Legal Counsel Shipman stated that it was reported at yesterday's caucus that the agreements were part of the Deed restrictions and had nothing to do with the Board, and the Board's role would simply be to deny the appeal based on the withdrawal.

Trevor Lloyd, Department of Development Review, provided background information and advised that one of the modifications of the conditions as approved by the Board of Adjustment was not included in the final report but was recorded as part of the minutes. He provided a completed copy of the conditions as modified.

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

Pursuant to the appellant's letter withdrawing the appeal, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the appeal by Dale McKenzie, Crystal Bay Club Casino, be denied and Variance Case No. V7-45-96 was approved subject to the conditions of approval by the Board of Adjustment as follows:

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
 - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
 - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
 - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).
2. The applicant shall demonstrate substantial conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. Conformance shall be determined by the Department of Development Review.
3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.
4. The owner and developer will work with the Washoe County Roads Division to realign the southwest property corner to improve the radius at the intersection of State Line Road and Cal Neva Drive.
5. The developer shall submit a landscaping design plan(s) to the Department of Development Review for its review and approval. Said plan shall incorporate 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, and landscaping irrigation system. Mature landscaping along State Route 28 shall be no taller than 12 feet in height. The Department of Development Review shall be responsible for determining compliance with this condition. A certification letter must be submitted by a licensed landscape architect that shows that all landscaping provisions in Article 412 have been met. The

landscaping plans and letter shall be wet stamped. The letter shall indicate any provisions which have been waived by the Director of Development Review.

6. Because of the proximity of the Crystal Bay Fire Department and the Fire Department's use of Cal Neva Drive as an access road, the applicant shall provide a No Parking sign on the property along the Cal Neva Drive frontage (or with appropriate approvals from the Public Works Department, within the Cal Neva Drive easement) to prevent obstruction to emergency vehicles.

96-1010 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 Shaw, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed for the 1996/97 Secured Roll, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

Roll Change Request Nos. 343 and 334

Sierra Pacific Power Co.

APNs 518-260-17 and 003-020-51

Roll Change Request No. 335

Evelyn A. Scott

APN 010-430-50

Roll Change Request No. 336

Dayton J. & Suzanne G. McDonald

APN 031-122-11

Roll Change Request Nos. 337, 338, and 339

Hawco Investment & Development Co., Inc.

APNs 089-512-10, 089-532-04 & 089-524-08

Roll Change Request No. 340

Edward E. & Mary I. Watson

APN 200-292-01

Roll Change Request No. 341

Ali & Vida Yazdani

APN 200-292-02

Roll Change Request No. 342

Rasoul Baghal

APN 042-290-48

96-1011 RESIGNATION AND APPOINTMENT - VERDI TOWNSHIP CITIZEN ADVISORY BOARD

Upon recommendation of Leslie Roylance, Department of Comprehensive Planning, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the resignation of Linda Fine as an At-Large representative on the Verdi Township Citizen Advisory Board be accepted, and that Marvin Oshan be appointed to fill the unexpired term until June 30, 1998.

96-1012 RESIGNATION AND APPOINTMENT - WEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

Upon recommendation of Leslie Roylance, Department of Comprehensive Planning, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the resignation of Minor Kelso as an East of McCarran Boulevard representative on the West Truckee Meadows Citizen Advisory Board be accepted, and that Frank Nenzel be appointed to fill the unexpired term until June 30, 1997.

COMMISSIONER'S COMMENTS

Chairman Bradhurst noted that the Nevada Association of Counties Annual Conference will be held at Incline Village this year and Washoe County is hosting the conference for the first time since 1978, and an interesting program has been put together.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 11:30 p.m.

STEPHEN T. BRADHURST, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk