

TUESDAY 1:30 P.M. SEPTEMBER 28, 1999

PRESENT:

- Jim Galloway, Chairman
- Ted Short, Vice Chairman
- Joanne Bond, Commissioner
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Amy Harvey, County Clerk
- Betty Jo Vonderheide, Chief Deputy County Clerk
- Howard Reynolds, Assistant 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:

**99-968 PRIVATE SECURITY WORK PERMIT APPEAL - RUSSELL HOGUE, JR.**

This appeal was considered on MONDAY, OCTOBER 27, 1999, prior to the Caucus meeting, the Board having convened in open session with Chairman Galloway presiding to consider the appeal of RUSSELL HOGUE, JR., from the Sheriff's denial of his permit application to work as a private security guard in an advertising firm.

All Board members were present to consider the appeal as well as the County Manager, the Assistant District Attorney, and the County Clerk as support staff.

On motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session. Debra Carr, Chief Records Clerk of the Permits and Registration Department of the Sheriff's Department, read from her Confidential Memorandum to the Board regarding this denial. The appellant spoke in support of why the permit should be granted. Following testimony, on motion by Commissioner Bond, seconded by Commissioner Shaw, the Board convened in open session and the following action was taken.

Having convened in OPEN SESSION, on motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the appeal of RUSSELL HOGUE, JR., be accepted and that the permit be granted.

**99-969 AGENDA**

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the agenda for the September 28, 1999 meeting be approved with the following amendments: Delete - Item 23B regarding Westpac Utilities Advice Letter No. 253-W concerning Rule 17; Item 23C concerning letter to Tahoe Regional Planning Agency opposing any lowering of Lake Tahoe that could impact regional water supply; Item 23D concerning letter to Congressman Gibbons opposing H.R.623 regarding water conservation plumbing fixture standards; and Item 24 concerning a request from the Washoe County Clerk to hire outside counsel.

**PUBLIC COMMENTS**

Sam Dehne, Reno citizen, commented on the recent article in the Reno-Gazette Journal concerning issues regarding the City of Reno funneling taxpayer money into the Redevelopment Agency.

Chris Jensen, Executive Director, SNCAT, advised that September 29th has been officially designated as SNCAT day and invited Board members to attend the official flip of the switch to Channel 17 to kick off SNCAT's year-long celebration of community media. She further advised that as of September 29, 1999 all Washoe County meetings will be cablecast live on Channel 17.

Frank Partlow, County resident, expressed concern that the discussion of lowering Lake Tahoe to control shoreline erosion was pulled from today's Board agenda. He stated that there is no more important issue to the future of the community than the kind of drought protection and other environmental water management issues that are represented by the unilateral lowering of Lake Tahoe.

George Ball, County resident, advised that he has been involved in water engineering matters in Western Nevada for a long time and has served on the Regional Water Planning Commission for a number of years; that he is addressing the Board today as an individual and does not represent any entity; and that he would encourage the Board to address the issue of lowering Lake Tahoe because of the impact that would have on the regional water supply.

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THE BOARD CONVENED AS THE GAMING BOARD

**99-970 REFUND OF GAMING LICENSE FEE - DYNASTY GAMES - COMMUNITY DEVELOPMENT**

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that a refund of the business license fee in the amount of \$136.31 to Dynasty Games for the 7-11 Store #32644 at 900 Parr Boulevard which was paid on June 30, 1999 for the quarter beginning July 1, 1999 be approved.

It was noted that Dynasty Games paid the gaming fee in advance with the expectation that the contract with the store would continue, but the 7-11 store franchisee switched to another contracting company; and that there are no gaming devices in said store at this time nor were there any in the store at the time Dynasty Games paid for the gaming license.

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THE BOARD RECONVENED AS THE BOARD OF COUNTY COMMISSIONERS

**MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the minutes of the regular meeting of August 24, 1999 be approved.

**99-971 RECOGNITION - CHERYL RYAN - DESIGN AWARDS PROGRAM - COMMUNITY DEVELOPMENT**

Mike Harper, Planning Manager, Department of Community Development, reviewed the contribution made by Cheryl Ryan in the development of the Design Awards Program and advised that the County has had two very successful Design Awards Programs which have generated good press for the County, as well as recognizing and encouraging good design in the County.

Chairman Galloway commented that Ms. Ryan was able to pull together the Design Awards Program without expense to the County other than staff time; that the program has increased the morale of staff as well as the people in the community who design structures, noting that good structural design is very important to the County as a structure is the first thing that people see as an indirect statement about the quality of life in the area; and that recognition of achievements is one of the most important functions of the Board. He then presented a plaque to Ms. Ryan on behalf of the Board in appreciation for outstanding

administration of the Washoe County Design Awards Program.

Ms. Ryan thanked the Board and commented that many people worked on the program. She expressed appreciation to coworkers, the Design Review Committee, and the Design Awards Panel that made the project possible.

#### **99-972 APPEARANCE - MARSHA BERKBIGLER - CHERYL CHERNISKY - AT&T CABLE SERVICES**

Marsha Berkbigler, Director of Government Affairs, and Cheryl Chernisky, Marketing Project Coordinator, conducted a computer slide presentation of the AT&T Cable Services \$50-million upgrade project that will be commencing in the near future in the Washoe County area, which project will enhance the existing cable system and provide high speed Internet service. Ms. Chernisky reviewed the resident notification plan and advised that a major focus will be to keep customers informed in advance of the actual work being done; and that as construction commences the Board will be updated on their progress. Ms. Berkbigler and Ms. Chernisky responded to questions of the Board.

#### **99-973 FISCAL YEAR 1998-99 ANNUAL REPORT - SOCIAL SERVICES**

May Shelton, Director, Department of Social Services, and Mike Capello, Division Director, Children's Services, conducted an overhead presentation of the Social Services Fiscal Year 1998-99 Annual Report. Ms. Shelton advised that in all programs staff continues to work hard to serve the public, but today's presentation would focus on the Child Protective Services (CPS) Program. She then reviewed the chronology of events precipitated by the December, 1995 Grand Jury report concerning how Social Services handled certain CPS cases, and the subsequent evaluation process of all agencies involved with child protective services.

Mr. Capello reviewed program changes endorsed by the Board of County Commissioners in May, 1997 that affected the basic nature of how child protective services operated. He commended the Board for taking a stand to support program changes with additional funding and staff and discussed the current procedures utilized by Social Services. He reviewed current trends, advising that they show a 20% decline in the number of reports coming to the department, including the number of investigations, substantiated reports, and children placed in shelter care. Mr. Capello advised that the Social Services programs are only part of the reason for the reductions as a number of factors are occurring in Washoe County including the expansion of family resource centers, the expansion of services throughout the Welfare Division, and the good economy being experienced. He noted that there are not many factors contributing to the strengthening of families and making them more able to care for their children, but the trends of how everything is working together in the community are promising; and that one area where an increase is being seen is in how long children are staying in sheltered care. Mr. Capello then responded to questions of the Board.

Ms. Shelton provided additional information and responded to further questions of the Board, advising that the numbers presented in the report represent preliminary results, which they expect will continue and even improve. She then reviewed expenditures for the last five years, funding sources, approved positions, and upcoming projects.

Commissioner Shaw commented that, being one of the Commissioners serving on the Board in 1995 when the Grand Jury Report was submitted, he is very pleased with the report and to see the reductions. He complimented Ms. Shelton and Social Services staff for their efforts in addressing the issues.

Steve Shaw, Administrator, State Division of Children and Family Services, complimented the Board for stepping forward to protect Washoe County's children, commenting that he has never seen such dramatic results in such a short amount of time; that the good results are due to a combination of things, but a great deal of credit can be attributed to the Board's efforts; and that this is not happening everywhere in Nevada. He commended Ms. Shelton on her leadership concerning the issues.

Chairman Galloway then requested that Mr. Capello come forward concerning the recognition of Ms. Shelton for bringing about the positive changes made in the Social Services Department. Mr. Capello advised that Ms. Shelton, who is going to be retiring from the County, has been a great mentor for everyone in Social Services, and the County would like to recognize her efforts in stepping up to the plate at a very difficult time, standing by her staff, and working tirelessly to implement the changes in the department. Chairman Galloway presented a plaque to Ms. Shelton on behalf of the Board and the children and families of Washoe

County in recognition of her years of service, outstanding leadership, and enhancing the quality and scope of services available to children and families in Washoe County. Ms. Shelton expressed appreciation and thanked the Board for their support to Social Services.

**99-974 BCC MEETING CANCELLATION**

Pursuant to Washoe County Code 5.017(4), on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the Board of County Commissioner's regular meeting scheduled for October 12, 1999 be canceled due to findings that a quorum would not be present; and that the County Clerk be directed to post a Public Notice of same.

**99-975 ACCEPT DONATION - TWO REFRIGERATORS - CRIME LAB - SHERIFF**

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the donation of two commercial sized-double door refrigerators from LabCorp to be used by the Sheriff's Office Crime Lab for storage of toxicology test samples be accepted with gratitude.

**99-976 ACCEPT DONATION - COMMUNITY EXPO '99 - SHERIFF**

Upon recommendation of James Lopey, Assistant Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that donations of approximately \$2,000 from various local businesses to be used for the Sheriff's Community Expo '99 to be held on October 2, 1999 be accepted with gratitude.

It was noted that additional donations may be received up to the day of the event and the Sheriff's Office will request acceptance of these donations at the Board meeting of October 19, 1999.

**99-977 DISINTERMENT OF HUMAN REMAINS - HEALTH**

Upon recommendation of Gregory Carmichael, District Health Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the request from Edith Ginsburg of Los Angeles, California to disinter and remove the remains of Sam Ginsburg, her husband, who died on December 29, 1985 be approved.

It was noted that disinterment will be from Mountain View Mausoleum in Reno and reinternment will be at Hillside Memorial Park in Los Angeles, California; that NRS 451.050, Subsection 2, authorizes the Board of County Commissioners to grant permits for such disinterments and removal of human remains; and that the death certificate indicates that the death was not due to a communicable disease.

**99-978 WATER RIGHTS DEED - BERTHA C. JOHNSON, TRUSTEE OF LYLE F. CAMPBELL TRUST - RESOURCE APPLICATION & DEVELOPMENT, LTD. - DIAMOND CREEK APARTMENTS**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the Water Rights Deed for 33.3 acre-feet of surface water rights from a portion of Claim 111 between The Lyle F. Campbell Trust, as Grantor, and Washoe County, as Grantee, on behalf of Resource Application & Development, Ltd. for the Diamond Creek Apartments 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.

**99-979 GRANT OF EASEMENT - BRUCE FALKENBERG AND DOUGLAS CLEMENTSON - ZOLEZZI LANE WATERLINE EXTENSION - UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the

Grant of Easement from Bruce Falkenberg and Douglas Clementson, as Grantors, and Washoe County, as Grantee, for construction, maintenance, and repair of a portion of the Zolezzi Lane waterline project to be located as described in Exhibit A, and shown on Exhibits B, and C of the Grant of Easement, be approved and Chairman Galloway be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Grant of Easement with the County Recorder.

**99-980 GRANT OF EASEMENT - SOUTHWEST VISTAS HOMEOWNERS ASSOCIATION - ZOLEZZI LANE WATERLINE EXTENSION - UTILITY SERVICES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the Grant of Easement from Southwest Vista Homeowners Association, as Grantor, and Washoe County, as Grantee, for construction, maintenance, and repair of a portion of the Zolezzi Lane waterline project to be located as described in Exhibit A, and shown in Exhibits B and C of the Grant of Easement, be approved and Chairman Galloway be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Grant of Easement with the County Recorder.

**99-981 AWARD OF BID - WITTENBERG CELL REMODEL - BID NO. 2195-2000 - PUBLIC WORKS**

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on August 23, 1999, for the Wittenberg Cell Remodel for the Public Works Department. Proof was made that due and legal Notice had been given.

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

- PCM Construction, Inc.
- Northern Sierra Construction, Inc.
- Gill Construction, Inc.

Bob Hall, County Architect, responded to questions of the Board and reviewed the current status of the project. The Board discussed issues relative to the remodel project which is needed to alleviate the overcrowded situation at Wittenberg, and ways that the project could proceed as quickly as possible. Chairman Galloway requested that Mr. Hall provide a briefing document on site requirements, schedule, variables and how the schedule could be accelerated the schedule. Upon inquiry of Commissioner Sferrazza, Mr. Hall advised that, as far as he knows, this would be the last improvement project before the new facility is constructed.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Short, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that Bid No. 2195-2000 for the Wittenberg Cell Remodel for the Public Works Department be awarded to the lowest responsive, responsible bidder, PCM Construction, Inc., in the amount of \$116,596. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement with PCM Construction, Inc. to perform the work.

**99-982 AWARD CONSTRUCTION BID - LAZY 5 COMMUNITY CENTER - BID NO. PWP-WA-1999-649 - PUBLIC WORKS**

This was the time to consider award of construction bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on July 22, 27, 29 and August 10, 12, 17, and 19, 1999, for construction of the Lazy 5 Community Center for the Public Works Department. Proof was made that due and legal Notice had been given.

The following bids were received:

Contractor	Total Bid
American General Dev.	\$1,547,182.00
E.Z. Construction	\$1,548,719.00

T.L. Miller Construction	\$1,641,615.00
Sierra Builders	\$1,652,283.00
Northern Sierra Construction	\$1,653,584.00
Central Sierra Construction	\$1,654,400.00
Q & D Construction	\$1,774,052.00

David Roundtree, Public Works Director, provided information in response to questions asked at yesterday's caucus concerning the alternate bids.

Following discussion, upon recommendation of Anthony McMillen, Engineering Division, through David Roundtree, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the base bid plus Add. Alternates A, B, C, and D for construction of the Lazy 5 Community Center, Bid No. PWP-WA-1999-649 be awarded to American General Development, the lowest responsible, responsive bidder, in the amount of \$1,547,182.00, and Chairman Galloway be authorized to execute the contract documents upon presentation.

It was noted that the Lazy 5 Community Center is the first phase of construction of the approved master plan of the Lazy 5/Spanish Springs Regional Park; that the site is located along the Pyramid Lake Highway just south of Spanish Springs Road; and that the project is part of this year's approved CIP budget.

**99-983 CORRECTION OF FACTUAL ERRORS ON TAX ROLLS - ASSESSOR**

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, and Thomas Sokol, Assistant Chief Deputy, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons 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.

24 Hour Nautilus	I.D. #2/680-573	(1997/1998 Unsecured Roll)
Northern Nevada Amputee Support	I.D. #2180849	(1999/2000 Unsecured Roll)
Sierra Pacific Power Company	I.D. #32/03-736	(1999/2000 Unsecured Roll)
Mitsu Scott	Parcel No. 031-231-19	(1999/2000 Secured Roll)
Joel M. & Arlene A. Trematore	Parcel No. 082-585-18	(1999/2000 Secured Roll)
Klaore LLC	Parcel No. 528-020-01	(1999/2000 Secured Roll)
Sierra Pacific Power Company	Parcel No's. 003-620-12, 081-031-57, 081-031-58, 082-316-22, 082-316-23, 082-316-24, 082-453-05, 086-240-07, 088-201-15, 090-050-47, 090-252-17, 204-171-04, 204-173-28, 560-020-03, and 082-083-13	(1999/2000 Secured Roll)
Silver Lake Water District Co.	Parcel No. 090-150-13 [Imp Only]	(1999/2000 Secured Roll)

**99-984 CONTRACT - MEMORANDUM OF UNDERSTANDING - US DEPARTMENT OF TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIRE ARMS (ATF) - INTEGRATED BALLISTICS IDENTIFICATION SYSTEM (IBIS) - SHERIFF**

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Sheriff be authorized to contract with the Bureau of Alcohol, Tobacco and Firearms (ATF) for

participation in Integrated Ballistics Identification System (IBIS) be approved and Chairman Galloway be authorized to execute the Memorandum of Understanding concerning same.

**99-985 CONTRACT - MEMORANDUM OF UNDERSTANDING - FEDERAL BUREAU OF INVESTIGATION - DNA CONVICTED OFFENDER PROGRAM - SHERIFF**

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Sheriff be authorized to contract with the Federal Bureau of Investigation, Laboratory Division, for participation in the combined DNA Indexing System and Chairman Galloway be authorized to execute the Memorandum of Understanding concerning same.

**99-986 LEASE - GAS CHROMATOGRAPH MASS SPECTROMETERS - SHERIFF**

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Sheriff's Office Crime Lab be authorized to lease three Gas Chromatograph Mass Spectrometers from the Hewlett Packard Company and the Purchasing and Contracts Administrator be authorized to execute the lease agreement for same with lease term to be five years at \$45,952.68 per year for two machines and \$70,521.48 per year for a third machine.

**99-987 INTER-GOVERNMENTAL AGREEMENT - SELF-DIRECTING HOUSING FUNDS - WASHOE COUNTY HOME CONSORTIUM - COMMUNITY DEVELOPMENT**

Robert Sellman, Director, Department of Community Development, provided background information concerning the proposal to amend the Home Consortium agreement to provide for participating jurisdictions to self-direct housing funds, advising that this issue came up during the last round of funding because of the inability of the City of Reno to self-direct some of their own funds; and that the City of Sparks approved the agreement last night with one minor amendment. He then provided information concerning the percentage of funds that the County could self-direct, and advised that the existing agreement runs through September 30, 2001.

A discussion commenced relative to the various provisions of the agreement and funding issues. Chairman Galloway stated that he opposed this anti-regional step at the Regional Planning Governing Board as he thinks self-direction is just another way for an entity to say that it is not going to participate regionally; that it would take the process from a one-step action of a board in an open process to a bargaining, haggling procedure, which he does not believe necessarily builds better relations between the governmental entities; and that it would be another step backward in what he perceives as a recent trend of moving away from regional decisions.

Sherrie Doyle, Reno City Council, advised that, after much debate, the Reno City Council decided at their meeting today to postpone this issue for one week because of a lot of questions and concerns that came forth; that they would like to open the doors of communication between the County, the City of Sparks and the State regarding concerns and issues of all the entities; and that they request that the Board consider continuing this item so that Chairman Galloway, and possibly Vice Chairman Short, may meet with Mayor Griffin and Mayor Armstrong to discuss the issues and concerns in order to make a good decision regarding this matter. She commented that she did not support the self-directing of the funds at the Regional Governing Board; and that there is no talk at this time of the City of Reno pulling out of the Consortium.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that this item be continued.

**99-988 CONTINGENCY TRANSFER - INTERLOCAL AGREEMENT - STATE OF NEVADA DEPARTMENT OF HUMAN RESOURCES - MENTAL HEALTH COMPETENCY EVALUATIONS - WASHOE DETENTION CENTER - FINANCE**

Upon recommendation of Ron Steele, Finance Division, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the transfer of \$44,000 from Contingency to the District Court be approved and the following account transactions be authorized:

Decrease	Amount	Increase	Amount
001-1890-7328	\$44,000	001-1210-7468	\$44,000

It was further ordered that the Interlocal Agreement between the County of Washoe and the State of Nevada Department of Human Resources, Division of Mental Health and Development Services, Lake's Crossing Center for the Mentally Disordered Offender, concerning the provision of mental health competency evaluations performed upon request of Washoe County to inmate defendants in the Washoe Detention Center be approved and Chairman Galloway be authorized to execute.

**99-989 AGREEMENT - RENO-SPARKS INDIAN COLONY - BONEYARD FLAT DRAINAGE/FLOOD PROJECT - PUBLIC WORKS**

Dave Roundtree, Public Works Director, expressed appreciation to Madelyn Shipman, Assistant District Attorney, for drafting the agreement in cooperation with the attorney for the Indian Colony.

Chairman Melendez, Reno-Sparks Indian Colony, thanked the Board and staff and advised that the Tribal Council has authorized him to sign the agreement; and that he thinks the agreement will foster better government as well as the governmental relationship with the County.

Chairman Galloway commented that everyone has worked hard to get to this point; and that it is good to see that people can be protected from flood situations with very minimal impact to the Colony.

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on behalf of Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement between the County of Washoe and the Reno-Sparks Indian Colony, concerning the provision of a location and acquisition of an easement for the Boneyard Flat drainage/flood project and support of the Colony's application for trust status for Pyramid Highway property, be approved and Chairman Galloway be authorized to execute said agreement and any documents relevant thereto.

**99-990 CLAIM SETTLEMENT - DAGMAR G. YOAKUM HEIRS - ANDERSON PARK LITIGATION - RISK MANAGEMENT**

Upon recommendation of Ray Sibley, Risk Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the Risk Manager be authorized to negotiate and settle the claim made by the heirs of Dagmar G. Yoakum related to 58 acres of land deeded to the County in 1989 (Anderson Park).

**99-991 POSITION TRANSFER - VIDEO PRODUCTION COORDINATOR**

Upon recommendation of Jim Lencioni, Telecommunications, Kathy Carter, Community Relations, Anna Heenan, Budget, and Charlene Vinella, Human Resources, through Katy Singlaub, County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Option No. 3, being the reclassification of the Video Production position currently in the Community Relations budget to an Electronics Technician position in Telecommunications be approved and staff be directed to complete the following:

1. Transfer the Video Production Coordinator position from the Managers Department/ Community Relations Program to General Services-Telecommunications and reclassify the position to an Electronics Technician.
2. General Services be directed to submit the proper paper work to Human Resources to commence recruitment to fill the vacant position.
3. The Comptroller be directed to make the following appropriation adjustments:

Decrease:	Managers-Community Relations	
1016-7001	Base Salary	\$28,424

1016-7042	Insurance	2,185
1016-7048	Retirement	5,330
1016-7050	Medicare	413
	*Total	\$36,352
Increase:	General Services-Telecommunications	
1621-7001	Base Salary	\$28,424
1621-7042	Insurance	2,185
1621-7048	Retirement	5,330
1621-7050	Medicare	413
	Total	\$36,352

\*Knowing that the position was not going to be filled July 1, 1999, the funding was set for 10 months instead of 12 months. Fiscal year 2000/01 will be fully funded.

**99-992 INTERMITTENT PART-TIME WINTER ENFORCEMENT OFFICER - INCLINE VILLAGE/CRYSTAL BAY - SHERIFF**

Commissioner Sferrazza stated that he would support the request for the part-time enforcement officer with the understanding that it would not create a permanent position and would be renewed by the Board each year.

Joanne Ray, Director of Human Resources, provided additional information and responded to questions of the Board. She advised that the position would not exceed 520 hours in any six-month period per year and would not involve any benefits.

Commissioner Shaw stated that he would also like for the position to be reviewed each year.

Following discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the hiring of an intermittent part-time winter enforcement officer for the purpose of parking and snow removal enforcement from November 1, 1999 through May 1, 2000 for the Incline Village/Crystal Bay communities be authorized.

It was noted that the part-time enforcement officer will be a commissioned peace officer who will work intermittent hours depending on weather conditions and the amount of parking enforcement required; and that this item will be brought back to the Board for approval each year.

**99-993 ELIMINATE/ADD/FREEZE POSITIONS - COMMUNITY DEVELOPMENT**

Howard Reynolds, Assistant County Manager, corrected account numbers listed on the agenda memorandum dated September 17, 1999.

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the following actions be taken concerning certain employee positions in the Department of Community Development:

1. The elimination of the Specialist Application Position within the Community Development Department (position #31) be authorized.
2. The addition of a GIS Analyst I position within the Information Technology Department be authorized.

3. The freezing of the Supervisor, Licensing and Enforcement position within the Community Development Department (position #41) for the remainder of this fiscal year be authorized.

4. The Comptroller be directed to make the following adjustments concerning same:

Decrease Account	Description	Amount
11614-7001	Base Salaries	\$22,400
11614-7042	Group Insurance	1,800
11614-7048	Retirement	4,200
11614-7050	Medicare	600
Increase Account	Description	Amount
1087-7001	Base Salaries	\$22,400
1087-7042	Group Insurance	1,800
1087-7048	Retirement	4,200
1087-7050	Medicare	600

**99-994 RECLASSIFICATION - ADMINISTRATIVE SECRETARY I TO PROGRAM ASSISTANT - RECORDER**

Assistant County Manager Reynolds provided information in response to questions raised at yesterday's caucus meeting, and advised that classification determination of the position was submitted prior to the "freeze" being placed on reclassifications as a result of the HayGroup study.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the reclassification of an Administrative Secretary (position #15) within the Recorder's Office to Program Assistant be approved, with the understanding that this action does not set any precedent; and that the Board continues to enforce the "freeze" subsequent to August as well as the policy that the County does not generally make changes in classifications that would be determined by the HayGroup.

**99-995 ELIMINATION OF RETIREE HEALTH INSURANCE PREMIUM PAYMENT PROGRAM FOR ELECTED OFFICIALS**

Assistant County Manager Reynolds reviewed the agenda memorandum regarding this item. Chairman Galloway commented that this action would be consistent with previous action taken by the Board to discontinue paying any portion of the medical insurance premium associated with retiree health insurance for County employees in order for the County to address the unfunded liability that was being accumulated.

Following discussion, upon recommendation of Joanne Ray, Director of Human Resources, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the payment of premiums for retiree health insurance for elected officials, as specified below, be eliminated.

For elected officials who are elected to office for the first time on or after September 29, 1999, or who are appointed on or after September 29, 1999, to fulfill an unexpired term of office and are subsequently elected to that office, the County will not pay any portion of the medical insurance premium associated with retiree health insurance.

This action does not affect the eligibility of current elected officials in the retiree health insurance program as set forth above.

For someone who is appointed on or after September 29, 1999, to fulfill an unexpired term of office, or for someone elected for

the first time on or after September 29, 1999, these individuals may combine previous county employment or previous terms of office if there has been no break in service.

**99-996 AMENDMENT - COLD SPRINGS PARK MASTER PLAN - SKATE PARK AND COMMUNITY CENTER BUILDING - PARKS**

Kelly Probasco, area resident, advised that he is Chairman of the Cold Springs Citizen Advisory Board but was addressing the Board on this issue in his capacity as Chairman of the Parks and Recreation Committee, a subcommittee of the CAB; and that they are requesting that the Board proceed with the amendment to the Master Plan to allow the skate park in Cold Springs as well as the community center building.

Karen Mullen, Director, Department of Parks and Recreation, and Legal Counsel Shipman responded to questions of the Board concerning liability and other issues relative to the project.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that the amendment to the Cold Springs Park Master Plan to include a skate park and community center building be approved and the Public Works Department be authorized to advertise for bids for the Cold Springs skate park.

**99-997 BILL NO. 1255 - AMENDING WCC CHAPTER 25 - ADULT CHARACTERIZED BUSINESSES**

Mike Harper, Planning Manager, Department of Community Development, conducted a computer presentation and reviewed the proposed amendments to Chapter 25 of the Washoe County Code concerning Adult Characterized Businesses, as well as additional changes/additions being recommended in response to comments received by staff subsequent to the first draft provided to the Board, which information was outlined in the agenda memorandum dated September 27, 1999. Mr. Harper then reviewed two options addressing "adult revue" and advised that they are being presented for consideration pursuant to the Board's request.

Following Board discussion, the following actions were taken:

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, with Chairman Galloway and Commissioner Sferrazza voting "no," it was ordered that optional language to Section 25.047, 8 concerning restriction of the size of the floor area in a hotel/casino devoted to an adult revue be eliminated.

On motion by Commissioner Bond, seconded by Chairman Galloway, which motion duly carried, it was ordered that the language in Section 25.047, 8 be changed for consistency purposes concerning adult revues in establishments that have unlimited gaming licenses.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Sferrazza voting "no," Chairman Galloway ordered that optional language to Section 25.053, 1 concerning the addition of adult revue to the type of operations allowed within 1,000 feet of certain public or private schools or businesses be eliminated.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that language changes be made to Section 25.047, 5 and 8 for consistency purposes concerning "adult revue" and "adult interactive cabaret."

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that 25.047, 20 be deleted.

Bill No. 1255 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING THE PROVISIONS PERTAINING TO ADULT BOOKSTORES, AND ADULT MOTION PICTURE THEATERS, TO ADD DEFINITIONS OF ADULT CHARACTERIZED BUSINESSES, TO ADD REGULATIONS FOR ADULT INTERACTIVE CABARETS AND ADULT OUTCALL SERVICES, TO ADD REGULATIONS THAT APPLY TO ALL ADULT CHARACTERIZED USES, TO ADD AND AMEND FINDINGS AND PURPOSES FOR REGULATING ADULT CHARACTERIZED BUSINESSES, TO CHANGE THE REGULATORY ZONES IN WHICH AN ADULT CHARACTERIZED BUSINESS IS PERMITTED, TO ADD TO THE LIST OF USES FROM WHICH AN ADULT CHARACTERIZED BUSINESS MUST BE DISTANCED AND OTHER MATTERS PROPERLY

RELATING THERETO," as amended, in accordance with staff recommendations outlined in the agenda memorandum and actions taken by the Board, was introduced by Commissioner Sferrazza, the title read to the Board, and legal notice for final action of adoption directed.

It was noted that the second reading of the ordinance will be scheduled for October 26, 1999.

**99-998 BILL NO. 1256 - ORDINANCE NO. 1080 - LOCAL IMPROVEMENT BONDS - SPECIAL ASSESSMENT DISTRICTS NO. 25, CALLE DE LA PLATA), 26 (MATTERHORN DRIVE) AND 27 (OSAGE ROAD/PLACERVILLE ROAD)**

Following introduction by Commissioner Bond and reading by title, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1080, Bill No. 1256, entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF REGISTERED LOCAL IMPROVEMENT DISTRICT BONDS, SERIES 1999, FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICTS NOS. 25, 26 AND 27 TO FINANCE THE CONSTRUCTION OF LOCAL IMPROVEMENTS; AND BY DECLARING THIS ORDINANCE PERTAINS TO THE SALE, ISSUANCE AND PAYMENT OF THE BONDS, PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF," be approved and adopted, and published in accordance with NRS 244.100.

**99-999 ANNEXATION PLANS - COMMENTS TO CITY OF RENO AND CITY OF SPARKS**

Mike Harper, Planning Manager, Department of Community Development, provided additional maps depicting the location of annexations and sphere of influence areas. He reviewed annexation issues and staff recommendations concerning proposed comments regarding annexation to be transmitted to the City of Sparks and the City of Reno including a request to accelerate the annexation of unincorporated property for which no County regulatory zone has been assigned, and that the City of Reno re-evaluate its annexation plans in light of AB424 concerning the increase of urban densities and the utilization of current urban densities as an alternative to annexing additional unincorporated land.

Following discussion, with Mr. Harper, Legal Counsel Shipman, and Karen Mullen, Director, Department of Parks and Recreation, responding to questions of the Board, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the comments recommended by staff relative to annexation issues be transmitted to the City of Sparks and the City of Reno, as well as the following additional comments: (1) request that the City of Reno defer the creation of any islands and any involuntary annexation until the Regional Governing Board takes action on the recommendations of the Joint Annexation Committee, and include a statement regarding same in the City's annexation plan, and (2) that the Board does not wish to offer for annexation Islands 18-A, 18-B and 21-A or Rancho San Rafael Regional Park, and requests that the City await annexation of Island 49.

**99-1000 STREET NAME CHANGE - PORTION OF ARROWCREEK PARKWAY TO EAST ARROWCREEK PARKWAY AND WEST ARROWCREEK PARKWAY**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the request to change the name of portions of Arrowcreek Parkway to East Arrowcreek Parkway and West Arrowcreek Parkway be approved effective immediately.

**99-1001 EASEMENT NAME - COYOTE RUN COURT**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that an easement located off Osage Road between White Owl Drive and Greyhawk Court be named Coyote Run Court, effective immediately.

**99-1002 STREET NAME CHANGE - WEST JANERE COURT TO INDIAN SPRINGS DRIVE**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the request to change the name of West Janere Court located in the Desert Springs Unit 1 Subdivision to Indian Springs Drive be approved, effective immediately.

**99-1003 STREET NAME CHANGES - WHITEHAWK DRIVE TO SPARROW HAWK DRIVE - ERIN COURT TO FALCON VIEW COURT**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the request to change the name of Whitehawk Drive to Sparrow Hawk Drive and Erin Court to Falcon View Court located in the North Springs Estates Subdivision be approved, effective immediately.

**99-1004 STREET NAME CHANGES - RIVEN ROCK COURT TO PALMER POINTE COURT - DEER PARK TRAIL TO IRON EAGLE TRAIL**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the request to change the name of Riven Rock Court to Palmer Pointe Court and Deer Park Trail to Iron Eagle Trail, located in Arrowcreek Subdivision Unit 7 be approved, effective immediately.

**99-1005 ACTION PLAN - COMMUNITY-BASED TRUCKEE MEADOWS FLOOD PROTECTION PLAN**

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, Chairman Galloway ordered that the Action Plan for a Community-Based Truckee Meadows Flood Protection Plan, as outlined in the agenda material dated September 10, 1999, be approved and staff be directed to return to the Board with funding options.

**99-1006 REQUEST TO SUSPEND RECONSIDERATION RULES AND PROCEDURES - SIERRA NEVADA MONTESSORI SCHOOL - APPLICATION FEE REFUND REQUEST**

Commissioner Sferrazza inquired if this item needed to have a four-fifths vote in order to pass. Madelyn Shipman, Assistant District Attorney, responded that the refund only needs a majority vote as it is not within the tax statute and there is no requirement for a four-fifths vote.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Sferrazza voting "no," Chairman Galloway ordered to suspend the rules and allow reconsideration after the 25-day deadline.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the denial of request for a refund of application fees for Special Use Permit Case No. SPW10-34-98 with Site Review and Abandonment Case No. AB1-1-99 for Sierra Nevada Montessori School be reconsidered.

On motion by Commissioner Bond, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that this item be continued to the October 19, 1999, agenda for proof of 501-C3 non-profit status to be submitted by Montessori School.

**99-1007 RECOMMENDATION - AIRPORT AUTHORITY BOARD OF TRUSTEES**

Jackie Decker, Washoe County resident, requested that the Board order Geno Menchetti, Chairman of the Washoe County Airport Authority Board of Trustees, to rescind his public comment policy which suppresses public participation. She further stated that public comment at the Airport Authority meetings should conform with other governmental agencies public comment process.

Sam Dehne, Reno citizen, stated he has attended every single governmental meeting in this area for over the last 3 years including all airport authority meetings; that Mr. Menchetti has armed guards at their meetings now and had him removed from one of the meetings for merely standing in the back of the room one day; and that the Board should remove Mr. Menchetti as their appointee to the Airport Authority.

On motion by Commissioner Sferrazza, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following recommendations be made to the Airport Authority Board of Trustees, regarding public input:

1. That the preferable normal procedure would be to allow individual public input by persons who submit a request to speak to the Airport Board on specific agenda items. This procedure would be in-line with the present practices of the City of Sparks and City of Reno and Washoe County Board of Commissioners.

2. That whatever procedures are in use by the Airport Authority be made clear so that the public knows what to expect in the various situations that may arise.

**99-1008 CONTRIBUTION - COLD SPRINGS CLEAN-UP DAY - FINANCE**

Upon recommendation of Lisa Gianoli, Budget Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, with Commissioner Short abstaining, Chairman Galloway ordered that payment of \$1,636,40 to Reno Disposal Services/Independent Sanitation as a contribution towards the Cold Springs Clean-Up Day on October 9, 1999, be approved.

**99-1009 SPECIAL USE PERMIT CASE NO. SPB6-12-99 - FLYING EAGLE AIR PARK RANCHES - APPEAL**

5:00 p.m. This was the time set in a Notice mailed to property owners to consider the appeal to construct two private general aviation service airstrips and one taxiway that will provide paved airplane and roadway access to 16 residential lots of not less than 40 acres each [refer to Case No. DL6-5-99]. The airstrips consist of one 4,550-foot north-south runway, one 4,000-foot east-west runway, and one 2,700-foot east-west taxiway. No onsite fueling or ground support facilities are proposed; however, each residential lot will likely incorporate an airplane pad or hanger. The 650.62-acre parcel is designated General Rural Residential (GRR) in the Warm Springs Area Plan. The property is located approximately one mile north of Range Land Road, and approximately one mile west of the intersection of Grass Valley Road and Pyramid Highway. The parcel is located in Commission District 5, Section 24, T23N, R20E, MDM, Washoe County, Nevada. [APN: 76-200-01]

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

Dean Diederich, Planning Manager, Department of Community Development, stated that concurrent with the review of the special use permit there was a separate division of a large parcel map which was approved and is not subject to this appeal. Mr. Diederich briefly went over the appeal issues and used the overhead to provide the Board information on where the proposed project and surrounding properties are located.

Wanda Wright, President of the Warm Springs Property Owners Association and a member of the Citizen's Advisory Board, stated that she is speaking on behalf of the Property Owners Association; that they are opposed to this project based upon safety reasons; that the majority of people who live in Warm Springs moved there to enjoy a rural lifestyle; that if the Air Park is approved all peace and quiet will be gone; and that the presentation to the CAB was different from the presentation to the Board of Adjustment. She further stated, that if this special use permit is granted, then only the 16 homeowners should be allowed to use the air strip; that the volunteer fire department does not have any foaming equipment if there was an accident; that they are concerned about the decibel levels for departures and landings; and that they request the Board deny this special use permit.

Carol Dotson, Lumos and Associates, representing Don Fraser, Property Owner, and Chet & Lynda Spiering, Developers, stated that the project was envisioned to create an upscale signature development with a rural type of character, therefore set in a rural type of setting; that the vision for the project was to create a development with many special amenities and privileges afforded to private airstrips; and that the project would be an asset to the community and compliment the area. She further stated that they reviewed the original CC&R's which did allow private airstrips in this area; that they looked at the compatibility for a project of this nature to be located in this area; and that the original project was submitted in conjunction with a request for large-lot development, approximately 16-40 acre parcels on the original site plan. She advised that the site is primarily surrounded by undeveloped land, but that there is a glider-port and 2 other airstrips in the surrounding area; and that the closest neighbor is about half a mile away, and that neighbor is present tonight in support of this project. Ms. Dotson further advised that this project would include 2 private airstrips and 1 taxiway providing both air and vehicular access with circulation throughout the site; that the main entry is an east/west taxiway which is about 2700 linear feet; that the access roadways will be paved 20 feet wide and have 30 foot shoulders on either side; that the surfaces will be constructed at least one-foot above the existing grade per Washoe County flood specifications and have ditches on both sides; and that the airstrips and taxiway will be private and therefore not FAA regulated.

Ms. Dotson stated that the private airstrips would be for the exclusive use of the residents of this private gated community; that

they will be regulated by strict operating practices and procedures as presented in the CC&R's and governed by safety operations in a manual that will be submitted as a condition of this project. She further stated that there will be an early warning system which will include electronic and radio devices, signage and specialized warning systems, to ensure the safety and adequate passage of these airport runways and roadways; that this will be a dawn to dusk operation; and that all of the utilities will be placed underground.

Craig Wesner, Project Engineer for Lumos and Associates, briefly went over flight patterns regarding departures and landings, and stated that at the Board of Adjustment Meeting there were 13 people who spoke in favor of this project.

Tom Pratt, Kurt Neuffer, Herman Schindler, Susan Stinson, George Newell, Lester Withers, John Milanovich, Larry Whetstone, Jeanne Herman, William Johnson, and Ronald Messenger, Warm Springs area residents, spoke in favor of this project and did not feel there would be a problem with the proposed airpark; and advised that they feel this project is the quality perceived by the people when the Warm Springs area was planned.

Lynda Spiering, 7380 Pembroke, stated that her husband is the developer for this project; that once this project is completed there will be 16 lots; that some property owners may or may not own a plane but may just want to live on a large parcel with quality structures that surround them with a security gate; and it is her request that the Board approve this project.

Don Fraser, property owner of the proposed airpark, stated that this project will be a credit to the community; that he has researched other airparks and the average age is 65 with 90% of them retired commercial airline pilots or career military officers; and that he also request the Board approve this project.

Jerome Kocimski, 5705 Range Land Road, stated that he is offended by someone saying that the Warm Springs Homeowners Association is against this project, as he is a member of the Homeowners Association and is not aware of any meeting that was called where a majority vote was taken for or against this project; and that he supports this project being built.

Laura Link, area resident, stated that she feels an environmental impact study should be conducted before a final decision is made.

Bruce Laxalt, Attorney for Air Sailing, Inc., stated that he is a member of Air Sailing as well as a glider pilot; that the proposed project is beautifully designed and on behalf of Air Sailing they support aviation, but have serious concerns regarding the location of this air park; that the initial letter from the FAA was apparently issued without any consultation with the FAA here in Reno, who are now involved, and is now under reconsideration; and that he request the Board focus heavily on enforcement of Condition No. 35 from the Board of Adjustment.

Stephen Moss, on behalf of the Warm Springs Homeowners, stated that there are several airparks within the area, one in Dayton and one in Yerington that are not filled to capacity; that the Board should go back to the comprehensive plan and determine what the comprehensive plan calls for in this area; and that if the Board approves this project they will be severely limiting other development by putting this project in the middle of this area. He further stated that staff has not addressed the impact of being in the flood plain, nor have they contacted appropriate wildlife agencies to review and comment on proposed development. He advised that issues of topography, mountains and proximity to the valleys have not been properly addressed and they request this special use permit be denied.

Dan Schwartz, Laurie York, Patti Quick, and Virginia Brown, Washoe County residents, stated that they oppose this project due to safety concerns and detrimental effect on the area; and that they feel this project does not fit in with the Warm Springs Area Plan.

Virginia Schwartz, 16700 Pyramid Highway, stated that she resides right across the highway from where this air park is proposed to be built; that in 1985 there was a fire and in 1986 a flood; and that potential property owners should be made aware of those facts.

There being no one else wishing to speak, Chairman Galloway closed the public hearing. He then asked staff and the applicant to respond to the questions and issues that were raised.

Commissioner Shaw stated that he is concerned as a citizen of Washoe County and inquired from Bruce Laxalt if he had any response concerning Condition No. 35. Mr. Laxalt responded that the developers are not applying for FAA approval so therefore the scrutiny is not as intense; that Air Sailing's planes and gliders depart 80% of the time to the south with a left turnout; and that they then will be on the same elevation, on tow by two airplanes with 200 feet of rope between them at the same elevation the air park folks will be landing. He further stated that they requested the FAA consider asking the air park to relocate their runways further toward the outside of the property; and that their biggest concern is non-residents of the air park flying in to visit and not being aware of extensive traffic from the gliders with the resulting risk of mid-air collisions and fatalities.

Commissioner Bond inquired if Air Sailing is in operation full-time and what type of planes tow these gliders. Mr. Laxalt responded that in the summer time they are there 7 days a week, as they have camps, races, and instruction, and in the winter time, they are primarily there during the weekends; and that they have a 182 and a Pawnee (which looks like a crop dusting plane) towing their planes.

Commissioner Short inquired if Mr. Laxalt is satisfied with Condition No. 35 added by the Board of Adjustment. Mr. Laxalt responded that their preference would have been, because of the concurrent responsibility that the Commission and County share, that it be referred back to staff for a full analysis and not deferred entirely to the FAA; and that they have asked the FAA to mandate the air park use 123.3 on the frequency which is the glider channel to help with coordination.

Commissioner Sferrazza inquired from the applicants if there were any objections to Mr. Laxalt's request to add to Condition No. 35 "that it be referred back to staff for a negotiated resolution of flight paths and traffic between the glider port and the air park." Ms. Dotson responded that, at the Board of Adjustment Meeting, the applicants stated they would be willing to work with Air Sailing to work out a unicom frequency system and flight pattern, but that Mr. Laxalt has not returned any calls to their office.

Madelyn Shipman, Assistant District Attorney, advised that any condition, such as the one Commissioner Sferrazza just suggested, should not be made in a way that would allow a third party to control whether or not the permit can go forward. Ms. Shipman further stated that limiting the number of flights is not realistic as there really is no way to enforce this limitation unless someone is physically standing out there counting the number of flights.

Chairman Galloway inquired if staff felt they had the expertise to resolve some of these operational issues. Mr. Deiderich responded that they do not feel they have the expertise to determine whether there would be a conflict between flight departures and landing patterns between Air Sailing and the air park.

Chairman Galloway inquired if staff disagreed with changing the last sentence in Condition No. 35 wherein the word "stated" would be changed to "recommended." Mr. Deiderich responded that he would agree to that change.

Commissioner Sferrazza inquired how many property owners Ms. Wright is representing and how many of those members oppose this project. Ms. Wright responded that there are 65 paying members and according to the phone poll conducted yesterday by one of their members, only Mr. Kocinski did not oppose this project; that there were 2 petitions submitted to the Board of Adjustment, one that specifically went against a private airstrip and one specifically against the air park project; and that at the Board of Adjustment meeting both petitions were placed together, but one was strictly against the air park and had 67 signatures.

Commissioner Bond inquired from Ms. Wright what their main opposition is regarding this project. Ms. Wright responded safety and noise issues. She further stated in response to Commissioner Shaw's question, they are concerned about guests flying in to visit residents at the air park who do not know the rules and/or about the glider-port and potentially could cause an accident.

Mr. Deiderich stated that there is no condition that limits the number of landings and departures.

Commissioner Sferrazza stated that he opposes this project because he feels the issuance of this permit will be injurious to the

property owners, improvements of adjacent properties, and is detrimental to the character of the surrounding area. He further stated that he feels the Board has not conditioned the special use permit limiting this to a private airstrip, whereby protecting the residents who live there. He advised that "private airstrip" as defined in the Washoe County Code is different from what they are creating here as he feels they are creating a private airport by granting this special use permit and not conditioning it properly. He further advised that Condition No. 8 does not protect the public, because the condition that states the airstrip shall operate as a private facility, does not mention hangers nor does it preclude in clear terms rental of hangers to other people.

Commissioner Shaw stated that he will not support this project and cannot make the findings; that he is concerned about the amount of air traffic in the area and is not convinced that staff has the ability to regulate air traffic; that he feels this project will not compliment the ruralness of the area; and that there are safety issues that should be considered.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, with Commissioners Sferrazza and Shaw voting "no," Chairman Galloway ordered that appeal from the approval by the Board of Adjustment of Special Use Permit Case No. SPB6-12-99 by the Warm Springs Property Owner Association be denied, and based on the following findings and subject to the following conditions the approval be upheld:

FINDINGS

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Warm Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

CONDITIONS FOR SPECIAL USE PERMIT CASE NO. SPB6-12-99 FLYING EAGLE AIR PARK RANCHES

(As approved by the Washoe County Board of Adjustment on August 16, 1999 and modified by the Washoe County Commission on September 28, 1999 after consideration of an appeal of the Board of Adjustment Approval)

\*\*\*ALL IMPORTANT - PLEASE READ\*\*\*

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT. COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE

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

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

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within two years from the date of approval by Washoe County.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site (APN: 76-200-01) and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a part to the covenant. The District Attorney's Office and the Department of Community Development shall determine compliance with this condition.
5. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
6. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

7. Per the applicant's submittal, all public utilities shall be placed underground. The County engineer shall determine compliance with this condition.

OPERATIONAL CONDITIONS

8. The airstrip shall operate as a private facility, for the exclusive use of the homeowners and their guests, and shall not be operated for commercial purposes. Leasing or rental of airplane hangers or tie-down spaces to non-residents will not be allowed.
9. The runways shall be limited to providing general aviation service, comparable in function to Federal Aviation Administration (FAA) Basic Utility (BU) airport classification with an Airport Reference Code (ARC) of B-I. The runways shall be limited to air traffic between 91 and 121 knots and aircraft up to 48 feet in wingspan. The Developer and/or Homeowner Association shall maintain the landing area on FAA charts. The Department of Community Development shall determine compliance with this condition.

10. Flight operations shall be limited from dawn until dusk. The Department of Community Development shall determine compliance with this condition.
11. Aircraft shall not be less than 50 feet above the ground when crossing the perimeter property lines. The runway pavement shall have landing threshold markings at a minimum of 1000 feet from the project boundary. The Department of Community Development shall determine compliance with this condition.
12. Prior to issuance of a grading/building permit, the applicant shall submit a safety operations manual for aircraft/vehicle/other uses, to the approval of the Washoe County Risk Manager, the County Engineer, and the Department of Community Development. The manual shall include: the early warning system procedures and devices to prevent conflicts between aviation and vehicular/other use of paved surfaces; recommended flight patterns; a site plan depicting the location of various warning signs; and the consistent colors, height, and materials of warning signs.
13. The Developer shall provide and the Homeowner Association shall maintain informational/warning signage with a flashing light at the entry of the property, at runway/taxiway turnarounds, at intersections, and at all driveway entrances to the runway/taxiway/roadway. The signage shall be pilot/automobile activated, and shall warn of possible aircraft usage or automobiles entering the runway. The Washoe County Risk Manager and the Department of Community Development shall determine compliance with this condition.
14. A monument-style identification sign shall be provided at the project entrance, to not exceed 6 feet in height and 128 square feet in area. Other project signage shall incorporate warnings of aircraft activity. The warning signage shall be designed of consistent colors, height, and materials. The Department of Community Development shall determine compliance with this condition.
15. The Developer and the Homeowners Association shall provide a safety operations manual to each prospective and actual property owner, updated as needed, disclosing the concurrent operation of aircraft and vehicle/other on the common roadway/runway facility. The Department of Community Development shall determine compliance with this condition.
16. The Homeowners Association shall provide General Liability Insurance with Washoe County named as additional insured. The Washoe County Risk Manager shall determine compliance with this condition.
17. The Homeowners Association shall record a Notice to each property owner, which shall run with the parcels as long as the special use permit or landings/takeoffs are allowed. The District Attorney's Office and Department of Community Development shall determine compliance with this condition. The notice shall state the requirement to participate in the maintenance and operation of facilities as needed.
- a. Notice of Individual Liability for any use or ownership in the facilities.
  - b. Obligation to maintain conditions of special use permit currently required or as set forth by Washoe County in the future.

#### TRAFFIC

18. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices. The County Engineer shall determine compliance with this condition.
19. Prior to issuance of a building permit on any lot, all runway, paving and driveway improvements necessary (including, but not limited to, the early warning system, signing and striping) to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. Prior to issuance of a Certificate of Occupancy on any lot, all runway facilities shall be installed and operational. The County Engineer and the Department of Community Development shall determine compliance with this condition.

#### DRAINAGE AND GRADING

20. A complete set of construction improvement drawings, including a grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, site and roadway, drainage, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. The County Engineer shall determine compliance with this condition.

21. A grading bond of \$750/acre of disturbed area shall be provided to the Engineering Division prior to any grading. The County Engineer shall determine compliance with this condition.

22. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the FEMA flood zones and the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and the off-site areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations, a discussion of, and mitigation measures for, any impacts on FEMA flood zones or on existing off-site drainage facilities and properties. The County Engineer shall determine compliance with this condition.

23. The FEMA 100-year flood plain boundaries with associated flood elevations shall appear on the site plan to the satisfaction of the Engineering Division. Building permits for structures and fill in these areas shall be in conformance with Washoe County flood construction standards. The County Engineer shall determine compliance with this condition.

24. A fence shall be constructed around the site perimeter and shall address the passage of floodwaters. The County Engineer shall determine compliance with this condition.

25. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill etc., must be done with effective dust control measures consistent with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030. Disturbances greater than 1 acre in size must obtain an approved dust control plan prior to beginning work. The District Health Department shall determine compliance with this condition.

26. Runway/roadway access easements and taxiway/roadway access easements shall be maintained in a manner that allows concurrent occupancies of aircraft and automobiles, in an emergency situation. Prior to issuance of a Certificate of Occupancy on any lot, cleared areas adjacent to pavement shall be revegetated with an appropriate seed mix as recommended by the Washoe Storey Conservation District. A limited area may use palliatives to control dust. The District Health Department and the County Engineer shall determine compliance with this condition.

27. Any storm drainage from this site must have pretreatment for petrochemicals and silts. The District Health Department shall determine compliance with this condition.

#### FIRE SAFETY

28. Fuel storage shall not exceed Uniform Fire Code amounts of 10 gallons per household. Fuel delivery trucks may arrive on the premises to service airplanes.

29. Addresses shall be plainly visible from the road fronting each parcel and the applicant shall provide approved fire department turn-arounds. The Truckee Meadows Fire Protection District shall determine compliance with this condition.

30. A 30 foot defensible space shall be maintained around any structure for fire protection. The Truckee Meadows Fire Protection District shall be responsible for determining compliance with this condition.

31. The applicant shall provide a written plan outlining maintenance and responsibility for maintenance on access easements. The Truckee Meadows Fire Protection District shall be responsible for determining compliance with this condition.

#### DESIGN

32. All aircraft shall be stored in a detached accessory structure such as a hanger. The Department of Community Development shall determine compliance with this condition.

33. All buildings shall be setback a minimum of 50 feet from any runway/taxiway easement. The Department of Community Development shall determine compliance with this condition.

34. To be compatible with existing, rural development, perimeter fencing shall be installed and limited to a consistent, semi-transparent design. Examples include wood posts with heavy gauge wire or white vinyl 3-rail fencing. Temporary protective fencing is encouraged during the grading and construction stages, to minimize disturbance to existing vegetation. The Department of Community Development shall determine compliance with this condition.

BOARD OF COUNTY COMMISSION / BOARD OF ADJUSTMENT ADDITIONAL CONDITIONS

35. Prior to issuance of a grading/building permit, the applicant shall secure a letter from the Federal Aviation Administration (FAA) indicating their continued agreement with their July 14, 1999 correspondence (re: Flying Eagle Ranches; Airport Activation; 99-SFO-81-NRA), or any necessary revisions, including revised operational conditions, in response to any potential conflicts with surrounding landing field operations. The applicant, developer, and/or the Homeowners Association shall comply with all operational conditions recommended by the FAA. The Homeowners Association pilots will coordinate radio frequencies with the FAA to ensure adequate communication with pilots using the Air Sailing, Inc. gliderport landing field. The Department of Community Development shall determine compliance with this condition.

36. The Board of County Commissioners reserve the right to review the Special Use Permit to consider additional conditions of approval based on any future FAA advisories or recommendations that may be issued which would affect the operations of the Flying Eagle Ranches landing field.

37. Flying Eagle Ranches, as managed by the Homeowners Association, is limited to a maximum total of 80 airplanes that may be parked, stored, tied-down or occupy any space on any private parcel or easement within the development. The Board of County Commissioners may request a review of the number of planes using the Flying Eagle Ranches landing field, and reserve the right consider additional conditions of approval based the number of planes using this facility. The Department of Community Development shall determine compliance with this condition.

38. The property owners and the Homeowners Association will provide access to County agents or employees to any airplane hangers, storage buildings and airpark operational areas for the purpose of inspecting the premises to ensure compliance with all the conditions of approval of this Special Use Permit.

**99-1010 CASE NO. SR12-4-98 - TANNENBAUM VILLAGE/GARY SCHMIDT (APPLICANT/APPELLANT) - JOHN C. WOOD, WILLIAM E. BUCK & STEPHEN E. BUCK (APPELLANTS) (APN: 48-070-10) - APPEAL**

5:00 p.m. This was the time set for continuance of public hearing (see BCC 99-929 September 14, 1999) to consider Appeal No. 1 of the decision of the Planning Commission regarding Site Review Case No. SR12-4-98 (Tannenbaum Village) filed by the adjacent property owners, John C. Wood, William E. Buck and Stephen E. Buck. The appeal requests reversal of the action of the Planning Commission to conditionally approve the project to develop a resort with five components: 1) family lodging, 2) second story dwelling units, 3) retail neighborhood center, 4) auto and light truck repair, and 5) camp sites which were granted by the Planning Commission. The project includes 40 units of short term lodging with a maximum of 20 second-floor dwelling units involving 41,250 square feet within three buildings. The fourth structure, 16,000 square feet, is a proposed commercial neighborhood center of 8,000 square feet with a second-story management unit. The auto/light truck repair with one service bay involves the fifth structure of 3,000 square feet - for a total of 60,250 square feet within five buildings. In addition the project would include four picnic or overnight camp sites with complete hookups and a caretaker's cabin. Because the project proposes utilizing the former Limited Commercial (C-1) Zoning District under the Transition Policy, a site review is required. The property, originally developed as the Tannenbaum Ski Resort is located on the Mt. Rose Highway across from the Reindeer Lodge approximately 9 miles west of the intersection of Mt. Rose Highway and Virginia Street (U.S. 395 S). The project request involves

a 04 acre portion of a 05 acre parcel and is designated Medium Density Suburban (MDS) in the Forest Area Plan and the property falls within the standards of the Scenic Corridor. The parcel is situated in a portion of Section 16, T17N, R19E, MDM, Washoe County, Nevada, Washoe County Commission District No. 1,

AND

Appeal No. 2 to consider an appeal of the decision of the Planning Commission regarding two conditions of approval, Condition No. 3 and Condition No. 16, of Site Review Case No. SR12-4-98 (Tannenbaum Village) filed by the applicant, Gary Schmidt (see property description listed above in Appeal No. 1).

Chairman Galloway stated that the Board would hear these appeals simultaneously, but first will hear arguments for the appeal by John C. Wood, William E. Buck and Stephen E. Buck.

Sharon Kvas, AICP, Community Development, stated that this was an application to develop a resort with five components; that the project is located on the original Tannenbaum Ski Resort parking lot; and that the Planning Commission conditionally approved the applicant's project, unanimously, with 50 conditions. She further stated that for a standard of review the transition policy allowed the use of the previous zoning with the standards of the comparable land use in the Washoe County Development Code which included development code standards for this kind of a use as well as the scenic corridor standards; that impacts existing today are the applicant's snow removal equipment, snowmobiles, trailers, stockpiled dirt, woodsplitting and wood stockpiling; and that the condition of approval regarding the time frame of this project requires that within the first year of approval the entire parcel shall be cleaned up in preparation of the development involving the removal of everything that is stockpiled on the property now.

Ms. Kvas advised that the project is situated on a major curve of the Mt. Rose Highway; that this major curve is the second highest safety hazard in Washoe County according to NDOT statistics; that the applicant did provide a proposal for access to the property; that NDOT indicated that they look at the existing conditions and the hazards of the area, i.e., collisions and the conflict history; that they would not allow an improvement to be built that would exacerbate the existing ingress and egress on the property that would result in anything less than at least the same, if not a safer more efficient and maintainable highway; and that the whole project is conditioned upon obtaining an encroachment permit from NDOT. She further advised that NDOT indicated that at the least they are going to require an acceleration/deceleration lane and a left-hand turn lane; that the primary concern is outdoor storage on anything that would be established on this lot; that the applicant describes his adjacent property, the Reindeer Lodge, as an outdoor museum, however the current project does not include an outdoor museum, nor a storage component for snowmobiles, equipment or the like; and that this project has been conditioned so that storage of vehicles, equipment and materials is fully screened from the scenic corridor of Mt. Rose Highway.

Ms. Kvas stated that Condition No. 45 is very important to this discussion and it is as follows:

"To maintain the appearance of the property in conformance with the intent and substance of the Mt. Rose Scenic Corridor standards, there shall be no outdoor storage of inoperable vehicles, operable vehicles, recreational vehicles, snow removal equipment, trailers, miscellaneous equipment, (or parts thereof of the aforementioned list) construction materials, dirt, collectibles or recyclables except in designated areas shown in association with the proposed garage building (building 1 on site plan). The storage yard shall be fully screened from view from the Mt. Rose Highway. No spillage of the above items shall be permitted to the satisfaction of the Department of Community Development staff."

Commissioner Shaw inquired about the specification on "fully screened" so that if this is approved Mr. Schmidt knows exactly what he needs to do. Ms. Kvas responded that the neighbors wanted something that you cannot see through.

Ms. Kvas stated that an appeal was filed by adjacent property owners, John C. Wood, Stephen E. Buck and William E. Buck, who have appealed on 4 issues:

- 1) adequate snow storage,

- 2) too long of approval (6 years),
- 3) possible restriction of access to the applicant's property as the result of the construction of Tannenbaum Drive, and
- 4) how will compliance with Condition No. 45 be maintained.

Stephen Buck, owner of an adjacent parcel, stated that they have appealed this project on 4 different issues but request that their appeal on the snow storage be withdrawn as they feel staff has adequately addressed this issue; that they request the time table for obtaining the building permit be the one recommended by the CAB, which was 2 years; and that they are concerned there is no penalty specifically spelled out for Mr. Schmidt violating Condition No. 45. He further stated that his parcel will have a deceleration lane in front of it, and in order to access his lot, he will have to drive on to Gary Schmidt's lot first which he does not want to do.

Gary Pakele, Attorney for Mr. Schmidt, stated that he originally argued against standing for the Bucks to argue their case because they were bringing up issues that have already been handled and they are simply attempting to prejudice Mr. Schmidt from going forward with his project. He requested that the appeal for time to complete this project in terms of phasing be deferred until they have presented their case with respect to Conditions No. 3 and 16.

Madelyn Shipman, Assistant District Attorney, advised that the applicant specifically requested that these appeals be heard separately so they will have to be decided separately; and that ultimately it is up to the Board to make the decision to hear both appeals together or separate.

Chairman Galloway stated that Mr. Pakele will have to address why the applicant feels not enough time was allowed for completion of the project.

Commissioner Sferrazza stated that the appellants' appeal should be decided at this time before the applicant's appeal is heard.

Mr. Pakele stated that they will withdraw their request to separate the appeals; that their first request was to have the Wood/Buck's appeal regarding the timing issue heard separately; that their request now is that the Board defer the timing issue until the applicant is allowed to discuss the phasing.

Commissioner Bond requested that they hear the Wood/Buck's appeal first and make a decision on that appeal before hearing Mr. Schmidt's appeal.

Chairman Galloway stated that Mr. Schmidt can argue against less time now, and if the Board has not reduced the amount of time that was allowed by the Planning Commission during this appeal, then during the applicant's appeal they can argue for more time.

Mr. Pakele stated that with respect to time to complete this project, the position statement in part has setup his particular timetable; that the applicant will proceed with this project as provided in Phase I and II from the Planning Commission; and that the current project site is comprised of mostly a parking lot and the current area will be landscaped and buildings will be constructed according to the Mt. Rose scenic corridor provisions and other conditions placed on the project by the Planning Commission. He further stated that the project will bring a much needed retail store to the area to revive the needs of the current residents as well as tourist highway traffic; that the applicant intends, if the requested relief is provided, to provide pedestrian and equestrian access to the public properties to the rear of his property. Chairman Galloway inquired what this has to do with timing. Mr. Pakele responded that these are the reasons it is in the benefit of the County not to restrict the timing on this project and allow the relief that the applicant has requested in his position statement.

Mr. Pakele further stated that the project will bring much needed overnight accommodations to the area; that the general public, technical staff of the Mt. Rose Ski area and others will be able to find overnight lodging in the area. He advised that no one should question the need to bring county sewer to the area for long range environmental protection with the entire region consistent with the forced area plan of the Washoe County master plan applicable to the area; that the applicant will participate in the pool of participants who will contribute financially to bringing county sewer to this area if he is giving reasonable opportunity by which he can proceed. Mr. Pakele submitted pictures to the Commissioners and the appellants for their review.

Gary Schmidt, Applicant, stated that he has been trying to move forward with this project since 1990; that there is a petition in their packets with one thousand signatures in support of the Reindeer Lodge and its collection of memorabilia and antiques both indoors and outdoors; and that additionally these signatures support the commercial development of Tannenbaum. He further stated that he has no intention of duplicating an outdoor museum or storing equipment in any manner other than what is allowed, prescribed or conditioned in the use permit.

Chairman Galloway inquired about the question raised by the appellant regarding the penalty for violating Condition No. 45. Mr. Schmidt advised that if he lost his special use permit he could not occupy the buildings for the use they were established.

Mr. Schmidt stated that the project as he envisioned and planned has 3 main components which he identified as follows: Phase I is a general clean-up of the property and is to be completed within one year; and Phase II is the garage building which will house snow removal equipment and the summer storage of the snowmobiles; the core project is the 2 lodging buildings consisting of an 8-unit building and a 16-unit building; there is 5,000 square feet of retail which will be a general store; the rear building is also a 16-unit lodging building which is identified as future development; and there is 3,000 square feet to be added on to the general store, which is identified as future development. He further stated that the 6-year limitation placed on this project by the Planning Commission is unreasonable; that this building can be built on septic with limitations; that to proceed with Phase I and II would mandate an investment of about one-quarter of a million dollars; that the Planning Commission did not recognize future development and considered all of this as the core project; and that they said he must obtain his permit within 4 years and that it must hook to a sewer. He advised that currently there is no sewer in the area and installation will cost around one-half to one-million dollars; that to get Phase I and II started he needs to get a building permit issued which requires plans, blueprints and a survey which will cost an additional \$50,000 and requires a 6 month minimum lead time to order that work done; and that there is no logical economical feasible way for him to proceed if this condition is granted.

Ken Amundson, Realtor, stated that this project is of interest to other parties who would like to develop property like this in partnership with people like Mr. Schmidt and Mr. Schoenfeld or others; that they would not bring money to the project unless there are reasonable conditions that allow them to do the project over a reasonable time; and that the time frame and sewer is a real economic concern, which he does not feel that anyone will help finance unless there is a time frame for the sewer delivery. Budd Schoenfeld, 550 Margrave Drive, stated that he used to own the 2 parcels that they are haggling about; that regarding the access to Mr. Buck's parcel, the highway right-of-way on that side of the road is 100 feet from the center line; that there is adequate exposure to go directly into the Buck's property, but that NDOT would rather they have a common entrance for the project; and that the Mt. Rose Ski Area and Montreaux Development are applying for an easement across Deer Lake Road which is owned by the Forest Service. He further stated that he is working with NDOT on getting a design and approval for storage lanes, ingress/egress lanes, and whatever else they need; and that he requests the Board deny the Wood/Buck appeal and allow Mr. Schmidt more time to complete his project.

Commissioner Sferrazza inquired that if, Mr. Schmidt was given relief to phase the project contingent upon the sewer, would he then want relief from the fixture units to allow him to go ahead with the septic system instead of sewer. Mr. Schmidt responded that by law they have to comply with Health Department Codes and the Health Department is mandated by the State of Nevada to control and regulate such facilities; and that he is not motivated to put this thing on septic.

Commissioner Bond stated that she sees a nonconforming use and a request to super extend the project; that Mr. Schmidt is not happy with 4- or 6-years and now is beginning to talk 12 years; that he does not want to build anything unless it is on a sewer and she does not see anything that would kick in a requirement for sewer unless it was his lodging which is a part of his development; and that he is not willing to make any financial commitment on the property even though the ancillary use for the storage equipment area would only benefit him, because it would be storing his equipment. Mr. Schmidt responded that the Planning Commission conditioned that he cannot build this project without sewer; that they require him to build a \$250,000 garage and allow it to be built on septic; that he then has 4 years to start the core project and it must be built on sewer, and if the sewer is not there in 4 years, then he loses all rights to build anything else; and that he is not inclined to build a \$250,000 garage and landscaping up front if that is all the County is going to allow him to build.

Madelyn Shipman, Assistant District Attorney, advised that the discussion should be closed as to the argument regarding the issues

Mr. Buck raised on appeal in order to give him an opportunity to come back and make a final statement on his appeal. She further advised that the Board can move on to talk about the fixtures and timing in context of both, and a decision on both can be tied in together, but that Mr. Buck needs an opportunity to address the Board on what has been said.

Stephen Buck stated that the access between his lot and Mr. Schmidt's lot has expired; and that there should be a penalty specifically spelled out for violating Condition No. 45. He vehemently requested that more time not be allowed.

Commissioner Short inquired from Mr. Buck if his only concern was time or does he believe that Mr. Schmidt will not clean up his property and fence it. Mr. Buck responded that the Mt. Rose Scenic Corridor provisions state that there will be no outdoor storage, and if there is, then a penalty needs to be specified for violating this provision.

Ms. Shipman advised that Mr. Schmidt having items laying around his property could be considered a nuisance; that the County under State law could abate the nuisance and assess the cost of that nuisance back against the property owner; and that this could be a legal condition imposed on this project if they chose to go that route.

Chairman Galloway inquired if Mr. Buck would be satisfied with an additional condition that says "Washoe County may abate the situation if Condition No. 45 is violated and then backcharge the owner." Mr. Buck stated that he would agree to that because that specifically spells out a penalty.

Mr. Pakele stated that the main issue for appeal is whether the condition requiring hookup to the County sewer over the 25-unit count is required by County ordinance, or is merely an ill conceived policy recently adopted by the Utility Services Division without either a rational basis or basis in law. He further stated that the amended staff report contains the following language "sewer is required when a project utilizes over 25 plumbing fixture count as allowed by the Washoe County Department of Health," which is a misstatement of the law; that testimony of Terri Svetich, Utility Services Division, as well as the amended staff report, misled the Planning Commission to adopt a 25 fixture count condition as mandated by public law specifically Washoe County Ordinance 802. Mr. Pakele explained that Ordinance 802 does not mandate this fixture count restriction as suggested in the staff report and confirmed by Ms. Svetich, it is an ordinance simply used because it contained a definition of a residential equivalent as defined by the Uniform Plumbing Code. He further advised that the law passed by NRS 439.370 mandates that it is the Washoe County District Health Department that has jurisdiction over all public health matters; and that the Health Department may allow the use of a septic tank to provide a disposal system based upon field data including a percolation test. He further advised that the relief they are requesting is an increase from 25 to 42 fixtures which would allow Mr. Schmidt to complete the project on septic; that there has been no percolation test conducted on this piece of property; and that this 25-fixture count provision needs to be reconsidered. Mr. Pakele stated that percolation tests need to be done before any mandatory fixture count is applied to this property pursuant to public law.

Terri Svetich, Registered Engineer, Utility Services Division, stated that she has been employed for 9 years by Water Resources, and prior to that she was with the District Health Department for 5 years; that while she has been employed with Water Resources her principal responsibilities have been monitoring water quality for the public water supply, as well as development review comments on projects as they come through Water Resources. She further stated that Utility Services Division has become more involved in source water protection of the present as well as future water resources; that as the Mt. Rose Corridor has begun to develop, they felt it was prudent to impose a restriction on the amount of development that could go forward on a septic system; that there is a potential problem with nitrates as well as other contaminants that could be generated by septic systems; and that as a result, they felt imposing 25 fixture units would equate to one residential unit which is how they arrived at 25 fixture units.

There being no one else wishing to speak, Chairman Galloway closed the public hearing. He then asked staff and the applicant to respond to the questions and issues that were raised.

Chairman Galloway inquired of Ms. Svetich if she had anything to show that this is not arbitrary; that the only thing he has tying these together is that 25 fixture units correspond to a residential unit; and that even through Mr. Schmidt's new zoning, he can build 5 residential units. Ms. Svetich responded that even if this one parcel was subdivided they would basically be imposing the

same condition requiring sewer.

Commissioner Sferrazza inquired from Ms. Svetich, if the Utility Services Division was involved in the Mogul Meadows Project, as that project was allowed to use septic and infiltration occurred into the river; and that the Mogul Meadows had one-third-acre lots and were allowed to use septic on one-third-acre lots. Ms. Svetich responded that was a while back and she was with the District Health Department at that time; that Utility Services has become more and more involved in source water protection and well head protection since 1992 to the present; and that Mogul Meadows, she believes, was built in the 80's, so she cannot answer why that was allowed.

Ms. Svetich further stated that the Mt. Rose Interceptor has been included in the Capitol Improvements Project; that they do not have funds set aside for this project; that they anticipate this will be developer driven; that there are numerous projects that are being proposed, one of them being the Mt. Rose Ski Resort which has secured a special use permit for a portion of their sewer; and that the piece in question is from the Tannenbaum down to the edge of the Montreux property.

Commissioner Sferrazza inquired as to how great the distance is between Tannenbaum and the Montreux property. Ms. Svetich responded that she believes it is approximately 10,000 feet, and the estimated cost for sewer to be brought in is \$300,000 to \$450,000.

Commissioner Short inquired if they had any discussion with developers or proposed developers about a special assessment district facilitating the sewer where the cost could be spread out. Ms. Svetich responded that she believes there has been some discussion about a developer type special assessment district but those discussions have not gone very far.

Commissioner Short further inquired if the County did not have a 25 fixture limitation then would the number of fixture units be based upon percolation. Ms. Svetich responded that was correct; that it may also be premised upon ground water levels and District Health Regulations to install a septic system; that if the septic system exceeded 5,000 gallons they would need to secure a discharge permit from NDEP and it would need to be made in Washoe County's name; and that they would like to see more sophisticated development in the Mt. Rose area to proceed on community sewer. She further stated that the 25 fixture unit would allow for 4 lavatories, sinks in the bathrooms, a kitchen sink, 3 water closets, and 1 urinal and that is based upon the 97 Plumbing Code. Chairman Galloway inquired if there was a rational way to tie this in with the size of the property and whether that leads to 25 fixture units or whether it logically leads to another number. Ms. Kvas responded that if the applicant came in with a parcel map that allowed four parcels to be created and the parcels were a little over an acre apiece, they would take that application and distribute it to all of the agencies including the Utility Services Division; and that the Utility Services Division would probably come back with a condition to that parcel map application requesting that the property be hooked up to sewer, and then they would be right back where they are now. Ms. Svetich stated that the original application was on septic and the Utilities Division required that they connect to sewer; and that there are areas in Washoe County where they are not required to go to sewer.

Commissioner Sferrazza inquired from Ms. Kvas if the County is setting an impossible condition; noting that Washoe County set a condition that the developer knows he has to comply with when sewer becomes available; and that from previous testimony from Ms. Kvas, availability is defined as "within 400 feet" and they can presume that this will not happen within the time frame set in the conditions, so effectively Washoe County is setting an impossible condition.

Ms. Kvas stated that the Planning Commission is recommending 6 years for the total project; that the County policy has been consistent that infrastructure be developer driven; that throughout the County they have not built the sewer out 3 miles so that a developer can construct a project; and that developers are expected to bring in the sewer to their project, and therefore this is not an impossible condition.

Commissioner Bond stated that if any portion of this is allowed to be built on septic then they will lose the commitment from the developer to help bring the sewer line where it needs to go for the rest of what might occur on that corridor.

Commissioner Short stated that the Planning Commission as well as the CAB for the area are concerned that time will be extended

for this project; that this is a transitional zoning which expired some time ago; that if time or the fixture count is extended it might impede the development of the sewer line; and that the Utility Services Division has put together very good programs for special development situations where they can spread the cost out. He further stated that they did this in STMGID where they created a special assessment district setup and it was paid over time; that proposed developers on the Mt. Rose Highway should get together and figure out how they can bring sewer up to that area, because it will have to be brought there eventually; and that they can then get together with the County and see how the County can help them.

Following further discussion on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the appeal of John C. Wood, William E. Buck and Stephen E. Buck be denied, and the appeal of Conditions No. 3 and 16 by Gary Schmidt, be denied, and Site Review Case No. SR12-4-98 (Tannenbaum Village), be granted, based on the following findings and subject to the following conditions containing amendments to reduce the length of time to obtain the building permit from 6 years to 4 years; to add a provision for a common access lane and not restrict the access to the adjacent properties to the east and west; and to add a specific penalty for non-maintenance of the appearance of the property in conformance with Mt. Rose Scenic Corridor Standards:

FINDINGS

1. That the proposed project provides tourist accommodation units for recreation activities in the Mt. Rose area, a convenience store, second story dwelling units and a small automobile/truck repair for breakdowns on the highway;
2. That the proposed use is consistent with the transition policy established to utilize the Limited Commercial (C-1) Zoning District as established within the Washoe County Development Code Section 110.106.10 - Transition Process;
3. That impacts to the adjacent or surrounding properties have mitigated to provide for the development;
4. That the Commission gave reasoned consideration to the information contained within the staff report and information received during the meeting.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this Site Review. The number of second story dwelling units shall be limited to a maximum of 20 units. No dormitory housing shall be allowed. The Department of Community Development shall be responsible for determining compliance with this condition.
2. All standards and requirements of the Washoe County Development Code shall be addressed by the applicant and reviewed by the staff of the Department of Community Development with each phase of the project and shall include, but not be limited to, parking, landscaping, scenic corridor standards and all requirements of the action letter of the Design Review Committee. Each phase shall "stand alone" for review and construction purposes. No certificate of occupancy shall be issued without all elements of code, including
3. The applicant shall follow the phasing schedule as outlined below unless the applicant chooses to build the entire project in one phase. To implement this site review approval, the applicant shall secure a building permit for all construction of Phase I improvements within two years of the Planning Commission approval and secure a Certificate of Occupancy for the Phase I improvements within 3 1/2 years of the approval of the Planning Commission. Any area disturbed by construction shall be landscaped according to the final landscaping plan. Failure to begin or complete any phase within the timeframes below shall result in the expiration of the approval for all subsequent phases.

Phase I

Removal of vehicles, trailers, snowmobiles or other outdoor storage. Within one year of approval.

## Phase II

Construction of one Commercial Building. The landscape/parking plan shall include the front landscape island between Tannenbaum View Drive (access easement) and the project site. All stockpiled dirt shall be incorporated into easement or removed from site. Building permit within 2 years of approval of the Planning Commission. Phase II shall, at a minimum be substantially completed within 18 months of issuance of building permit to maintain Site Review approval.

## Phase III

Construction of remainder of the project. This will require community sewer and water meeting Utility Services Division, Washoe County District Health Department, state and federal standards. Must obtain building permit within four years of Planning Commission approval. Phase III shall, at a minimum be substantially completed within 18 months of issuance of building permit to maintain Site Review approval.

4. A copy of the Action Order stating conditional approval of this Site Review shall be attached to all applications for administrative permits issued by Washoe County.

5. All new utilities shall be placed underground to the satisfaction of the Engineering Division.

## DRAINAGE (County Code 110.420)

6. Any increase in stormwater runoff resulting from the development and based on the 5-year storm(s) shall be detained on site to the satisfaction of the County Engineer.

7. A detailed drainage report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval.

8. 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 to the satisfaction of the Engineering Division.

9. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

## GRADING/LAND DISTURBANCE CONDITIONS

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

11. All disturbed areas left undeveloped for more than thirty (30) days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 60 days must be revegetated. Methods and seed mix must be approved by the Engineering Division with technical assistance from the Washoe Storey Conservation District.

12. A grading bond for \$750/acre of disturbed area shall be provided to the Engineering Division prior to any grading.

## STREETS AND TRAFFIC

13. Approved Occupancy Permits shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division. A traffic report discussing

turning movements for the access/roadway, a traffic analysis or other data shall be provided to NDOT upon their request and a copy of said report sent to the Engineering Division, if required.

14. The minimum pavement requirements for on-site paving shall be 3 inches asphalt over 6 inches granular base.

15. The access for the project shall be designed to provide a common access and not restrict the access to the adjacent properties to both the east and the west. Should the access be designed to direct traffic utilizing an access easement across the project property, such access shall be granted at no cost to the adjacent properties. The Department of Community Development shall review the access and be responsible for determining compliance with this condition.

SEWER AND WATER SERVICE

16. The applicant shall deposit with the Utility Services Division the sum of \$50.00 per lot prior to recordation of a final map. This fee shall represent the development's prorated share of the completed water and wastewater facilities plan for the South Truckee Meadows.

17. In the interest of watershed protection, sewage disposal by an on-site sewage disposal system shall be limited to 25 fixture units. Any commercial development in excess of the 25 fixture units shall connect to community sewer.

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

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

19. Prior to the issuance of a building permit, a deed restriction must be recorded stating that the existing septic system shall:

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

20. Improvement drawings shall be in compliance with Washoe County Design Standards. The developer shall submit plans and specifications for the necessary sewer collection system to serve the project to the Utility Services Division for review and approval prior to the building permit approval.

21. The developer shall construct the necessary sanitary sewer facilities prior to approval of a building permit.

22. Utility Services Division approved improvement plans shall be used for the construction of any public sanitary sewer facilities and must be inspected by the Utility Services Division.

23. The sanitary sewer collection system and necessary easements must be offered for dedication to Washoe County. The minimum easement width for a sewer line is 20 feet. All weather access roads shall be provided for sanitary sewer easements.

24. It will be responsibility of the developer to fund the design and construction of infrastructure components necessary to serve the project such as off-site sewage collection interceptors. 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 Division may either, provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the Utility Division and the developer shall jointly select that consultant.

25. 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 or issuance of a building permit.

26. Sewer connection fees, in accordance with Washoe County Ordinance, shall be paid for each service prior to Utility Services Division approval of a building permit. In addition to the sewer connection fee, the developer will be required to pay a \$1,000 "Mount Rose Interceptor Fee" which will also be collected prior to approval of any building permits.

27. A letter from the water purveyor must be submitted to this division indicating the amount of water rights necessary to serve this project. Water rights in the specified amount, shall be dedicated to Washoe County in accordance with Article 422 prior to approval of a building permit. These rights will be subsequently leased to the water purveyor for use on this project.

28. Improvements necessary to provide water service to this project shall be constructed to Washoe County standards and shall be offered for dedication to Washoe County.

FIRE PREVENTION

29. A complete fire flow water system capable of meeting the commercial calculated fire flow requirements as prescribed by the Washoe County Ordinance #786 and the Uniform Fire Code APPENDIX III-A shall be installed. The system shall be completed prior to the delivery of combustible materials on the project to the satisfaction of the staff of Nevada Department of Forestry (NDF).

30. All fire hydrant locations shall be reviewed and approved by the Nevada Department of Forestry (NDF) and shall be in proximity to streets so that snow accumulations at the hydrants may be removed during routine snow plowing operations.

31. All roadways within the project shall meet the requirements of paved all-weather surface and shall be designated "No Parking" zones where less than 24 feet wide.

32. The entree shall be a minimum 36 feet in width to correspond to NDOT access requirements to Mt. Rose Highway. The entry shall be completed prior to the delivery of any combustible materials on the project site to the satisfaction of the staff of Nevada Department of Forestry (NDF).

33. A fuels modification plan for the entire acreage, including a property line 20 foot minimum fuel break shall be accomplished to the satisfaction of the staff of Nevada Department of Forestry (NDF) and be completed prior to the issuance of a building permit.

34. All cut banks, slopes of 2:1, drainage plans, creek crossings and soil stabilization must be reviewed and approved by the Nevada Department of Forestry (NDF) Resource Forester. (775) 849-2500.

35. A Knox Box is required for emergency access to all buildings within the project to the satisfaction of the staff of Nevada Department of Forestry (NDF).

36. The project shall comply with following codes, ordinances and laws prior to the issuance of a building permit:

a. A Timberland Conversion Certificate in compliance with NRS 528.082 through 528.086 is required; Contact Nevada Department of Forestry Resource Forester;

- b. All structures shall be constructed with fire retardant roofing materials in compliance with NRS 472.100;
  - c. Buildings shall comply with Uniform Fire Code Article 14, FIRE ALARM SYSTEMS;
  - d. Buildings shall be fully fire sprinklered, per Uniform Fire Code and Washoe County Ordinance due to response time for emergency equipment to this location.
37. The project shall comply with the following codes, ordinances and laws for the duration of the project life:
- a. A fuels management/reduction program around all structures shall be maintained a minimum of 30 feet in accordance with Uniform Fire Code APPENDIX II A-17;
  - b. Clearance of vegetative growth from roadways, in accordance with Uniform Fire Code APPENDIX II A-17;
  - c. Street signs and house numbering must be properly displayed in accordance with Uniform Fire Code Article 10, Section 10.207-L;
  - d. Any internal combustible equipment used on this project shall be properly equipped with and have maintained spark arrester system per NRS 475.600.

#### LANDSCAPING AND DESIGN

38. All mechanical equipment, electrical boxes, tanks, ventilating fans or similar equipment, whether located on the roof or on the ground, shall be screened from view from adjoining properties and streets. Screens shall be integrated into the overall architectural style of the associated buildings and shall be measured from the highest point of the object being screened. All equipment shall be shown on building plans for approval of the staff of the Department of Community Development.
39. On site lighting poles shall be restricted to 12 feet in height with the bulb entirely shielded by the fixture. Lighting on the building shall be low intensity and directed downward. All nighttime lighting shall be restricted for security purposes. All lighting shall be shown on building plans for approval of the staff of the Department of Community Development.
40. All lighting shall be on timers and shall be set to turn off no later than 1 hour after the close of business to the satisfaction of the staff of the Department of Community Development.
41. The parking plan shall incorporate sufficient parking spaces, including handicapped spaces, to provide compliance with standards of Washoe County Development Code for each phase of the project. Compliance with this condition shall be determined from the site plan contained within the drawings submitted to the Washoe County Building and Safety Department by the staff of Department of Community Development prior to the issuance of a building permit.
42. The applicant shall provide verification that a revocable encroachment permit with the Nevada Department of Transportation (NDOT) was diligently pursued. If an encroachment permit is obtained, grass or other ground cover, as approved by NDOT shall be incorporated into the front landscaping on the state right-of-way to enhance the appearance of the front landscape plan and submitted to the Design Review Committee (DRC) with landscape plans.
43. A landscaping/architectural plan shall be reviewed and approved by the Design Review Committee prior to any ground-disturbing activity. The plan may be presented in phases or as a total project. Said plan(s) shall include all parking and landscaping to provide a "stand alone" project and shall address:
- a. Architectural style shall be easily recognizable as Alpine with use of dormers, planter boxes, exposed beams, or other features to convey this mountain style;
  - b. Type and color of building materials, including a color palette which is limited to earth tones (sky excluded) that blend with

the natural environment of the Mt. Rose/Tannanbaum area. No metal siding shall be used unless covered with a building material allowed by the Scenic Corridor standards;

- c. Articulation of all sides of the maximum two story buildings. Planter boxes shall be moved from the rear to the front of the buildings for more visibility;
- d. Roofing plan which shall include light brown composition roofing, a minimum of 6:12 pitch with a minimum of one dormer every 20 feet;
- e. Outdoor furniture, landscaping and specialized paving materials;
- f. All delivery bays, loading docks, roll-up doors, trash enclosures, heating and ventilation equipment and other accessory equipment shall be shown on the architectural plans and designed to not be visible from Mt. Rose Highway or fully screened.
- g. Landscape plans for Phase I shall include the landscaping strip adjacent to the access easement and shall provide a minimum of 50% screening within 5 years. The plan shall also include vegetation of low lying grasses and shrubs within the NDOT right-of-way;
- h. All project signage, including the monument sign, sign package and illumination;
- i. The proposed lighting fixtures and poles, including intensity of lumination and containment of spillage upon the property;
- j. All trash enclosures;
- k. Landscaping material (for plant material include type, size at time of planting, maturation size at full growth, period of time between planting and full growth);
- l. A soils chemistry panel;
- m. Preliminary grading plan;
- n. Revegetation plan;
- o. Drainage and detention pond areas;
- p. Landscaping along the NDOT right-of-way;
- q. Landscaping irrigation system; and
- r. Fencing/wall material in accordance with Mt. Rose Scenic Corridor. No cyclone or untextured surfaces will be permitted. The storage yard, as ancillary to the auto/truck repair bay shall be reviewed as part of the fencing materials.

#### OPERATIONAL CONDITIONS

44. Construction noise and on-going operational noise associated with the project shall meet all noise standards of the Development Code. Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be responsible for reimbursing the County for all costs incurred in the completion of two 24-hour monitoring of the operation to assure compliance with noise standards. If improvements or changes in operation are needed to assure compliance, the applicant shall implement the necessary measures. The Washoe County Department of Community Development shall be responsible for determining compliance with this condition.

Should the noise monitoring report substantiate non-compliance with noise standards, within one (1) week, the applicant shall

secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

45. The applicant and any successors shall direct any potential purchaser/operator of the site review to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site review. Any subsequent purchaser/operator of the site review shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

46. To maintain the appearance of the property in conformance with the intent and substance of the Mt. Rose Scenic Corridor standards, there shall be no outdoor storage of inoperable vehicles, operable vehicles, recreational vehicles, snow removal equipment, trailers, miscellaneous equipment, (or parts thereof of the aforementioned list) construction materials, dirt, collectibles or recyclables except in designated areas shown in association with the proposed garage building (building 1 on site plan). The storage yard shall be fully screened from view from the Mt. Rose Highway. No spillage of the above items shall be permitted to the satisfaction of the Department of Community Development staff. Should the Department of Development Review after 30 days notification to the property owner, determine that spillage of the aforementioned items on the property is considered a nuisance, the County under State Law shall abate the nuisance and assess the cost of that nuisance back against the property owner.

47. Hours of operation shall not exceed 16 hours between 6:00 a.m. and 10:00 p.m. Compliance with this condition shall be determined by the Department of Community Development staff.

48. Driveway and parking areas shall be cleared of snow whenever an event generates 4" of snow. Continued clearing shall be required every 24 hour period to provide access for emergency vehicles. Compliance with this condition shall be determined by the Nevada Department of Forestry (NDF) and Washoe County Sheriff's Office.

49. A business license will not be issued for the following uses, as defined in Article 304 - Use Classification System of the Washoe County Development Code dated October 13, 1998 and are excluded from this site review:

- a. Public Parking Services;
- b. Adult Entertainment;
- c. Building Maintenance Services;
- d. Funeral and Internment Services; Undertaking;
- e. Liquor Sales: On-Premises;
- f. Recycling Center: Remote Collection Facility, Residential Hazardous Substance Recycling Center;
- g. Commercial Antennas, except wireless communication facilities;
- h. Aggregate Facilities; Permanent and
- i. Salvage Yards.

50. All mandated covered parking for dwelling units shall be separate from the guest parking, signed, and situated in close proximity to the dwelling units for accessibility. The covered parking shall be shown on the site plan submitted to the Design Review Committee (DRC). Compliance with this condition shall be determined by the staff of the Department of Community Development.

51. Should the motel units be converted to permanent dwelling units at any time during the life of the project, the units shall be brought into compliance with all Fair Housing Act requirements at the time of conversion. Compliance with this condition shall be determined by the staff of the Department of Community Development.

**COMMISSIONERS' /MANAGER'S COMMENTS**

Chairman Galloway commented on the TRPA issue regarding lowering the lake level, stating it it is very important that the Board not make a decision when the chairman of the TRPA Board and people in their area have not had a chance to talk about it; and that no one is going to lower the lake level immediately and that is why they decided to defer that item.

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There being no further business to come before the Board, the meeting adjourned.

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JIM GALLOWAY, Chairman  
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

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