

TUESDAY 9:00 A.M. JANUARY 19, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Amy Harvey, County Clerk
- Katy Simon, 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:

**99-41 AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the agenda for the January 19, 1999 meeting be approved.

**INTRODUCTION OF NEW EMPLOYEES**

Katy Simon, County Manager, recognized ten new employees who came to the podium and introduced themselves to the Board. County Manager Simon thanked the employees for coming to the meeting and commented that the practice of bringing new employees to the Commission meetings was recently established to provide an opportunity for the Commissioners to welcome new employees and to allow new employees the opportunity to observe the Commission at work. Chairman Galloway welcomed the new employees to Washoe County.

**PUBLIC COMMENTS**

Athena Ridenbock, Sun Valley resident, stated that she has experienced a lot of problems with the Washoe County Sheriff's Department and feels sure that other people in Sun Valley have also had problems; that the Sheriff's Department feels they do not have to account to anybody; and that a citizens review board is needed to keep the Sheriff's Department in check so they have to account to somebody. She then discussed some of the problems that she has experienced.

Sam Dehne, Reno resident, commented that at a recent Reno City Council meeting, one of their agenda items amounted to an attempt to basically kidnap hundreds of innocent citizens who live in Washoe County into Reno's domain; that these are citizens that the Board of County Commissioners is supposed to be representing; that at a public forum on this issue many citizens voiced their complaints, but the City Council did not listen; and that what bothered him the most was that he did not see one representative of the Washoe County Commission present at that meeting, nor did he hear any comments that Washoe County might provide a token amount of funds to assist in the lawsuit the citizens have filed to try to defend their homes or provide some other kind of assistance to prevent this action. He then cited issues relating to the agendas for most public forums, stating that they are not written in a manner where the public can understand what is going on, which is required by Open Meeting Law, and added that he brought this issue to the attention of the Attorney General.

Dennis Silver, Mae Anne Avenue resident, discussed the history of traffic and road problems experienced on the section of Mae Ann Avenue where he resides. He stated that finally after 14 years of dealing with the road problems, their section of that road was

nically paved at the beginning of the summer, but three months ago, the City of Reno dug up the entire road again to put in a sewer line. He advised that he called the County Public Works Department about this matter and was advised that they had requested that the City of Reno advise them if there were any proposed projects for the road; that a copy of this communication was provided to him, but the City of Reno said that they did not hear from the County; and that his question is whether anything can be done to insure better cooperation with the City of Reno regarding these types of projects so that the tax dollar use can be maximized.

**MINUTES**

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioners Sferrazza and Short "abstaining", Chairman Galloway ordered that the minutes of the regular meeting of December 22, 1998 be approved.

Chairman Galloway requested two minor language changes to the January 4, 1999 minutes. On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the minutes of January 4, 1999 reflecting the requested language changes be approved.

Chairman Galloway advised that he inadvertently had the December 15, 1998 minutes for another agency and has not had the opportunity to review the County Commission minutes for that date; and that he would request that they be continued. On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the minutes of December 15, 1998 be continued.

**99-42 BILL NO. 1228 - ORDINANCE NO. 1052 - FINAL DEVELOPMENT AGREEMENT CASE NO. DA4-1-98 - REALTY CORNER PARCEL MAP (WARM SPRINGS VALLEY)**

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on January 8, 1999, to consider the second reading and adoption of Bill No. 1228 approving the Final Development Agreement for the Realty Corner Parcel Map.

Proof was made that due and legal notice had been given.

Catherine McCarthy, Department of Community Development, provided background information and conducted a document camera overhead presentation depicting maps of the subject area. She advised that the Warm Springs Specific Plan contains special requirements in order for further subdivision of land to occur; and that in order to activate the land uses shown on the area map, any proposed development must follow the provisions of the specific plan which includes entering into a development agreement. Ms. McCarthy then responded to questions of the Board.

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

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Final Development Agreement between Realty Corner and Washoe County to fund infrastructure provision and to implement design standards pursuant to the Warm Springs Specific Plan creating four parcels in Warm Springs Valley pursuant to the Warm Springs Specific Plan be approved and Chairman Galloway be authorized to execute, based on the following findings and subject to the following conditions:

**FINDINGS**

1. Plan Consistency. That the proposed Preliminary Development Agreement is consistent with the goals, policies and action programs of the Warm Springs Specific and Area Plans and the Washoe County Comprehensive Plan.
2. That the requested parcel map is consistent with the density provisions and lot size regulations of the Washoe County Development Code and the site is particularly suitable for the density and type of residential development proposed.

3. That the physical design of the project and the manner in which the design makes adequate provision for public services. This Development Agreement provides adequate funding of public infrastructure pursuant to the Warm Springs Specific Plan (WS SP). The project will be served by individual wells and nitrate reducing septic systems, and water rights will be secured prior to recordation of the final map.

4. The terms and conditions of this Development Agreement are sufficient to protect the interests of the public, residents, and the owners of the land subject to the Development Agreement in the integrity of the plan.

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

6. That the Washoe County Commission gave reasoned consideration to the information contained within the reports transmitted to the Washoe County

Planning Commission and the Washoe County Commission public hearing.

CONDITIONS

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 COMMUNITY DEVELOPMENT. COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS DEVELOPMENT AGREEMENT 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 Warm Springs Specific and Area Plans. 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. Approval of the Preliminary Development Agreement shall be valid for two years from the date of approval by the Washoe County Planning Commission.

3. The fee schedule stipulated in the Preliminary Development Agreement shall be adjusted to those in effect at the time the Final Development Agreement is submitted and deemed complete by staff of the Department of Community Development.

4. The Final Development Agreement shall reflect the Staff Recommended Edits dated May 27, 1998, except three (3) parcels will be assessed fees rather than four (4).

5. The Final Development Agreement shall reference and include conditions of approval for Parcel Map Case No. PM4-12-98 as an exhibit.

6. 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 Community Development shall be responsible for determining compliance with this condition.

7. The developer and all successors shall direct any potential purchaser of the tentative parcel map (prior to recordation of the final map), to meet with the Department of Community Development to review the Preliminary 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 Community Development of the name, address, telephone number, and contact person of the new purchaser within 30 days of the final sale.

8. Prior to submittal to the Washoe County Commissioners, the Final Development Agreement shall be reviewed and approved by the Office of the District Attorney of Washoe County.

9. The Final Development Agreement shall incorporate the changes to Exhibit E - Design Standards Handbook for the Realty Corner Map Case No. PM4-12-98, as specified in the Washoe County Design Review Committee (DRC) letter dated June 1, 1998. The DRC letter refers to the Technical Review Memo prepared by Dale Doerr of CFA Inc. dated May 13, 1998.

10. The Final Development Agreement shall incorporate the following changes to Exhibit E - Design Standards Handbook for the Realty Corner Parcel Map Case No. PM4-12-98:

- a) pg. 9, Completion of Construction - The word "County" shall be replaced with "Homeowners Association".
- b) pg. 9, Maintenance of Lots - The word "County" shall be replaced with "Homeowners Association".
- c) pg. 16, Landscape and Irrigation Plan Submittal Requirement - Text shall be amended to clarify that submittal of plans will be to the Architectural Review Committee.

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On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1052, Bill No. 1228, entitled "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING THE FINAL DEVELOPMENT AGREEMENT FOR THE REALTY CORNER PARCEL, CREATING FOUR PARCELS IN WARM SPRINGS VALLEY PURSUANT TO THE WARM SPRINGS SPECIFIC PLAN. THE APPROVAL OF THE PARCEL MAP FOR THE +44.714 ACRE SITE INCLUDES PAYMENT FOR INFRASTRUCTURE BACKBONE IMPROVEMENTS WITHIN THE SPECIFIC PLAN AREA AS REQUIRED BY THE SPECIFIC PLAN. THE PROJECT ALSO INCLUDES A DESIGN STANDARDS HANDBOOK THAT WILL GUIDE FUTURE DEVELOPMENT WITHIN THE WARM SPRINGS SPECIFIC PLAN BOUNDARIES. THE PROPERTY IS LOCATED IN WARM SPRINGS VALLEY, AND IS A PORTION OF THE WARM SPRINGS VALLEY SPECIFIC PLAN AREA AND IS SITUATED IN THE SW 1/4 OF SECTION 33, T23N, R21E, MDBM, WASHOE COUNTY, NEVADA (APN 077-350-10)," be approved, adopted, and published in accordance with NRS 244.100.

\* \* \* \* \*

It was noted that the agreement would facilitate parcelization of a +44.714-acre site into four parcels ranging from 10 to 14 acres in size; that the property is located north of Whiskey Springs Road and west of Grass Valley Road, approximately 2.0 miles east of the Pyramid Lake Highway.

**99-43 RESOLUTION - QUITCLAIM DEED - RECONVEYANCE OF DEDICATED LAND TO ELIZABETH R. BORBASH**

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal one time between January 4 and January 8, 1999, to consider the request of Elizabeth Borbash to reconvey a portion of property that was dedicated to Washoe County, being a portion of Assessor's Parcel No. 083-291-36.

James Gale, Public Works Department, reviewed background information regarding this item which was originally before the Board on February 17, 1998 at which time the Board acted on a reconveyance of a portion of this parcel which left a triangle of land in County ownership. He conducted a document camera and video overhead presentation regarding the location and configuration of the triangular section of the property and advised that upon examination of the area where the fences are built in a triangle shape, staff found that the property was full of tumbleweeds and debris because the configuration creates a vortex and everything gets sucked into that area; and that staff feels that the triangular area is a maintenance headache to the County and a possible fire hazard. Mr. Gale responded to questions of the Board and advised that the adjacent property owners, Mr. and Mrs. Taylor, were opposed to the reconveyance at the February 17, 1998 meeting and are still opposed to the reconveyance.

Commissioner Bond advised that she viewed the property and found that several problems exist and feels that the request should be granted.

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

Elizabeth Borbash, provided additional information and responded to questions of the Board.

Katy Simon, County Manager, asked if notice was provided to the Taylors that this item would be on today's agenda. Mr. Gale advised that they were notified by letter, a notice was posted on the property, and a notice was published in the paper; and that Mrs. Taylor spoke with him and the District Attorney's Office about this issue and was well aware that it was on today's agenda. Mr. Gale then responded to additional questions of the Board.

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

Following discussion, upon recommendation of James Gale, Senior Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Galloway be authorized to execute. It was further ordered that the Quitclaim Deed to Elizabeth R. Borbash be approved and Chairman Galloway be authorized to execute.

#### **RESOLUTION**

WHEREAS, the Board of County Commissioners of Washoe County did receive a petition to reconvey a portion of property dedicated to Washoe County. The property is located easterly of and adjacent to Spring Creek Subdivision Unit 2G situate in a portion of Section 21, T20N, R20E, MDB&M, Washoe County, Nevada, and

WHEREAS, pursuant to NRS 244.290 the County of Washoe has the power to reconvey the subject property, and

WHEREAS, upon the evidence presented by the County Engineer and other interested persons, the Board of County Commissioners finds that the reconveyance is in the best interests of the County, and

WHEREAS, the Board of County Commissioners of Washoe County ordered on January 19, 1999 the reconveyance of the above mentioned property.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that the following described property be reconveyed.

BEGINNING at the Northeast corner of Lot 23, Block "C" Spring Creek Subdivision Unit 2G filed September 3, 1993 in the Office of the Washoe County Recorder, Reno, Nevada, Document No. 1709469; thence N. 89 30'34"E. a distance of 16.00 feet to a point; thence S.00 29'26"E., a distance of 16.00 feet to a point; thence N. 45 29'26"W. a distance of 22.63 feet to the TRUE POINT OF BEGINNING and containing an area of 128 sq. ft. more or less.

EXCEPTING THEREFROM a 5 foot wide drainage easement being the North 5 feet of the above described parcel.

#### **99-44 REQUEST FOR 30-DAY EXTENSION - KENNEL PERMIT DENIAL - TOM HAY**

Commissioner Bond advised that Mr. Hay informed her earlier today that he has made provision for the dogs and no extension will be necessary and, therefore, this item could be withdrawn from the agenda. She advised that the dogs are going to be located in Lemmon Valley guarding a large property for George Peek, and they will be removed from Mr. Hays property within one week.

Al Almond, N. Virginia Street resident, advised that within the last ten days he arrived home at approximately 3:00 a.m. after being on an airplane all night, and could not get to sleep until after 6:00 a.m. because the dogs kept barking and this must stop.

Commissioner Bond assured everyone that she will speak with Mr. Peek and make sure that the dogs are gone before the weekend.

#### **99-45 TRANSFER OF FUNDS TO TRAVEL ACCOUNT - ASSESSOR**

Upon recommendation of Robert McGowan, Assessor, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the transfer of funds from the Assessor's Time Sharing Computer account to the Travel Account be approved and the Comptroller be directed to post the necessary entries as follows:

ACCOUNT	DESCRIPTION	DECREASE AMOUNT
1024-7386	Time Sharing Computer	\$4,000.00
1026-7386	Time Sharing Computer	\$4,000.00
ACCOUNT	DESCRIPTION	INCREASE AMOUNT
1024-7620	Travel - CAAS	\$4,000.00
1026-7620	Travel - Appraisal	\$4,000.00

It was noted that NRS 361.223 requires the appraisal staff to attend Continuing Education Courses and other training that requires travel; and that the Assessor's Office is in the process of converting the Computer Assisted Mass Appraisal System, which also requires travel.

**99-46 RESOLUTION - CABLE TV SERVICES - VERDI/MOGUL AREA - WESTSTAR COMMUNICATIONS TO USA MEDIA GROUP, L.L.C - PURCHASING**

John Balentine, Purchasing and Contracts Administrator, and Alan Harry, General Manager, WestStar Communications, responded to questions asked by Commissioner Sferrazza.

Following discussion, upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Resolution granting a transfer of control of a non-exclusive franchise for Cable TV service in the Verdi/Mogul area of Washoe County from WestStar Communications 1, dba WestStar Cable TV, to USA Media Group, L.L.C., in accordance with 47 U.S.C. 537, NRS Chapter 711, and Washoe County Ordinance 90.240, be adopted and Chairman Galloway be authorized to execute on behalf of the Commission:

**RESOLUTION** by the Board of Commissioners of Washoe County, Nevada, Granting the Transfer of Control of the Nonexclusive Franchise for Cable TV Services in Verdi/Mogul area of Washoe County from WestStar Communications 1 (dba WestStar Cable TV) to USA Media Group, L.L.C.

WHEREAS, WestStar Communications 1 dba WestStar Cable TV owns, operates and maintains a cable television system ("System") in the Verdi/Mogul area of the County of Washoe, Nevada, pursuant to the Cable Television Franchise Agreement dated October 31, 1992 ("the Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee and USA Media Group, L.L.C. are parties to an Asset Purchase Agreement, pursuant to which Franchisee will transfer (the "Transfer") the System and the Franchise to USA Media Group, L.L.C. ("transferee"); and

WHEREAS, Franchisee and transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority; and

WHEREAS, The Franchise Authority has investigated the qualifications of Transferee and finds it to be a suitable transferee; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, to the extent that the consent of the Franchise Authority is required by the terms of the Franchise and applicable law, the Franchise Authority hereby consents to the transfer of control of the Franchise, which is currently in full force and effect with no outstanding defaults or breaches thereunder; and be it further

RESOLVED, That this Resolution shall have the force of a continuing agreement between Franchisee and the Franchise Authority and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and USA Media Group, L.L.C.

**99-47 RECORD OF SURVEY AND BOUNDARY LINE ADJUSTMENT GRANT DEED - SOUTH VALLEYS REGIONAL PARK**

Upon recommendation of James Gale, Senior Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Record of Survey and Boundary Line Adjustment Grant Deed between Washoe County and Massoud Dorostkar and Hadi Sahrakar concerning the adjustment of a common property line between South Valleys Regional Park (APN 049-230-23) and property owned by Dr. Dorostkar (APN 049-230-17) be approved and Chairman Galloway be authorized to execute on behalf of the Board.

It was noted that the new configuration of the Park property will improve the development of the South Valleys Regional Park; and that the property being exchanged is equal in size and value.

**99-48 RENEWAL - EXCESS LIABILITY INSURANCE - RISK MANAGEMENT**

Raymond Sibley, Risk Manager, responded to questions asked by Commissioner Sferrazza regarding this item.

Upon recommendation of Mr. Sibley, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the Risk Manager be authorized to renew Washoe County excess liability insurance with its current carrier National Casualty Company for three years as detailed in the quotation effective February 1, 1999, as outlined in the agenda memorandum dated January 8, 1999.

**99-49 WATER RIGHTS DEED - STEVE AND CAROL E. GILDESGARD - UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 5.06 acre-feet of water rights being a portion of Permit 36336 between Steve and Carol E. Gildesgard, as Grantors and Washoe County, as Grantee, be approved and Chairman Galloway be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that these water rights are being dedicated on behalf of Resource Application & Development, Ltd. with the amount of 2.02 acre-feet being in support of future development and the remaining 3.04 acre-feet being in support of Violet Sloane's future parcel map.

**99-50 WATER RIGHTS DEED - O & O NOVELLY CO., INC. - HIDDEN CANYON SUBDIVISION UNITS 4B AND 5 - UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 62.55 acre-feet of surface water rights being a portion of Claim 126 between O & O Novelly Co., Inc., a Nevada Corporation, as Grantor, and Washoe County, as Grantee, on behalf of Seeno Construction in support of Hidden Canyon Subdivision, Units 4B and 5 be approved and Chairman Galloway be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

**99-51 WATER RIGHTS DEED - GENE E. SPECK - UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 5.0 acre-feet of water rights being all of Permit 58359 between Gene E. Speck, as Grantor, and Washoe County, as Grantee, be approved and Chairman Galloway be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that the water rights are being dedicated in support of Mr. Speck's Map of Division into Large Parcels creating two new parcels within the Warm Springs Hydrographic Basin; and that the parcel numbers for the three new parcels are 076-220-22,

**99-52 WATER RIGHTS DEEDS (TWO) - TIMOTHY O. TUCKER - SKY RANCH NORTH, UNIT 2E - COUNTRYSIDE SUBDIVISION - UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that two Water Rights Deeds for 3.92 acre-feet of surface water rights being a portion of Claim 337/338 and 7.9 acre-feet of groundwater rights being a portion of Permit 55809 between Timothy O. Tucker, as Grantor, and Washoe County, as Grantee, in support of 6 lots within Sky Ranch North, Unit 2E, and a proposed parcel map within the Countryside Subdivision, be approved and Chairman Galloway be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deeds with the County Recorder.

**99-53 CORRECTION OF FACTUAL ERRORS ON TAX ROLLS - ASSESSOR**

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

Louie Scissorhand	I.D.#2/102-650	(1997/98 Unsecured Roll)
Hyatt Equities, L.L.C.	APN 127-010-09	(1998/99 Secured Roll)
Heart to Heart	I.D.#2/100-419	(1998/99 Unsecured Roll)
Help U Rent, Inc.	I.D.#2/100-665	(1998/99 Unsecured Roll)
Gavin Company, Inc.	I.D.#2/101-601	(1998/99 Unsecured Roll)
Interactive Virtual Reality Ente	I.D.#2/102-612	(1998/99 Unsecured Roll)
Hispa U.S.A. General Cleaning	I.D.#2/102-695	(1998/99 Unsecured Roll)
Braggin Charters	I.D.#2/102-874	(1998/99 Unsecured Roll)
Moore Solutions, Inc.	I.D.#2/103-706	(1998/99 Unsecured Roll)
RAPCO	I.D.#2/114-322	(1998/99 Unsecured Roll)
Genesis	I.D.#2/180-322	(1998/99 Unsecured Roll)
Diane Kennedy	I.D.#2/180-700	(1998/99 Unsecured Roll)
Yamaha Leasing #94048504	I.D.#2/191-215	(1998/99 Unsecured Roll)
Evergreen Silk Plant Center	I.D.#2/201-057	(1998/99 Unsecured Roll)
Claircom Communications Group, Inc.	I.D.#2/341-499	(1998/99 Unsecured Roll)
Aloha Leasing	I.D.#2/341-624	(1998/99 Unsecured Roll)
Blue Painted Duck	I.D.#2/300-107	(1998/99 Unsecured Roll)
Tylers Painting	I.D.#2/467-036	(1998/99 Unsecured Roll)
General Nevada Properties	Parcel No. 013-402-01	(1998/99 Supplemental Roll)
Syufy Enterprises	Parcel No. 015-220-45	(1998/99 Supplemental Roll)
David & Shirley Westfall	Parcel No. 018-251-02	(1998/99 Supplemental Roll)
Yone Summers	Parcel No. 041-091-11	(1998/99 Supplemental Roll)
Robert & Cheryl L. Nowak	Parcel No. 050-111-02	(1998/99 Supplemental Roll)

Donald P. & Jenny S. Reinier	Parcel No. 078-221-25	(1998/99 Supplemental Roll)
John B. & Donna S. Bevel	Parcel No. 131-080-21	(1998/99 Supplemental Roll)
Dugan J. & Cindy L. Pulsipher	Parcel No. 522-122-06	(1998/99 Supplemental Roll)
David O. & Nicole L. French	Parcel No. 522-592-02	(1998/99 Supplemental Roll)
Russell & Cordelia E. Dunfield	Parcel No. 522-592-03	(1998/99 Supplemental Roll)
Marco & Page R. Pinto	Parcel No. 522-592-04	(1998/99 Supplemental Roll)
Brian A. & Patricia L. Probert	Parcel No. 522-592-05	(1998/99 Supplemental Roll)
Michael R. Smith	Parcel No. 522-593-10	(1998/99 Supplemental Roll)
MW Building, L.L.C.	Parcel No. 024-055-31	(1998/99 Reopen Roll)
NH6 LR V, Ltd.	Parcel No. 032-012-08	(1998/99 Secured Roll)
Gregory N. & Cathy A. Lezalla	Parcel No. 522-591-18	(1998/99 Secured Roll)
Michael L. & Gaylene S. Anderson	Parcel No. 522-591-19	(1998/99 Secured Roll)
Stephen A. & Monica L. Boyes	Parcel No. 522-591-20	(1998/99 Secured Roll)
Centex Homes	Parcel No. 522-591-21	(1998/99 Secured Roll)
Centex Homes	Parcel No. 522-591-22	(1998/99 Secured Roll)
Centex Homes	Parcel No. 522-591-23	(1998/99 Secured Roll)
Glenn E. Hibl, et al.	Parcel No. 522-592-01	(1998/99 Secured Roll)
George E. & Sandy Jordy	Parcel No. 522-593-09	(1998/99 Secured Roll)

**99-54 INFORMATIONAL REPORT - EMPIRE AIRSTRIP - WINNEMUCCA BUREAU OF LAND MANAGEMENT**

Mary Figarelle, Realty Specialist for the Bureau of Land Management in Winnemucca, Nevada, discussed issues that are occurring relative to the Empire AirStrip.

She provided background information and advised that the Bureau of Land Management (BLM) has leased the 320-acre parcel as an airstrip for the communities of Empire and Gerlach; that the lease is currently held by retired people in the community that wanted to keep the airstrip open; that every five years a reassessment of the value of the lease is done and the recent appraisal has caused the lease amount to now be beyond the means of the leaseholder; that the Gerlach Airstrip, which is on private land, has also closed; and that if the current leaseholder relinquishes the lease, there will be no airstrip for the communities of Gerlach and Empire. She further advised that before anything is closed down, the BLM wanted to inform Washoe County of the situation; and that the BLM intends to hold public workshops with the communities to see if someone would be interested in taking assignment of that lease. She responded to questions of the Board and advised that the current lease amount is \$3,000 annually for the 320 acres; that state and local governments by regulation are discounted 50%, which would reduce the lease amount to \$1,500 annually; and that there may be some potential to lower the cost by reducing the amount of acreage that is leased.

**99-55 APPEAL OF CONDITIONS - TENTATIVE SUBDIVISION MAP CASE NO. TM9-7-98 WITH COMMON SPACE FOR ARROWCREEK PHASE II (A COMPONENT OF DEVELOPMENT AGREEMENT CASE NO. DA9-1-93 FOR SOUTHWEST POINTE)**

The Board considered the appeal of Conditions 86 and 88 of the approval by the Washoe County Planning Commission of the request to develop a 165-lot single-family residential, common open space subdivision on a ±197-acre portion of a ±2,124.9-acre site. Lots will range in size from ±12,000 square feet to over 1 acre. A common open space of ±64 acres will include trails, emergency access roads, and similar approved uses. This is the second tentative map presented as part of the Southwest Pointe project (DA9-1-93), now known as ArrowCreek. The proposed subdivision is located north of the Mount Rose Highway (SR 431) and west of Thomas Creek Road.

The property within the tentative map is designated High Density Rural (HDR) and General Rural (GR) in the Southwest Truckee Meadows Area Plan and the +3271.6-acre project is within Sections 3, 10, 13, 14, 15, 22, 23, 24, 26 and 27, T18N, R19E, MDM, Washoe County, Nevada. (APN: portions of 152 010 10)

Don Young, Department of Community Development, reviewed the project and advised that this is the second in a series of tentative maps for the ArrowCreek Development Agreement approved in 1996; that the Planning Commission at their meeting on December 15, 1998 approved the tentative map with conditions; that the applicant has filed an appeal on the technicality concerning the off-site provision of infrastructure; and that staff is requesting that the Board approve the tentative map as submitted and approved by the Planning Commission. Chairman Galloway commented that most appeals regarding development are public hearings and asked why this appeal is not a public hearing. Mr. Young responded that the Development Agreement was drafted in such a way that the full course of Nevada Revised Statutes is not being used in reviewing projects; and that the Development Agreement anticipated shortening some of the procedures and this is one of the methods that was developed. Mr. Young then responded to further questions of the Board.

Robert Sader, attorney representing the ArrowCreek Project and its master developer, Southwest Pointe Associates, advised that he made the appeal on behalf of the developer. He reviewed the framework of the Development Agreement and advised that in the big picture the agreement has worked very well; that this is a very large project and a huge number of issues can come up so it is almost inevitable that disputes will arise, which is why there is a dispute resolution procedure in the Development Agreement, which is arbitration; that in that context, they are here because the developer needs to protest these conditions in order to preserve the administrative remedies to go to arbitration; and that this represents a good faith dispute between the developer and the County. He explained that the issue relates to the comparison of two of the standard conditions enacted in the Development Agreement, being Conditions No. 62 and No. 75, and two of the special conditions that are enacted with the tentative map approval, being Conditions 86 and 88; and that the Development Agreement says that if there is a condition on the same topic as a subsequent approval, which in this case is utility conditions relating to water and sewer provision, that the new conditions in the tentative map cannot be more onerous and more expensive to implement than the conditions of the standard conditions approved by the Development Agreement. He reviewed the subject conditions and read Section 4.3.2 of the Development Agreement relative to receiving a credit for all off-site sewer facilities infrastructure and stated that the Utility Division had indicated that they believe an off-site sewer line is going to be necessary for this tentative map; that they estimate that an off-site sewer line for ArrowCreek is going to cost between \$200,000 and \$300,000; that they are going to pay over \$5 million in sewer connection fees in this project and believe that the agreement is clear in that, if they have to build an off-site sewer line, they are entitled to a credit; and that the Utility Division disagrees with this position. Mr. Sader then responded to questions of the Board.

Commissioner Shaw referred to Deputy District Attorney Rusty Nash's letter to the Board dated January 15, 1999, which responds to this issue and supports staff's position that the developers should be required to pay for the upgrading of the sewer line through the Field Creek Subdivision which might be necessary to serve their development, just as any other developer would.

Chairman Galloway read Conditions 86 and 88 into the record and commented that Deputy District Attorney Nash is saying that Condition 88 supports his argument that the developer should pay, and the developer is saying that 88 should be amended because it isn't consistent with 4.3.2. Mr. Sader confirmed that this is the essence of the dispute.

John Collins, Manager, Utility Services Division, presented a display map of the subject area and reviewed issues relative to sewer provisions. He reviewed background information and advised that staff made it clear to the developer that they would be required under the County's documented procedures and policies to provide at least 100 feet times the number of lots they build of off-site infrastructure before any credits start kicking in; and that staff believes that the appeal should be denied based on several reasons, being

- (1) that the policy says that every developer has always been required to provide the necessary infrastructure to serve his project,
- (2) that staff does not see any conflict at all in the conditions when they are read in full context,
- (3) that the same exact conditions were in Phase I as are in Phase II and in Phase I the developer built almost 2600 feet of off-site sewer to connect the system that already existed and never raised the issue of receiving a credit,

(4) that the Development Agreement and the conditions being discussed are the same and something different should not be done with them now, and  
(5) that they are, in fact, receiving a 25% credit for off-site infrastructures that already existed.

Mr. Collins then responded to questions of the Board.

A lengthy discussion commenced and Dean Diederich, Planning Manager, Department of Community Development, provided additional information relative to the language contained in the Development Agreement. He advised that the subject Development Agreement is the only agreement that contains the particular language at issue; and that staff will certainly take a closer look at these kinds of provisions in future development agreements to assure better understanding of the language.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the appeal of Conditions 86 and 88 be denied and Tentative Subdivision Map Case No. TM9-7-98 be approved based on the following findings and subject to the following conditions:

#### FINDINGS:

1. That the design and proposed improvements of the tentative subdivision map conform to the policies and guidelines of the adopted Development Agreement Case No. DA9-1-93 and the applicable sections of the Southwest Truckee Meadows Area Plan, the Washoe County Comprehensive Plan, and the Washoe County Code;
2. That the areas of the site that are proposed for development are physically suited for the type of development proposed and that areas that are less suitable are left undeveloped;
3. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System in that the developer will install a community sanitary sewer system and the existing treatment plan has capacity to serve this proposed development;
4. That the design of the subdivision and the proposed improvements, in conjunction with the open space provided by the previously-approved golf courses, are unlikely to cause substantial and avoidable injury to any endangered plant, wildlife, or their habitat;
5. That the design of the subdivision and the types of proposed improvements are unlikely to cause significant public health problems by being served by a community sewer system by having mandatory refuse collection, by employing appropriate dust control measures, and by utilizing acceptable drainage collection systems;
6. That the design of the subdivision provides appropriate access to adjacent open space and the Development Agreement provides for dedication of most of the exterior open space to Washoe County;
7. That any land and improvements to be dedicated to Washoe County will necessarily comply with the requirements of the county by the conditions of approval and the provisions of the Washoe County Code;
8. That the conditions of approval ensure that the Standard Considerations for Subdivisions (Nevada Revised Statutes 278.349) will be satisfied; and
9. That the Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

#### CONDITIONS.

for TENTATIVE SUBDIVISION MAP CASE NO. TM9-7-98 for ARROWCREEK PHASE 2 SUBDIVISION 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 COMMUNITY DEVELOPMENT. THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF APPROVAL BY THE PLANNING COMMISSION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS, AND POLICIES. NO FINAL MAP WILL BE SCHEDULED FOR A PLANNING COMMISSION MEETING DATE THAT IS LESS THAN SIXTY (60) DAYS FROM THE DATE OF THIS MANDATORY MEETING. A REQUEST FOR AN EXTENSION OF TIME FOR THE RECORDING OF A FINAL MAP MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS 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 Community Development 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 Community Development.

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 Community Development shall be responsible for determining compliance with this condition.

5. Conditions, covenants, and restrictions (CC&R's) shall be reviewed and approved by the District Attorney's Office, County Engineer, and the Department of Community Development 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&R's to the satisfaction of the District Attorney's office. If the CC&R's are not recorded on the entire property, subsequent phases will be annexed to the previously recorded CC&R's. Said CC&R's 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&R's 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 Community Development. The Department of Community Development 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 Community Development 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

Services 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 mailboxes, 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, which 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 Community Development 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 Community Development.

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 fire protection 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&R's, the developer shall have a street maintenance program approved by the County Engineer and the Department of Community Development. 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 -

Option 1: 24-foot ROW (maximum 200 ADT): minimum 22-foot pavement width; curb and gutter; no parking either side. A minimum 4-foot asphalt or decomposed granite path on one side of the street will be provided unless alternate provisions or locations for pedestrian paths can be provided and shown in the Pedestrian Circulation Plan. When a connection between neighborhoods is not provided, no paths will be constructed. The County Engineer shall be responsible for determining compliance with the provisions of this condition. (Refer to street sections.)

Option 2: 27-foot ROW (maximum 200 ADT): minimum 22-foot pavement width; County Engineer-approved concrete header with roadside ditch both sides; no parking either side. When a rural private street provides a connection between neighborhoods, a minimum 4-foot asphalt or decomposed granite path on one side of the street will be provided unless alternate provisions or locations for pedestrian paths can be provided and shown in the Pedestrian Circulation Plan. When a connection between neighborhoods is not provided, no paths will be constructed. The County Engineer shall be responsible for determining compliance with the provisions of this condition. (Refer to street sections.)

c. Local Private -

Option 1: 24-foot minimum ROW (200-500 ADT): minimum 22-foot pavement width; curb and gutter; no parking either side. A minimum 4-foot asphalt or decomposed granite path on one side of the street will be provided unless alternate provisions or locations for 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.)

Option 2: 27-foot minimum ROW (200-500 ADT): minimum 22-foot pavement width; County Engineer-approved concrete header with roadside ditch both sides; no parking either side. A minimum 4-foot asphalt or decomposed granite path on one side of the street will be provided unless alternate provisions or locations for 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 -

Option 1: 26-foot minimum ROW (500-2000 ADT): minimum 24-foot pavement width; curb and gutter; no parking either side. A minimum 5-foot asphalt or decomposed granite path on one side of the street will be provided unless alternate provisions or locations for 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.)

Option 2: 29-foot minimum ROW (500-2000 ADT): minimum 24-foot pavement width; County Engineer-approved concrete header with roadside ditch both sides; no parking either side. A minimum 5-foot asphalt or decomposed granite path on one side of the street will be provided unless alternate provisions or locations for 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 Community Development 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&R's.

27. Temporary county standard turnarounds shall be constructed on all phased roadways that 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 Community Development 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&R's. 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 Services Division and the Department of Community Development 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 Community Development.

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 Community Development. 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 Community Development, 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 Community Development 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 Services Division.

54. Fees for plan checking and inspection shall be paid in accordance with Washoe County ordinance. The Utility Services 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 Services 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 Services 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 Services 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 Services 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 Services 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 Services Division.

61. All minor infrastructure for potable water distribution shall be designed, constructed, inspected, and approved by the District Health Department and the Utility Services Division. The developer shall coordinate with the Utility Services 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 Services Division. The Utility Services Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Services Division and the developer shall jointly select that 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 Services 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 Services 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 Services 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 Services 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 Services 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 Services 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 owners certificate shall contain language indicating that the developer and his assignees agree to the use of residential water meters. The Department of Community Development 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 Community Development 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 Services Division. The Utility Services Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Services Division and the developer shall jointly select that 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 Services Division.

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

Services 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 Services 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 Services 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 Services 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 Services 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 Community Development, 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 Community Development 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.

#### SUPPLEMENTAL CONDITIONS

for TENTATIVE SUBDIVISION MAP CASE NO. TM9-7-98 for ARROWCREEK PHASE 2 SUBDIVISION

#### UTILITIES

86. The developer shall construct and/or provide the financial assurances for the construction of the on-site and off-site water supply and sanitary sewer collection systems necessary to serve this project as required by the Utility Services Division. The financial assurances must be in a form and amount satisfactory to the Utility Services Division prior to approval of the final map.

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

hhhh. the estimated sewage flows generated by this project,

- iiii. projected sewage flows from potential or existing development within tributary areas,
- jjjj. the impact on capacity of existing infrastructure,
- kkkk. proposed collection line sizes, on-site and off-site alignment, and maximum velocities,
- llll. justification for lot line sewers- propose alternatives, for the entire tentative map.

This must be approved by the Utility Services Division prior to the first final map.

88. If infrastructure such as:

jjjj. wells, pump structures, controls, telemetry and appurtenances, storage tank and transmission line,

kkkk. any pump stations and interceptors, treatment and disposal facilities are necessary to supply water and sewer service to the project, the developer will be responsible to fund the design and construction.

However, actual design will be the responsibility of the Utility Services Division. Prior to initiation of design the developer shall pay the estimated design costs to Washoe County. The Utility Services Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Services Division and the developer shall jointly select that consultant. Funding of oversizing the design and infrastructure to accommodate future development as determined by accepted engineering calculations, shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate number of service hook-ups to the developer at the time of recordation of the final map.

#### TRAFFIC

89. A note on the final map shall state that no direct access from individual residential lots shall be allowed onto streets on which the ultimate average daily traffic exceeds 2000 trips. The County Engineer shall determine compliance with this condition.

90. The diameter of the cul-de-sac bulb islands and the roundabout island and anything located within the islands, such as landscaping, parking, etc., shall be designed to provide safe sight distances and an adequate turning radius for garbage trucks, snow plows and moving vans. The County Engineer shall determine compliance with this condition.

91. Adequate snow storage easements shall be identified on the final map. The County Engineer shall determine compliance with this condition.

92. The final roundabout design (grading, approaches, adjacent driveway locations, roundabout diameter, etc.) at the intersection of streets N1 and N7 shall be reviewed and approved by the Engineering Division prior to finalization of the affected final map. The County Engineer shall determine compliance with this condition.

93. Street section C/1, labeled Local, Private, on the tentative map application is equivalent to the street section labeled Rural, Private in standard tentative map condition of approval 22.b of the ArrowCreek Development Agreement.

94. Street section A/1, labeled Collector, Private, on the tentative map application requires a minimum path width of five feet. The County Engineer shall determine compliance with this condition.

#### DRAINAGE

95. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of drainage facilities will occur during the final map review and will be based upon the final hydrology report. Each final hydrology report shall address all future ArrowCreek (Southwest Pointe) developed flows that will impact the final map at full buildout. The County Engineer shall determine compliance with this condition.

96. All erosion control measures included in the Stormwater Pollution Prevention Plan, as approved by the NDEP, shall be included on the construction plans. (This condition should be appended to standard tentative map condition 42, as approved with the Development Agreement.)

97. Street section D/1, labeled Emergency Access Road, on the tentative map application requires an appropriate drainage system, such as roadside ditches. The County Engineer shall determine compliance with this condition.

98. Detailed calculations are required with any development that drains to discharge point D3 in the Preliminary Hydrology Report to verify that flows leaving the site at this point do not require mitigation. The County Engineer shall determine compliance with this condition.

#### MISCELLANEOUS

99. Prior to recordation of the affected final map, existing parcel lines shall be relocated through a boundary line adjustment or eliminated through a reversion to acreage, so they do not conflict with the proposed subdivision. The County Engineer shall determine compliance with this condition.

100. A review letter from the Washoe-Storey Conservation District (WSCD) shall be submitted to the County Engineer prior to the "redline" meeting or issuance of a grading permit. The WSCD recommendations shall be implemented with the appropriate design/specifications included in the construction drawings to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.

101. Prior to release of any financial assurances for the private improvements, the developer shall provide the Engineering Division with a letter from a civil engineer licensed in the State of Nevada, certifying that the private improvements have been constructed in accordance with the approved plans. The County Engineer shall determine compliance with this condition.

#### **99-56 BILL NO. 1229 - AMENDING WCC CHAPTER 5 - DE MINIMIS USE POLICY - COUNTY PROPERTY**

Katy Simon, County Manager, commented that the proposed ordinance is a result of a project that came out of the County's Strategic Planning Process dealing with ethical behavior in government. Legal Counsel Shipman advised that the Legislature last session authorized such de minimus use as long as an ordinance was adopted by the local governments specifically authorizing that. Howard Reynolds, Assistant County Manager, responded to questions of the Board.

Bill No. 1229 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ESTABLISHING A DE MINIMIS USE POLICY PROVIDING FOR THE LIMITED USE OF COUNTY PROPERTY, EQUIPMENT OR OTHER COUNTY FACILITY BY COUNTY OFFICERS AND EMPLOYEES, AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Bond, the title read to the Board, and legal notice for final action of adoption directed.

#### **99-57 RESOLUTION - DECLARING INTENT TO SELL CERTAIN PROPERTIES AND AUTHORIZING APPOINTMENT OF LICENSED REAL ESTATE BROKER AND LICENSED APPRAISER**

Bill Isaef, Deputy City Manager, City of Sparks, and Chairman of the local Government Oversight Committee, stated that the Committee was appointed by the three local government Managers to oversee the implementation of the water rights purchase program of the Water Quality Agreement; and that the Committee has been meeting for approximately two years and he is pleased to report on the success of that particular program. He advised that by the end of this week the three local governments will acquire a total of 827 acre-feet of water rights attached to four pieces of real property in Churchill County; that the Pyramid Lake Paiute Tribe, partners in this agreement, have acquired 838.8 acre-feet of water rights; and that a total of 1,666.04 acre-feet of water rights will have been acquired by the end of this month under this program. He further advised that when the program was being developed, discussion was held to consider that at times it would be necessary to buy land with buildings, etc. along with the water rights, in which case it would be their intention to strip the water from the land and get that land back into private ownership as soon as possible; that the purpose of this Resolution is to authorize the local Government Oversight Committee to begin reselling the

properties back into private ownership, noting that he has already received some expression of interest in two of the four properties that they own; that they are recommending Robert Scanland, MAI, be appointed as the appraiser for the purpose of selling the real estate that has been acquired as required by NRS, noting that he has done the appraisals in acquiring these very same properties, has prepared an excellent master appraisal of the properties, and is more than qualified to give excellent appraisals for these properties; and that they are recommending that Wallace Realty Corporation of Fallon, Nevada, be appointed on a nonexclusive basis as the real estate agent for these purposes, noting that the Committee has previously hired Wallace to be a property manager for them and Michelle Wallace of that company has been very helpful in assisting them in protecting those properties over the last several months. Mr. Isaeff thanked the Commissioners for their continuing support of the Water Quality Purchase Program and Madelyn Shipman for her continuing assistance in getting the resolution before the Board today.

Legal Counsel Shipman advised that the Resolution requires that the operating group provide communication on each sale so the Board and the County Manager will be notified of any sales that occur pursuant to this authority, and also requires that a publication occur 3 times a week for three weeks, twice a year, to provide for continuing notification to the public of the potential availability of properties through this program.

Mr. Isaeff then responded to questions asked by Commissioner Sferrazza relative to the selection of the appraiser and the real estate broker.

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

**RESOLUTION-** A Resolution Declaring Intent to Sell Certain Properties and Authorizing the Water Quality Agreement Oversight Committee to Appoint a Licensed Real Estate Broker and Licensed Appraiser in Conjunction with the Selling of Properties Pursuant to the Agreement

WHEREAS, the County of Washoe and the Cities of Reno and Sparks entered into an Interlocal Agreement Regarding the Purchase of Water Rights Pursuant to the Truckee River Water Quality Settlement Agreement ("Agreement") on October 10, 1996, which agreement was subsequently amended on June 11, 1997 and July 28, 1998; and

WHEREAS, the Agreement provides that the cities and county will expend \$12,000,000 to purchase Truckee River water rights; and

WHEREAS, the Agreement provides for an oversight committee consisting of three persons, one each appointed by the County Manager and the respective City Managers, which committee is empowered through the Agreement to, among other things, take all actions necessary to preserve, maintain and/or operate any land and improvements acquired incidentally with water rights and to take all actions necessary to carry out the re-sale of any land and improvements acquired, including, but not limited to contracting in the names of Reno, Sparks and Washoe with such professionals as may be necessary to accomplish such sales; and

WHEREAS, property acquired pursuant to the Agreement is held jointly in the names of Reno, Sparks and Washoe County; and

WHEREAS, there are no limiting statutes regarding the method by which a city must sell property it owns; and

WHEREAS, the law governing counties requires that certain procedures be followed when selling land it owns, to wit: the adoption of a resolution of intent to sell, the publication of the notice of intent three times in a newspaper of general circulation; the appointment of an appraiser where the land value exceeds \$1,000; and the appointment of a broker on a nonexclusive basis when the public auction option is not exercised; and

WHEREAS, it is the desire of the Board of Commissioners of Washoe County to delegate to the oversight committee the authority to sell property acquired pursuant to the Agreement and, by way of adopting this Resolution, indicate the County's intention to sell properties acquired through the Agreement, and to further designate a licensed real estate broker (nonexclusive) and licensed appraiser to assist the oversight committee in its responsibilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Washoe County do hereby state that it is in the public interest to sell all real property acquired in furtherance of the goals and objectives of the Negotiated Settlement, the Truckee River Water Quality Settlement Agreement, and the Agreement; and

BE IT FURTHER RESOLVED that the Board of Commissioners of Washoe County hereby appoint Robert J. Scanland, MAI, as the appraiser for properties acquired pursuant to the Agreement and subject to resale; and

BE IT FURTHER RESOLVED that the Board of Commissioners of Washoe County does hereby appoint Wallace Realty Corporation, on a nonexclusive basis, as a licensed real estate broker to list properties available for sale pursuant to the Agreement and specifying in each listing the minimum price and the terms of sale; and the commission provided Wallace Realty Corporation or other broker/salesman shall not, alone or in combination, exceed normal commissions prevailing in the community; and

BE IT FURTHER RESOLVED that the Board of Commissioners of Washoe County hereby directs the Clerk to publish the following notice of intent to sell once a week for three weeks in the Reno Gazette Journal:

NOTICE OF INTENT TO SELL PROPERTY: The Washoe County Commission has indicated its intent to sell all properties obtained or acquired by it jointly with the Cities of Reno and Sparks in furtherance of the Truckee River Water Quality Settlement Agreement. The sale properties have no water right, except domestic well, and are generally located in Churchill and Lyon Counties. Any interested persons may contact Wallace Realty Corporation at (775) 423-2131 for a listing of properties for sale.

BE IT FURTHER RESOLVED that the Clerk publish the above notice once a week for three weeks in the Reno Gazette Journal in February and August of each year until such time as the Agreement has been completed and/or as long as there are any properties for sale; and

BE IT FINALLY RESOLVED that the oversight committee communicate in writing to this Board and the County Manager on each sale accomplished pursuant to the authority granted by way of this Resolution.

#### **99-58 RULES AND PROCEDURES - AMENDMENTS**

Katy Simon, County Manager, advised that Legal Counsel Shipman drafted proposed amendments to the Board's Rules and Procedures, pursuant to Board direction, relative to issues including

- (1) placement of an item on a Board meeting agenda and
- (2) gifts received by a Board member.

A discussion commenced relative to the gift issue as it relates to disclosure required by State law and whether a sanction is provided should a Board member violate the gift rule. Legal Counsel Shipman advised that there is no provision for Board members to enforce these rules against themselves and the rules would be more of an agreement among the Board members that they will abide by them. Chairman Galloway stated he thinks it is good to have an amount set forth even if it represents an honor system rule. Commissioner Sferrazza stated that he thinks it is meaningless unless there is some kind of sanction, and he would favor either following State law relative to disclosure or adopting an ordinance providing for some kind of sanction. Chairman Galloway stated that he believes there is such a thing as a social sanction. Commissioner Shaw stated that he does not believe the gift rule is necessary and cannot support it because he thinks the Board members are responsible enough to determine the appropriateness of gifts. Commissioner Sferrazza stated that State law requires disclosure but if a Board member disclosed something over \$200, they would be in violation of the County rule, and he believes that is like self-incrimination.

Legal Counsel Shipman stated that if the idea is that it doesn't really matter because disclosure is required by State law, then the Board would not really need a rule regarding gifts.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that the revision to Rule 3 be adopted as follows:

Placement of an Item on a Board Meeting Agenda by a Board Member/Removal of Items from Agenda: Any Board member is entitled to place an item on an agenda by the regular deadline.

Prior to a Board member placing an item on a Board agenda, the Board member must put his/her request in writing to the County Manager, copied to the Chairman. The County Manager shall promptly inform the other commissioners of the agenda request.

No item may be pulled from an agenda without consent of the initiator. Any items originated by County staff under the cognizance of the Manager may be pulled by the Manager.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, with Chairman Galloway voting "no," it was ordered that Rule No. 2 entitled Gift(s) Received by a Board Member be deleted from the Rules and Procedures.

#### **COMMISSIONERS'/MANAGER'S COMMENTS**

Katy Simon, County Manager, advised that there was a weather related problem this morning with the Osage Road east of Red Rock Road where a school bus containing children slid off the road due to slippery, muddy conditions; that this is a private road that the County has been working with the neighborhood on to bring up to conditions which would allow it to become part of the County roadsystem; that as a result of the weather related problems with the road, she spoke with Madelyn Shipman and then gave David Roundtree, Public Works Director, the authority to take corrective action to repair the road; that the School District did notify us that they would not besending school buses out to pick children up on that road unless it was repaired; and that a resolution will be brought back to the Board next week for retroactive authorization for County equipment to be used in the repair of the road.

Chairman Galloway commented that, at his request, the next agenda contains a discussion of the sphere amendment issue as it pertains to the South Virginia Specific Plan; that he also would like to bring forward at a future agenda, the SNCAT issue regarding the televising of the Board meetings; and that he has spoken with Ms. Simon about improving the clarity of items listed on the agenda and believes there will be a change whereby the public will find descriptions more understandable. He commented that other Board members may wish to provide input regarding this issue.

Commissioner Sferrazza stated that he is concerned with the sphere amendment item going before the Reno Planning Commission tomorrow night, which meeting he is going to attend to oppose the amendment, regarding the request of the School District to move the school site located in Golden Valley within the City of Reno, which he believes would eliminate the input from the Washoe County residents who live in Golden Valley; and that he would request that the sphere amendment issue be placed on a future County agenda.

Commissioner Short commented that, relative to the item on last week's agenda regarding the sales tax issue, his affirmative vote was made only because he recognized that absolutely nothing could be done about the City of Reno bonds; but that he has stated publicly that a special assessment flood control district should be looked at and his conversations with Ms. Shipman and Ms. Simon have assured that there is a provision in the existing framework for that to be done; and that it was not his intention to shut off discussions regarding that part of the issue.

#### **COMMUNICATIONS AND REPORTS**

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

##### **99-59 Communications:**

- A. Intergovernmental Agreement forming the Washoe County Home Consortium with the Cities of Reno and Cities of Sparks [98-500].
- B. Notice from the City of Sparks appointing Councilmen John Mayer and Phil Zive to the Regional Transportation Commission to a term ending December 31, 2000.

**99-60 Reports - Monthly (November 1998)**

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Social Services (Jun-Jul-Aug-Sep-Oct)
- E. Treasurer

**Reports - Financial (FY Ended June 30, 1998)**

- 99-61 A. City of Reno
- 99-62 B. City of Sparks
- 99-63 C. Incline Village
- 99-64 D. Regional Transportation Commission
- 99-65 E. Television Maintenance District, Verdi
- 99-66 F. Truckee Meadows Water Reclamation Facility
- 99-67 G. Washoe County
- 99-68 H. Washoe County Airport Authority
- 99-69 I. Washoe County School District

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 1:40 p.m.

JIM GALLOWAY, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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