

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

FEBRUARY 27, 2007

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner
David Humke, Commissioner
Pete Sferrazza, Commissioner*

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

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

07-256 AGENDA

In response to the call for public comment, Guy Felton said the agenda was flawed and fraudulent. Sam Dehne disagreed with the approval of the agenda and objected to the two-minute time limit for public speakers. Patricia Axelrod requested a delay for Item 15, approval of a staff report regarding the 2006 elections.

Katy Singlaub, County Manager, stated there was an addendum to the agenda: Item 24, comments regarding BDR No. 48-183, and Item 25, ratification of appointment of Board of Equalization alternates.

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the agenda for the February 27, 2007 meeting be approved.

PUBLIC COMMENTS

Katy Singlaub, County Manager, stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public

body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

Guy Felton spoke on a letter he had sent to Governor Jim Gibbons in regard to the Registrar of Voters and the voting system.

Patricia Axelrod stated she had met with Dan Burk, Registrar of Voters, and requested Item 15, approval of the staff report regarding the 2006 elections, be delayed. She spoke on the Sequoia Voting System and the safety and security of the Washoe County voting system.

Sam Dehne said the procedure to appoint alternates for the Board of Equalization was wrong. He said those positions should had been advertised in the newspaper.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Chairman Larkin said he had received a request from the Builders Association for an agenda item in regard to a concurrency update. He also requested information on a possible community center being located in Truckee Meadows Fire Station No. 29.

Commissioner Weber requested an agenda item updating the Sparks Justice Court. She announced the Great Truckee Meadows Community Clean-Up had been scheduled for May 12, 2007, and she asked the other Commissioner's to donate \$1,000 from their district funds toward the clean up in their districts. Commissioner Weber announced on February 28, 2007 and March 10, 2007 citizens could participate and listen about the planned community center in the North Valleys. She confirmed she attended the Nevada Association of Counties (NACO) in Las Vegas.

Commissioner Humke said he visited with the NACO lobbying team at the Legislature. He commented on the Nevada Department of Transportation (NDOT), and the County road crews after the recent storm and how efficient they were in keeping the streets clear of snow. He congratulated the Galena High School Boys' Varsity Basketball Team on their recent win in the State 4 Basketball championship and requested an agenda item to recognize that achievement.

Commissioner Galloway commented he received a call from the *Nevada Appeal* questioning statements seeking development approvals, and that Washoe County threatened to go to the Legislature and seek to remove tax money from Storey County if they did not approve more housing. He told the reporter he had never heard of such a thing and Washoe County was hopeful Storey County would provide housing proportional to the development of their industrial park; however, this had not been discussed during a County Commission meeting. He indicated he had no knowledge of staff discussing the issue, and he personally would not favor those types of tactics.

***2:30 p.m.** Commissioner Sferrazza arrived.

07-257 **PROCLAMATION - PROFESSIONAL SOCIAL WORK MONTH -
MARCH 2007**

Katy Singlaub, County Manager, read and presented the proclamation to Mike Capello, Social Services Director. Mr. Capello thanked the Board for the proclamation and their commitment to Social Services. He introduced several social workers and acknowledged the hard work and dedication they did on behalf of their clients.

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

PROCLAMATION

WHEREAS, Social workers help millions of people address social and psychological problems to improve their lives; and

WHEREAS, Washoe County employs over 90 licensed professional social workers; and

WHEREAS, Social workers bridge the gap between resources and services and the people who need them; and

WHEREAS, Social workers use their education, training and commitment to strengthen individuals, families and communities; and

WHEREAS, Social workers shape numerous programs and policies that improve community life; and

WHEREAS, Social workers provide services in many settings, including private practices, family counseling centers, courts, nursing homes, hospices, mental health clinics, child welfare agencies, hospitals, schools and universities, prisons and corporations, as well as public and private agencies; now, therefore, be it

PROCLAIMED, That the Washoe County Board of Commissioners hereby recognizes professional social workers and their commitment and dedication to individuals and families in our community and joins the National Association of Social Workers in proclaiming March 2007 as Professional Social Work Month.

**PROCLAMATION - WOMEN'S HISTORY MONTH AND
MARCH 8, 2007 AS INTERNATIONAL WOMEN'S DAY**

Commissioner Galloway read and presented the proclamation to Janice Flanagan, Public Policy Administrator. Ms. Flanagan spoke on the history of International Women's Day and distributed a timeline of activities occurring during Women's History Month.

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

PROCLAMATION

WHEREAS, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolishment movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all;

WHEREAS, despite these contributions, the role of the American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, International Women's Day is celebrated in many countries around the world on March 8 to recognize women for their achievements without regard to division, whether national, ethnic, linguistic, cultural, economic, or political; now, therefore be it

PROCLAIMED, By the Washoe County Board of Commissioners that March 2007 is designated as Women's History Month and March 8, 2007 as International Women's Day.

07-259 **MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the minutes of the special meeting of January 22, 2007 be approved.

07-260 **RESOLUTION - AMEND FEDERAL STATUTES FOR INCARCERATED INDIVIDUALS**

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

RESOLUTION

WHEREAS, United States Code of Federal Regulations, Title 42, Part 435.1008 states that FFP (Federal Financial Participation) is not available in expenditures for service provided to individuals who are inmates of public institutions; and

WHEREAS, States being unable to assume the Federal share of providing medical services to FFP eligible persons being held in county jails and detention facilities, tend to terminate or sometimes suspended eligibility; and

WHEREAS, This immediate cessation of benefits occurs prior to the issuance of formal charges or convictions; and

WHEREAS, Counties must provide medical services to all persons incarcerated in local jails and detention facilities; and

WHEREAS, As a result of this regulation to immediately cease FFP for medical benefits, all costs of medical care must be borne solely by counties; now, therefore, be it

RESOLVED, That the Washoe County Commissioners respectfully request and strongly urge Congress to amend necessary Federal statutes to allow Federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced to secure detention.

07-261 **REPORT - PERFORMANCE MEASUREMENT AND
MANAGEMENT SYSTEM QUARTERLY - MANAGEMENT
SERVICES**

Upon recommendation of John Slaughter, Management Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the Performance Measurement and Management System Quarterly Reports for the 1st and 2nd quarters of fiscal year 2007 be accepted.

07-262 **GRANT - OFFICE FOR VICTIMS OF CRIME - NATIONAL
VICTIMS' RIGHTS WEEK - DISTRICT ATTORNEY**

Upon recommendation of Christina Conti, Program Coordinator, Victim-Witness Assistance Center, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the 2007 National Crime Victims' Rights Week Community Awareness Project grant to be used during the National Victims' Rights Week events, in an amount of \$5,000 with no County match required, be accepted. It was further ordered that the Finance Department be directed to augment the District Attorney's budget.

07-263 **LICENSE - IMPORTER AND WHOLESALER OF
INTOXICATING LIQUOR - GREEN VALLEY WINE AND
SPIRITS - COMMUNITY DEVELOPMENT**

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that an Importer and Wholesaler of Intoxicating Liquor (Wine, Liquor, and Beer) License for James F. and Loretta J. Lisowski, dba Green Valley Wine and Spirits, Inc., be approved. It was further ordered that each Commissioner sign the original copy of the State of Nevada *Application for License for Importer and Wholesale Dealer of Wine, Liquor, and Beer*.

07-264 **RESIGNATION/APPOINTMENT - GERLACH/EMPIRE CITIZEN
ADVISORY BOARD - COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the resignation of Jon Farnsworth from the Gerlach/Empire Citizen Advisory Board be accepted, and David Pedroli be appointed as the At-Large Member to fill an unexpired term on the Gerlach/Empire Citizen Advisory Board with a term beginning on February 27, 2007 and ending on June 30, 2009.

**07-265 REAPPOINTMENT/APPOINTMENT - INCLINE VILLAGE
GENERAL IMPROVEMENT DISTRICT - COMMUNITY
DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Gene Brockman be reappointed to the Incline Village General Improvement District (IVGID) Board of Trustee's and Chuck Weinberger be appointed as the IVGID alternate on the Incline Village/Crystal Bay Citizen Advisory Board with terms beginning February 27, 2007 and ending when IVGID recommends different representatives from its Board.

**07-266 LEASE AGREEMENT - ADDENDUM TO LEASE AGREEMENT -
RENO TENNIS CENTER - PARKS**

Upon recommendation of Al Rogers, Regional Parks and Open Space Assistant Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that a lease agreement and addendum to a lease agreement between Washoe County and the City of Reno for the Reno Tennis Center, in the amount of \$1 per year, be approved and the Chairman be authorized to execute the same.

**07-267 DONATION - BUREAU OF LAND MANAGEMENT - HUNGRY
VALLEY RECREATION AREA - PARKS**

Commissioner Galloway acknowledged the donation and thanked the donor on behalf of the Board.

In response to Commissioner Sferrazza, Kristine Bunnell, Park Planner, replied the Friends of Hungry Valley and the Reno/Sparks Indian Colony had worked with the Bureau of Land Management (BLM) and were moving forward with accepting a grant from the Recreational Trails Program. She explained the \$15,000 donation was a match to that grant.

Upon recommendation of Ms. Bunnell, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that a donation from the BLM concerning assistance in development of a recreation management strategy for the Hungry Valley Recreation Area, in the amount of \$15,000, be accepted. It was further ordered that the use of the donation as match for a Nevada State Recreational Trails Program grant, to be implemented by the Great Basin Institute through a partnership with Washoe County, Nevada State Parks, and the BLM-Carson City District Office be approved. It was further ordered that the Regional Parks and Open Space Director be directed to sign all related funding documents, and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
20290-484000	Special Projects -Donations	\$15,000
20290-710400	Special Projects -Payments to Other Agencies	\$15,000

07-268 CO-SPONSORSHIP - ROBERT Z. HAWKINS FOUNDATION - ARTOWN PERFORMANCE - PARKS

Upon recommendation of Doug Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Washoe County co-sponsorship with the Robert Z. Hawkins Foundation for Monday evening Artown performances at the Robert Z. Hawkins Amphitheater in July 2007 be approved.

07-269 GRANT, BARGAIN AND SALE DEED - WOODLAND VILLAGE PHASE 12, LLC - SIERRA ROCK PARK - PUBLIC WORKS

Upon recommendation of Wendy Pitts, Property Program Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that a Grant, Bargain and Sale Deed to Washoe County from Woodland Village Phase 12, LLC of APN 556-351-06, a developer dedicated park property located in Cold Springs known as Sierra Rock Park, be accepted.

07-270 LEASE AGREEMENT - MMK PROPERTIES - DISTRICT HEALTH DEPARTMENT VECTOR BORNE DISEASES PROGRAM - PUBLIC WORKS

Upon recommendation of Wendy Pitts, Property Program Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that a 50-month lease agreement between Washoe County and MMK Properties, concerning an additional 400 square feet of office space for the District Health Department Vector-Borne Disease Program from March 1, 2007 through April 30, 2011 at Western Road No. 4, in the annual lease expense of \$3,756, be approved and the Chairman be authorized to execute the same. It was noted the funds were available for this fiscal year in the District Health Department Vector-Borne Diseases Program Account No. 172100-710600.

07-271 MEMORANDUM OF UNDERSTANDING - BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION - TRUCKEE MEADOWS COMMUNITY COLLEGE - SHERIFF

Upon recommendation of Craig Callahan, Chief Deputy, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that a Memorandum of Understanding (MOU) with the Board of Regents

of the Nevada System of Higher Education on behalf of Truckee Meadows Community College, concerning storage of equipment for the Community Emergency Response Teams, be approved and the Chairman be authorized to execute the same. It was noted the MOU shall be in force and effect for a period of three years, subject to cancellation by either party, with or without cause, upon thirty days written notice.

07-272 DONATIONS - COMMUNITY EMERGENCY RESPONSE TEAM PROGRAM - SHERIFF

Commissioner Galloway acknowledged the donations and thanked the donors on behalf of the Board.

Upon recommendation of Craig Callahan, Chief Deputy, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the following donations from Wal-Mart, in the amount of \$2,500, Sam's Club, in the amount of \$500, and various individuals in memory of Dale Davis, in the amount of \$275, for the Washoe County Sheriff's Office Community Emergency Response Team (CERT) Program, be approved. It was further ordered that the Finance Department be authorized to make the following budget adjustments:

<u>Donor</u>	<u>Amount</u>
Wal-Mart	\$2,500
Sam's Club	500

Donated in memory of Dale Davis:

John and Barbara Williamson	\$ 50
Gerald Piccinini	30
US Postal Workers	170
Karen Mowry	25

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
Increase Revenues		
20236-48400	CERT-Donations	\$3,275
Increase Expenditures		
20236-710300	CERT -Operating Supplies	1,775
20236-710872	CERT-Food Purchase	1,500

07-273 **REIMBURSEMENT AGREEMENT - LENNAR RENO, LLC - PLEASANT VALLEY INTERCEPTOR PHASE I - WATER RESOURCES**

Upon recommendation of Jason Phinney, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Reimbursement Agreement between Washoe County and Lennar Reno, LLC for construction of approximately 321 lineal feet of 27-inch diameter sewer interceptor pipeline for Pleasant Valley Interceptor Phase I, in an amount of \$70,400, be approved and the Chairman be authorized to execute the same.

07-274 **TEMPORARY CONSTRUCTION AND PERMANENT UTILITY ACCESS EASEMENTS - PLEASANT VALLEY INTERCEPTOR PHASE 2 - WATER RESOURCES**

Upon recommendation of Jason Phinney, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Temporary Construction and Permanent Utility Access Easements for the Pleasant Valley Interceptor Phase 2, be approved and the Chairman be authorized to execute the same. It was further ordered that the payment to First American Title for escrow accounts on APN's: 017-430-01 Braun in the amount of \$136,100, 050-111-08 Dudgeon in the amount of \$15,060, and 017-371-03 Ramsdell in the amount of \$11,540, and for associated escrow fees in an amount not to exceed \$10,000, be authorized.

07-275 **WATER RIGHTS DEED - TIMOTHY O. TUCKER - WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that a Water Rights Deed between Washoe County and Timothy O. Tucker be approved and the Chairman be authorized to execute the same.

07-276 **FINANCIAL REPORT - DECEMBER 31, 2006-UNAUDITED - WATER RESOURCES**

Upon recommendation of Wendy Bennett, Accountant II, and Ted Rolfs, Acting Finance and Customer Service Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the Financial Report for the Department of Water Resources concerning the six months ending December 31, 2006-unaudited be accepted.

07-277

**AMENDMENT NO. 1 - CONTRACT FOR INTRASTATE
INTERLOCAL CONTRACTS - NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION WELLHEAD PROTECTION
PROGRAM - WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Planning Division Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that Amendment No. 1 to contract for Intrastate Interlocal Contracts between Public Agencies for a grant through the Nevada Division of Environmental Protection Wellhead Protection Program (WHPP) to develop and implement a WHPP for the Spanish Springs Valley Water System be approved and the Chairman be authorized to execute the same.

07-278

**RESOLUTION - NEVADA DIVISION OF STATE PARKS
RECREATIONAL TRAILS GRANT PROGRAM - BOWERS
MANSION AND DAVIS CREEK PARK - PARKS**

Upon recommendation of Kristine Bunnell, Park Planner, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following resolution to support a grant application to the Nevada Division of State Parks Recreational Trails Grant Program for Bowers Mansion and Davis Creek Park Trails and interpretive project, in the amount of \$100,000, and the Washoe County Regional Trails Map, design and production, in the amount of \$20,000, be adopted and the Chairman be authorized to execute the same. It was further ordered that the Regional Parks and Open Space Director be authorized to sign all grant related documents:

**RESOLUTION OF SUPPORT
STATE PARKS RECREATIONAL TRAILS PROGRAM GRANT APPLICATION
Bowers Mansion/Davis Creek Regional Parks Trail and Interpretive Project and
Washoe County Regional Trails Map**

WHEREAS, The State of Nevada administers the Recreational Trails Grant Program that provides grants for motorized and non-motorized recreational trail projects with funding provided by the Federal Highway Administration; and

WHEREAS, A portion of this funding is set aside for 80/20 matching grant applications that implement trails projects that are open to the public, use acceptable trail design standards, provide development of trail related facilities including interpretive displays, trailheads, trail maps and brochures; and

WHEREAS, The Bowers Mansion and Davis Creek Regional Parks provide unique historic, cultural, and recreational amenities to Washoe County residents, visitors, and the surrounding community, accomplished through ranger programs, tours, brochures, a visitor center, campground, trail connections, and other park amenities; and

WHEREAS, The East Washoe Valley and West Washoe Valley Citizen Advisory Boards, and the Washoe County Open Space and Regional Parks Commission have provided public support for the implementation of the Bowers Mansion/Davis Creek Regional Parks Trail and Interpretive Project and Washoe County Regional Parks Trails Map by their approval of the Park District 3C Master Plan; and

WHEREAS, A variety of sources may provide the required grant match including donations from the City of Sparks, City of Reno, and the Reno/Sparks Convention and Visitors Authority, in kind services; and

NOW, THEREFORE, be it resolved that the Washoe County Board of County Commissioners supports the Bowers Mansion and Davis Creek Regional Parks grant application, and Washoe County Regional Trails Map grant application to Nevada State Parks for the Recreational Trails Program 2007 funding cycle, and further directs staff to make the necessary budgetary adjustments.

07-279 GRANT - VICTIM OF CRIME ACT - STATE DIVISION OF CHILD AND FAMILY SERVICES - SOCIAL SERVICES

Upon recommendation of Michael Capello, Social Services Director, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the Victim of Crime Act (VOCA) re-award grant from the State Division of Child and Family Services to provide direct services to victims of child abuse and/or domestic violence, in the amount of \$210,760 total grant award was \$263,450 with a 20 percent match, \$52,690 required, be accepted. It was noted the grant period was from October 1, 2006 through June 30, 2007.

07-280 PROFESSIONAL SERVICES AGREEMENT - HDR ENGINEERING, INC - PROFESSIONAL ENGINEERING SERVICES - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Upon recommendation of David Price, Engineer, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Professional Services Agreement between Washoe County and HDR Engineering, Inc., concerning professional engineering services for an alternate analysis for the Hidden Valley Levee Construction Project, in an amount not to exceed \$235,000, be approved. It was further ordered that the Chairman be authorized to execute the agreement upon presentation and the Finance Department be directed to make the appropriate adjustments.

**07-281 AUTHORIZATION - PURCHASE FOR NETWORK
AUTHENTICATION SWITCH UPGRADE PROJECT -
PURCHASING/TECHNOLOGY SERVICES**

Upon recommendation of Mike Sullens, Senior Buyer, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the purchase of the Extreme Network's brand network router and switches hardware from the lowest-cost proposer, FusionStorm, on behalf of the Technology Services Department, for the Network Authentication Switch Upgrade Project PW9920275, at a cost of \$408,960, be approved.

**07-282 REQUEST FOR PROPOSAL - SHERIFF'S OFFICE
PREPLACEMENT, ANNUAL AND RELATED MEDICAL
SERVICES - PURCHASING**

Katy Singlaub, County Manager, indicated Dr. Michael Haley was no relation to Sheriff Mike Haley.

This was the time to consider proposals received in response to Request for Proposal No. 2519-07 for the Washoe County Sheriff's Office Preplacement, Annual and Related Medical Services-Sheriff's Office Personnel.

Proposals were received from the following vendors:

Dr. Michael Haley
Concentra Health Services, Inc.

Upon recommendation of Mike Burdett, Buyer, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the proposal submitted by Dr. Michael Haley in response to RFP No. 2519-07 for the Washoe County Sheriff's Office Preplacement, Annual and Related Medical Services-Sheriff's Office Personnel, in the amount of \$161,520, be accepted. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with Dr. Haley for said services commencing with the Board of County Commissioners approval through February 28, 2009 with the County retaining an option to renew the agreement for one additional year. It was noted rates were to remain firm for the duration of the original agreement.

07-283 RATIFICATION - BOARD OF EQUALIZATION ALTERNATES

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the emergency appointment of the Board of Equalization alternate members from the February 20, 2007 Board of County Commission meeting be ratified.

07-284

**DISCUSSION – CITIZEN ADVISORY BOARDS – MEMBERSHIP
AND ORGANIZATIONAL STRUCTURE – COMMUNITY
DEVELOPMENT**

Bob Webb, Planning Manager, reviewed the suggested six points to amend the County Code as discussed in the agenda memorandum dated January 2, 2007.

3:04 p.m. Commissioner Humke temporarily left the meeting.

In response to Commissioner Sferrazza, Mr. Webb replied alternates were currently included in three out of the 16 Citizen Advisory Board's (CAB).

Commissioner Weber remarked she had served on Neighborhood Advisory Board's (NAB) and knew a NAB liaison served on the North Valleys' CAB. She stated she was in favor of allowing residents of incorporated Reno and Sparks to serve on the North Valleys' CAB. Commissioner Weber said the Verdi CAB recently allowed a City of Reno resident to serve on that Board and it should be considered whether the person was a City resident or a business owner in that neighborhood; however, it would not be predominant. She said the goal was for residents of an area to serve on a CAB and have that communication, but a City resident or business owner in that neighborhood could also have an impact. She asked for the Board's consideration to allow business owners and/or City property owners to serve on CAB's.

Commissioner Galloway said CAB's in his District had city residents because the terms of the CAB were modified to do so. Property or business owners could serve on a CAB in order to advocate or protect their commercial interest. Commissioner Galloway said a limit should be placed on that.

Chairman Larkin remarked the survey results indicated continuing with the current status quo.

Commissioner Sferrazza suggested a way to improve NAB and CAB relations would be to place a NAB liaison on the appropriate CAB and vice versa.

In response to Commissioner Sferrazza, Mr. Webb replied there were concerns on having the apportionate based solely on population. He said citizens felt it appropriate to base the appointments on communities rather than population in order to retain community identity. He said the survey indicated support for alternates. Commissioner Sferrazza asked if a formula had been suggested for community-based appointments. Mr. Webb said the only suggestions were to have representation from the areas of Rancho Haven and Red Rock Road. He said there was support for alternates in the event members were absent so the meeting could continue. Mr. Webb said the CAB recommended appointments be made from the entire CAB area.

Commissioner Weber indicated District 5 attempted to have each area represented, which she felt was imperative. She asked if it would be reasonable for the

North Valleys' to have two representatives from Golden Valley and two representatives from a large area of Lemmon Valley. Commissioner Weber said if one more came to District 5 it could be a Reno resident or a property owner representing Stead. She said she would like to start setting up semi-annual meetings in District 5 where the NAB's and CAB's came together.

Commissioner Galloway suggested a meeting where NAB and CAB Chairs could get together and discuss communications between the two groups, especially when they overlapped. He said if there were shared appointments on a CAB the Commissioner with the smaller representation of the area should have at least one appointment.

In response to Chairman Larkin, Melanie Foster, Legal Counsel, replied if there was a desire to memorialize different kinds of composition for different boards staff would need specific direction. She explained when all the changes were agreed upon staff would confirm everything complied with the Board's direction. Ms. Foster said an amendment of the Code could be directed, but not implemented today.

Chairman Larkin indicated several of the CAB's in District 4 had business owners, but they were also residents within the community. He said he was not opposed to a business owner being on a CAB as long as they were a resident of the area, which was a fundamental criterion of CAB's. Chairman Larkin emphasized alternates were becoming more important and the positions needed to be clarified. Mr. Webb explained the Code currently stated a member would elect his/her own alternate and then that alternate, approved by the County Commission, would specifically be for that individual. Chairman Larkin said a broader base for alternate positions needed to be approved. He said to include a City resident on a CAB was a function of the CAB's and they should be empowered to do so. Chairman Larkin said communications were important since it began the dialogue process.

Commissioner Sferrazza said he did not object to the population or basis for the North Valleys' CAB. He favored if overlapping occurred in a District, every District represented should get to appoint at least one member at a minimum. He suggested self-selection and expanding CAB's to include anyone who wanted to be there.

Commissioner Weber commented the CAB's were established to help the Board and advise in areas Board members did not reside in. She remarked the Board had the ability to appoint people to the CAB's to work together with community members. She did not believe it was up to the citizens to control their CAB's and thought it should be left to the Commissioner to make that judgment. She was concerned that the Board was apprehensive of a business owner or developer being on a CAB, and explained Commissioners had the ability to appoint that person and bring it to the Board for support. Commissioner Weber suggested the alternate position be an At-Large position. She did not think it was necessary for each Commissioner to appoint an alternate, and she did not want to reorganize or restructure the CAB's.

Chairman Larkin stated the areas of agreement were appointments to the North Valleys' CAB and improving CAB and NAB communications. He said there was some disagreement concerning property or business owners being on a CAB. He said the Board favored appointing City residents on a CAB; however, indicated it was a matter of who would make the decision of the appointment.

Commissioner Galloway said he favored the At-Large alternate appointment, and if there were two at-large alternate positions, the Commissioner with the minority population could appoint the second alternate. He agreed that property and business owners could be included if they were residents.

Mr. Webb clarified he would return to the Board with resolutions and modifications to the handbook, or if necessary, Code changes. He said he would speak to individual Commissioners about specific CAB's who currently did not have City membership with the potential to determine the Commissioner's direction.

Commissioner Sferrazza asked if he would be able to appoint an alternate to the North Valleys' CAB. Commissioner Weber believed one alternate was sufficient. Mr. Webb stated the North Valleys CAB had six members from District 5 and one member from District 3. He intended to have the two Commissioners discuss the number of one or two At-Large alternates.

Commissioner Weber remarked two alternates was more inclusive and incorporated more participation.

Mr. Webb said based on direction he would discuss with Commissioners Weber and Sferrazza concerning two alternates for the North Valleys CAB.

**07-285 2006 ELECTIONS - IMPROVEMENTS IN ELECTIONS/
ADMINISTRATIONS - REGISTRAR OF VOTERS**

Dan Burk, Registrar of Voters, conducted a PowerPoint presentation highlighting Election Day and early voting operational changes, absentee ballot processing changes, expediting the post-election audit process, a new precinct numbering system for Washoe County, expanded features of the department Web page, better communication with poll workers, and changes for the future.

Commissioner Weber appreciated the service Mr. Burk did for the citizens and voters of the County. She suggested a forum so citizens with questions or suggestions would have an opportunity to speak on their concerns.

Chairman Larkin asked what election management plans in scheduling tools would be employed to capture the corporate memory. Mr. Burk replied his staff had recently completed training on building a progress model for scheduling.

Commissioner Galloway asked about the voter center concept. Mr. Burk replied as the result of the lack of poll-workers a concept had been developed to use a large facility to conduct voting on an election day. He said rather than diversifying the services they could be concentrated into one location; however, it required connectivity and accommodating every voter. Mr. Burk said citizens would still belong to their precinct, but they would be processed at the voter center similar to early voting.

4:35 p.m. Chairman Larkin temporarily left the meeting and Vice Chairman Weber assumed the gavel.

Commissioner Sferrazza thanked Mr. Burk for meeting with him recently, and he asked if every machine could be checked for accuracy. Mr. Burk replied it would be difficult and time consuming. He explained pre-election testing ensured the system was operating mechanically and electronically. He said there was a post election audit by the Citizen Election Certification Board that randomly chose 2 percent of the machines. He explained the testing was conducted in a warehouse and the public was invited to watch. Mr. Burk said every roll for that precinct or machine would be pulled out of the system to conduct a complete read through.

Vice Chairman Weber suggested the amount of days for early voting should be decreased. She suggested beginning on a Saturday and ending it the following Sunday allowing two full weekends for the public. She added the voting center concept was a good plan and should be considered.

4:43 p.m. Commissioner Humke returned.

In response to the call for public comment, Patricia Axelrod spoke on the 2006 post election testing and the pre-testing process. Anita Hara spoke on election reform and noted the past election was successful and the problems seen from the 2004 primary were eliminated. Ms Hara appreciated the schools closing for Election Day and thanked the Board for having that secured.

Mr. Burk commented the last day to register for an election was 20 days prior to an election. He said then staff began putting in the last of the registration data; however, absentee ballots were still requested. Mr. Burk explained the poll books were printed two weeks before the election. He said lists were produced for poll workers to call staff on Friday or Saturday to learn of additions to those poll books. He said every jurisdiction in the Country had poll workers write in red ink "AB" to signify that person had requested an absentee ballot. Mr. Burk stated as soon as "AB" was in the book, the poll workers advised that person to surrender their absentee ballot to protect against double voting.

Following further discussion concerning independent testing, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin temporarily absent, Vice Chairman Weber ordered that the

report of the 2006 Elections and proposals of the Registrar of Voters for improvements in elections administration for 2008 be accepted.

07-286 DISCUSSION - LEGISLATIVE ISSUES

John Slaughter, Management Services Director, discussed and reviewed Legislative Platform issues.

Commissioner Galloway suggested checking the platform issues item-by-item against the County's Strategic Plan. Mr. Slaughter said the only change came from the Social Services Department restating the preamble sentence under Children's Issues. Commissioner Galloway asked for clarification under Yucca Mountain Rail Transportation concerning northern Nevada counties and cities being excluded from funding support for emergency training related to hazardous material incidents. Katy Singlaub, County Manager, replied the County was advised that the counties directly located where the depository was located would receive federal support for emergency planning and training if the railroad corridor went through.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin temporarily absent, Vice Chairman Weber ordered that the Legislative Platform be approved.

Mr. Slaughter provided an update on Legislation and Bills of Interest that Washoe County had sponsored as stated in the agenda memorandum dated February 27, 2007, which was placed on file with the Clerk.

In response to Commissioner Galloway, Mr. Slaughter replied SB 96 reduced the Government Services Tax (GST) in half while the remaining amount of revenue from GST went to the school districts. Commissioner Galloway stated the County might want to consider opposing that bill. Ms. Singlaub said the County would welcome the Board's position, and added many local governments throughout the State were organizing to oppose SB 96.

In response to Vice Chairman Weber, Mr. Slaughter replied, on behalf of the County and the Cities of Reno and Sparks, the County submitted BDR 361 to the Legislative Counsel Bureau (LCB). He presented it to staff for review and noted it was slightly different than what was asked for. Mr. Slaughter added the County would cooperate with the other jurisdictions to have the bill considered during the session.

Commissioner Galloway asked if the other Commissioners would consider changing their position on BDR 361 to opposition. Vice Chairman Weber stated she would not support that because she thought it was part of the settlement agreement to cooperate. She indicated it should be left the way it was. She suggested individuals could go to the legislature and speak.

Melanie Foster, Legal Counsel, stated she would review the settlement agreement to see if it required the Board support BDR 361.

Commissioner Galloway moved to oppose SB 96 on the basis of the heavy reliance on the revenue and the disruptive effect since there was no assurance of replacement.

Commissioner Humke seconded the motion, but suggested amending the motion from "opposed" to "do not support," to encourage cordiality. Commissioner Galloway agreed to the amendment.

On call for the question, the motion passed to not support SB 96 on a 4-0 vote with Chairman Larkin temporarily absent.

Commissioner Galloway requested a copy of an e-mail he wrote be distributed to the other Commissioners regarding SB 79 which gave the Secretary of State the authority to determine what procedure and methods needed to be completed to use the paper trail for a recount in an election.

Ms. Singlaub stated Dan Burk, Registrar of Voters, would like to address the Board before a position was taken.

5:47 p.m. The Board convened as the Board of Trustees of the South Truckee Meadows General Improvement District with Chairman Larkin absent.

5:56 p.m. The Board recessed.

6:30 p.m. The Board reconvened with all members present and Chairman Larkin resuming the gavel.

07-287 **ORDINANCE NO. 1324 - BILL NO. 1503 - AMENDING
CREATION ORDINANCE - SPECIAL ASSESSMENT
DISTRICT 37**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 16, 2007 to consider second reading and adoption of Bill No. 1503. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1324, Bill No. 1503, entitled, "**AN ORDINANCE CONCERNING AMENDMENTS TO THE CREATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE**

BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT 37 (SPANISH SPRINGS SEWER PHASE 1A;) LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH," be approved, adopted and published in accordance with NRS 244.100.

07-288 APPEAL CASE NO. AX07-001 - EAGLE CANYON VI - CASE NO. TM06-008 - COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing to consider an appeal for the Planning Commission's decision on Tentative Subdivision Map Case Number TM06-008, which failed to pass a motion to conditionally approve the development of the northern 56.148 acres of a 107.007-acre parcel with a 127-lot common open space residential subdivision as authorized in Article 602 of the Washoe County Development Code. The project is located approximately 0.53 miles north of the Eagle Canyon Drive/Ember Drive intersection, and is approximately 0.95 miles northwest of the Eagle Canyon Drive/Pyramid Highway (SR 445) intersection. The portion of the property proposed for development is designated Medium Density Suburban (MDS) in the Spanish Springs Area Plan and the Spanish Springs Character Management Plan, and is situated in a portion of Sections 27 and 34, T21N, R20E, MDM, Washoe County, Nevada. The property is located in the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN 532-020-14)

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the appeal.

Grace Jensen, Planner, highlighted the Vicinity Map and the Site Plan for Case No. TM06-008 Eagle Canyon VI. She explained the grounds for the appeal and the location of the property. Ms. Jensen expressed the concerns of the Planning Commission as stated in the agenda memorandum dated February 16, 2007.

In response to Commissioner Weber, Ms. Jensen replied there was a motion to conditionally approve the project, but the motion failed on a vote of three in favor and four opposed.

Commissioner Galloway asked if the motion to approve contained additional conditions beyond those listed in the staff report. Ms. Jensen said there was a motion to redesign some of the drainage channels, which was part of the approval. Commissioner Galloway said in speaking with a member of the Planning Commission the motion contained a requirement that a subdivision be reconfigured so drainage ditches did not make turns of 90 degrees or more. Ms. Jensen indicated the initial road would include four lanes from Eagle Canyon Drive to the first commercial driveway where it would go to two lanes north until it reached the Subdivision.

Bob Sader, speaking on behalf of the applicant, explained the landowner for this appeal was Spanish Springs Associates Limited Partnership and the General

Partner was Hawco Development Company and noted this was the last tentative map in the Hawco Eagle Canyon series. He explained the motion was to conditionally approve the tentative map. He said staff proposed the conditions and indicated the applicant was in favor of those conditions. He said Planning Commission Member Roy Hibdon, the maker of the motion, requested that flood control channels be redesigned so there were no 90-degree or greater angles. He said during the discussion Member Hibdon asked whether a portion of Ember Drive included four lanes, which was thoroughly discussed, understood, and accepted by Mr. Hibdon.

Commissioner Galloway disclosed he had previously met with Mr. Sader. He said there was no condition in the current staff report addressing the drainage ditches. Mr. Sader stated that was correct. Commissioner Galloway asked if there were other conditions listed. Mr. Sader said the conditions were contained in the minutes of the Planning Commission meeting, and noted the conditions listed in the staff report were with the omission of the drainage condition.

Commissioner Sferrazza explained Member Hibdon indicated in the motion they wanted four lanes up to the residential area; however, the motion was with the understanding that Ember Drive had four lanes in the traffic report. Mr. Sader replied Ember Drive was a regional road designed pursuant to requirements by the Regional Transportation Commission (RTC). He said a portion was four lanes commencing at Eagle Canyon Drive and continuing to the first driveway in the neighborhood commercial area south of where the subdivision was located.

Paul Soleggi, Engineer, reviewed a map showing the entire neighborhood, which was placed on file with the Clerk. He explained the subdivision on the map and stated the location and the roadway connections. Mr. Soleggi said in the initial analysis the roadway, the proposed subdivision, and the commercial area would use the roadway. He said the first part of Ember Drive would be four lanes anticipated for the north side. Mr. Soleggi said after further review it was found the roadway needed two lanes south bound to serve the exiting traffic in the evening, but only a single lane northbound. He said his firm worked extensively with RTC and Washoe County staff where it was determined the roadway would not load beyond two lanes. Mr. Soleggi said RTC would not support the widening of the road since it did not meet their criteria for regional roads in terms of four lanes. He said discussions were held with County staff and it was indicated additional pavement was not needed, but they wanted the road carefully sized to accommodate the volume attracted there. He said rigorous designs of the intersection had been completed and the roadway extended through and was a three-lane roadway, with one lane north bound, two lanes southbound that extended through the commercial and residential area.

Commissioner Humke disclosed he had spoken to Mr. Sader concerning this project. He asked if there were any connections to the other streets where there was existing housing, and if there was concern about the residents in the existing homes using Ember Drive. Mr. Soleggi replied Ember Drive had one connection. He said they were cognizant those residents would use the road. Mr. Soleggi explained detailed time-

delayed runs were conducted in the timing of the various routes, and said it was also determined there would be a tributary area where the connection was made.

In response to Commissioner Galloway, Mr. Soleggi said a portion would be widened to extend to the north to the commercial driveways. Commissioner Galloway said he did not want to approve the wrong condition in regard to page 10, item 17K traffic conditions, that did not coincide with the latest findings. Mr. Soleggi replied the condition was properly listed.

In response to Commissioner Sferrazza, Mr. Soleggi replied a previous traffic report had been completed. He said initially the developer was receptive to constructing the road through the commercial area as four lanes, but the December report was refined as the actual volumes were known. He said RTC and County staff had concerns there would be excess pavement width. Mr. Soleggi said the updated December report specified the reduced section to three lanes.

Mike Harper, Planning Manager, replied staff failed to refer to the December report that was provided initially with the application and said it was erroneously reported to the Planning Commission. He said the condition was intended to deal with the latest traffic report provided to the County that was evaluated by RTC and the staff of the County Engineering Division. Mr. Harper said that would allow staff to evaluate the final map and determine the project was still on target with the demands. He indicated County staff was comfortable with the three-lane configuration.

Jack Lorbeer, RTC Planning Manager, explained the Ember Drive extension was a regional road with the development putting together a Capital Contribution Front-Ending agreement to pay for their contribution as part of the development to construct the roadway. He said RTC had specific standards they needed to construct and the December traffic report was the report RTC worked with along with County staff. Mr. Lorbeer said it was critical the facilities be properly sized and not put more or less than was needed for the community. He said more capacity was needed for the commercial areas and commented RTC considered the road properly sized.

Commissioner Galloway asked if RTC believed the road configuration and condition described in the December 2006 report was correct. Mr. Lorbeer confirmed it was correct.

Commissioner Sferrazza asked if Mr. Lorbeer reviewed the reports, and if he was familiar with condition 17A and 17K in the report. Mr. Lorbeer replied he had reviewed the reports, and said he had not seen the conditions with the exact wordage. Commissioner Sferrazza said he was concerned since 17K pertained to a specific report and stated Ember Drive would be constructed from Eagle Canyon Drive through Ruddy Court in accordance with recommendations as prepared by Soleggi Engineers dated December 4, 2006. Mr. Lorbeer replied it was reviewed throughout the process and determined that the December 2006 report showing two lanes southbound and one lane northbound was an adequately and properly sized facility. Commissioner Sferrazza asked

if RTC was bound by the December 2006 report or could the engineers change that based on their determination. Mr. Lorbeer said the difference between the reports was RTC determined the section as described would be an adequately sized facility for that roadway.

David Pulley, C&M Engineering, explained the concerns from the previous design concerned a turn exceeding 90 degrees. He indicated refinements had been made and showed an illustrated drawing, which was placed on file with the Clerk that the sharp turn had been eliminated.

Commissioner Galloway disclosed he spoke with Mr. Lorbeer and had met with Member Hibdon after the Planning Commission decision. He asked if the new structure would reduce the water flow restriction due to the change of direction. Mr. Pulley said the water still entered into the pipe, but a manhole would be installed so the water would be inside a pipe to the manhole and then flow in the direction the channel flowed. Mr. Lorbeer said that would eliminate a 90-degree turn and highlighted the changes on the overhead slide. He said it was an additional change to improve water flowing straight from a culvert at a 90-degree angle to this channel.

Commissioner Sferrazza said he was concerned that with the precautions flood insurance would be required and asked how a 100-year flood was determined. Mr. Pulley replied the Federal Emergency Management Agency (FEMA) produced flood insurance rate maps and explained the shaded area in the overhead represented the floodplain and showed where the subdivision was proposed. He said under this condition flood insurance was required; however, with the County Flood Detention Facility this floodplain would be revised and reduced to the size of a floodplain detention pond so there would not be a need for flood insurance. Mr. Pulley said through historical analysis the National Oceanographic and Atmospheric Administration (NOAA) gathered, this region generally had 2.4 inches of rainfall in a 24-hour period which would determine that amount of rain could cause a 100-year event.

In response to Commissioner Galloway, Mr. Lorbeer replied until the Letter of Map Revision (LOMR) was in place the subdivision could not obtain a grading permit.

Jeanne Ruefer, Planning Manager, said the condition of requiring a LOMR prior to issuance of a grading permit was an appropriate condition. She said staff had no issues with the issuance of a tentative map on this project. She said the flood control project was under construction and the County sought to have a completed project by the end of June.

In response to Commissioner Humke, Mr. Pulley replied there was a condition that during the final design, desiltation would have to be provided in those channels. He explained there were locations within the channel that allowed the sediment to drop into a spot to be cleaned out.

In response to the call for public comment, John Bradbury relayed his concerns regarding flooding in the area and the drainage ditches. He provided an illustration, which was placed on file with the Clerk, showing how the water flowed through the area.

A discussion ensued regarding Mr. Bradbury's suggestion, the angle of the drainage ditch and the radius.

Mr. Sader explained the applicant would not pursue legal action to contest the Planning Commission's decision. He said in making the appeal the applicant made a good faith effort to resolve the matter with all the conditions the County had asked.

Commissioner Galloway said the floodplain, although imperfect, was the standard.

Commissioner Galloway moved to make the findings as necessary as indicated in the staff report and approve the subdivision subject to one additional condition. He indicated the additional condition would be to eliminate by redesign the problem of 90 degree turns or greater and specifically include the solutions shown on plate 1 as indicated by the circles 1, 2, 3, 4, 5, and 6 as introduced by the applicants fully licensed Civil Engineer. Chairman Larkin seconded the motion and asked if it included reversing the Planning Commissions ruling.

Ms. Foster explained the Planning Commission did not take any action.

The Commissioners made disclosures as to whom they had met with regarding this issue.

Commissioner Galloway added the motion should rely on the statement from Mr. Sader that legal action would not be pursued.

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it was ordered that the Tentative Subdivision Map Case Number TM06-008, Eagle Canyon, VI Subdivision be approved based on the following findings and proposed conditions with the additional condition that turns of 90 degrees or greater be eliminated by redesign of the drainage and that it specifically include the solutions shown on plate 1 as indicated by the circles 1, 2, 3, 4, 5, and 6 introduced by the applicants fully licensed Civil Engineer:

FINDINGS:

1. Plan Consistency. That the proposed map was consistent with the Comprehensive Plan and the Spanish Springs Area Plan;
2. Design or Improvement. That the design or improvement of the proposed subdivision with the Comprehensive Plan and the Spanish Springs Area Plan;

3. Type of Development. That the site was physically suited for the type of development proposed;
4. Availability of Services. That, as conditioned, the subdivision would meet the requirements of Article 702, Adequate Public facilities Management System;
5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements was likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement was not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements would not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County was consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision;
11. Reasoned Consideration. That the Planning Commission did not give reasoned consideration to the information contained within the staff report and information received during the meeting; and
12. That the Washoe County Board of County Commissioners gave due consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

**CONDITIONS FOR
TENTATIVE SUBDIVISION MAP CASE NO. TM06-008
Eagle Canyon VI Subdivision
(As recommended by Department of Community Development
and attached to Staff Report dated December 20, 2006)**

*****IMPORTANT—PLEASE READ*****

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR

ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO MEET TIME FRAMES ESTABLISHED IN THE NEVADA REVISED STATUTES, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

A COPY OF ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, THE UTILITY SERVICES DIVISION, THE REGIONAL PARKS AND OPEN SPACE DEPARTMENT, AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

A REQUEST FOR AN EXTENSION OF TIME FOR THE RECORDING OF A FINAL MAP MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS ONE (1) YEAR FROM THE DATE OF APPROVAL OF THE TENTATIVE MAP OR A SUBSEQUENT FINAL MAP BY THE BOARD OF COUNTY COMMISSIONERS OR, WHEN APPLICABLE, BY THE PLANNING COMMISSION.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

GENERAL CONDITIONS

1. The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.

2. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
3. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Services Division and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
4. If necessary to supply subdivision improvements for the project, the developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable division of the Department of Public Works shall determine compliance with this condition.
5. A note shall be placed on all grading plans and construction drawings stating:

NOTE

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

6. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the on-site improvements. The County Engineer shall determine compliance with this condition. If cluster boxes are considered, the location and parking area shall be reviewed by Department of Community Development staff in addition to Engineering staff.
7. The final map shall designate faults that have been active during the Holocene epoch of geological time and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time.

8. The developer and all successors shall direct any potential purchaser of the development to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of

the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.

9. Due to its proximity to the existing surrounding residential development, construction hours shall be from 7:00 a.m. until 6:00 p.m., Monday through Saturday until the subdivision is completed. Due to the potential for hot weather concrete problems that may impair the quality of fresh or hardened concrete, scheduling of concrete pour shall be exempt Monday through Saturday from the above-restricted construction hours. All maintenance of equipment shall take place during the daylight hours only. Construction traffic shall not use existing interior residential streets that have driveway access as haul routes. This could present a hazard to children playing in those streets. The Department of Community Development shall determine compliance with this condition.
10. Trucks hauling excavated materials may cross Eagle Canyon Drive and Calle de la Plata or may enter within 500 feet of the intersection of Eagle Canyon Drive and the Pyramid Highway (SR 445) and the intersection of Calle de la Plata and the Pyramid Highway (SR 445) only between the hours of 9:00 a.m. and 3:00 p.m. Monday through Saturday. Compliance shall be determined by the staff of the Department of Community Development.
11. 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.
12. The applicant shall construct fencing along the perimeter of each proposed residential lot adjacent to the future collector street, Ember Drive, to be consistent in design and materials with the neighboring residential subdivisions. Compliance shall be determined by the staff of the Department of Community Development.
13. All open space on the final map shall be identified as common area or open space that will be dedicated to a public entity. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the homeowners association. The deed to the open space and common areas shall reflect perpetual dedication for that purpose. The County Engineer shall be responsible for determining compliance with this condition.

CONDITIONS, COVENANTS AND RESTRICTIONS

14. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to the Community Development staff with all CC&R articles in which the County has interest duly marked, for review and subsequent

forwarding to the District Attorney for review and approval. The CC&Rs shall be marked to indicate the page and paragraph of each of the items below or any conditions referencing CC&Rs. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the Community Development Department with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:

- A. Maintenance of public access easements, common areas, and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
 - 1) Vegetation management;
 - 2) Watershed management;
 - 3) Debris and litter removal;
 - 4) Fire access and suppression;
 - 5) Maintenance of public access and/or maintenance of limitations to public access.
- B. All drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by the Homeowners Association.
- C. The project and adjacent to undeveloped land shall maintain a fire fuel break of a minimum 30 feet in width until such time as the adjacent land is developed.
- D. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
- E. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.
- F. No motorized vehicles shall be allowed on the platted common area.
- G. Mandatory solid waste collection.

- H. Fence material (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
- I. The common open spaces owned by the Homeowner's Association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed shall be presented with the CC&Rs for review by the Community Development staff and the District Attorney.
- J. The following language shall be included:

"All vegetation and debris shall be removed from the main flow line of the drainage channels at least once every two years, or as often as necessary to maintain unobstructed flow. The maintenance plan shall mitigate insect development in the channel by preventing ponding water from standing longer than seven (7) days."
- K. A disclosure statement shall be provided to each owner of property abutting public open space, i.e. drainage channel/pedestrian path, advising that a six-foot high fence shall be required and no gate or opening of any kind shall be permitted along any property lines bordering public open space.

GENERAL ENGINEERING CONDITIONS

- 15. Compliance with the following conditions shall be determined by the County Engineer prior to the recordation of a final map:
 - A. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
 - B. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
 - C. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
 - D. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.

- E. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowners Association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- F. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
- G. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
- H. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.
- I. 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 (BMP's) and shall include detailed plans for grading and drainage for lots, project roadways, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. A conceptual grading and drainage scheme shall be indicated for each lot on the grading plan. If drainage from one lot to another is proposed, then appropriate drainage easements shall be provided. Disposal of any excavated material onsite shall be indicated on the grading plans. The County Engineer shall determine compliance with this condition.
- J. Prior to issuance of any grading or building permits, a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) showing the respective area in a flood Zone X shall be obtained where the grading or building permit is located. The County Engineer shall determine compliance with this condition.
- K. Prior to ground-disturbing activity, a proposed Construction Traffic Haul Route Plan shall be submitted to the Engineering Division for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.

ENGINEERING DRAINAGE CONDITIONS

16. Compliance with the following conditions shall be determined by the County Engineer prior to the recordation of a final map:
- A. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.
 - B. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval.
 - C. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
 - D. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering Division.
 - E. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering Division.
 - F. The owner shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
 - G. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.
 - H. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.
 - I. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
 - J. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a

homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

- K. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.
- L. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
- M. A note on all affected final maps shall state that the owner, buyers, assigns or interest holders of any lots hereon, hereby agree that all existing irrigation flows crossing these parcels shall be perpetuated. Any legal rights to water from the ditches crossing this property shall be honored and the right of access for maintenance and operation will not be denied to valid holders of those rights. The County Engineer shall determine compliance with this condition.
- N. Maintenance access and drainage easements shall be provided for all existing and proposed drainage facilities. The County Engineer shall determine compliance with this condition.
- O. Drainage easements shall be provided across individual lots on the official map for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
- P. Common Area drainage onto residential lots shall be intercepted and routed to appropriate storm drainage facilities. The County Engineer shall determine compliance with this condition.**
- Q. Open channels shall be designed to provide for desiltation. Drainage channel design and access shall conform to the requirements of section 110.420.35. The County Engineer shall determine compliance with this condition.**

TRAFFIC CONDITIONS

17. Compliance with the following conditions shall be determined by the County Engineer prior to the recordation of a final map:

- A. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition
- B. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
- C. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of any public street. The County Engineer shall determine compliance with this condition.
- D. A note on each affected final map shall state that no direct access from individual lots shall be allowed onto Harris Ranch Parkway north of the intersection with Sugarloaf Peak Drive. The County Engineer shall determine compliance with this condition. This note shall also be included in the CC&R's to the satisfaction of the District Attorney's Office.
- E. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street.
- F. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
- G. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
- H. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition.
- I. No retaining walls that retain soil from the County right-of-way or private right-of-way shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.

- J. With the first unit, a final traffic report shall be prepared by a registered engineer and shall address traffic flow through adjacent neighborhoods, traffic flow to schools, acceleration/deceleration lanes, storage lanes, and access control.
- K. Ember Drive shall be constructed from Eagle Canyon Drive to Ruddy Court in accordance with the recommendations in the traffic report as prepared by Solaegui Engineers, LTD. dated December 4, 2006. No residential driveways shall be permitted on this segment with the exception of lot 127. The County Engineer shall determine compliance with this condition.
- L. A roundabout shall be constructed at the Eagle Canyon Drive/Ember Drive intersection. The roundabout shall contain one shared left turn-through lane and one right lane at the east and north approaches, and one lane from which all movements are made at the west and south approaches. The County Engineer shall determine compliance with this condition.
- M. The driveway for lot 127 shall line up with Goshute Lake Place and shall be constructed to promote forward movements on to Ember Drive from the driveway. The County Engineer shall determine compliance with this condition
- N.

WATER AND SEWER

18. Compliance with the following conditions shall be determined by the Department of Water Resources (DWR) prior to the prior to the recordation of a final map:

- A. The applicant shall dedicate necessary water rights prior to issuance of a Will-Serve letter by the DWR. A valid Will-Serve letter is a pre-requisite to approval and recordation of a final subdivision map. Necessary processing of water rights prior to the issuance of a Will-serve Letter may take six (6) months or longer. The dedication of water rights shall be in accordance with Article 422, the Spanish Springs Area Plan, and the terms of the Wholesale Agreement between Washoe County and Truckee Meadows Water Authority (TMWA). Water rights must be in good standing with the State of Nevada Division of Water Resources and the point of diversion, place and manner of use must be acceptable to the DWR.
- B. The Developer shall pay \$75.00 per lot to the DWR as their pro-rated share of the ongoing water and sewer facility plan for the Spanish Springs Valley prior to approval of each final map.
- C. All fees shall be paid in accordance with Washoe County Ordinance prior to the approval of each final map.

- D. Per the inter-local agreement between the City of Sparks and Washoe County, the applicant shall pay to Washoe County, the City of Sparks sewer connection fees as identified in the agreement.
- E. Improvement plans shall be submitted and approved by DWR prior to approval of the final map. They shall be in compliance with Washoe County Design Standards and be designed by a professional engineer licensed to practice in the State of Nevada.
- F. The Applicant shall submit an electronic copy of the street and lot layout for each final map at initial submittal time.
- G. The Developer shall construct and/or provide the financial assurance for the construction of any on-site and off-site water distribution and the sanitary sewer collection systems prior to signature on each final map. The financial assurance must be in a form and amount acceptable to the DWR.
- H. Approved improvement plans shall be used for the construction of on-site and off-site water distribution and sanitary sewer collection systems. The DWR will be responsible to inspect the construction of the water distribution and sanitary sewer collection systems.
- I. The water distribution and sanitary sewer collection systems must be offered for dedication to Washoe County along with the recordation of each final map.
- J. Easements and real property for all water distribution, sanitary sewer collection systems and appurtenances shall be offered for dedication to Washoe County along with the recordation of each final map.
- K. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer at the time of the initial submittal for the first final map which addresses:
 - 1. the estimated sewage flows generated by this project,
 - 2. projected sewage flows from potential or existing development within tributary areas,
 - 3. the impact on capacity of existing infrastructure,
 - 4. slope of pipe, invert elevation and rim elevation for all manholes
 - 5. proposed collection line sizes, on-site and off-site alignment, and half-full velocities

- L. No Certificate of Occupancy will be issued until all the potable water and sewer collection facilities necessary to serve each final map have been completed and accepted.
- M. No permanent structures (including rockery or retaining walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.
- N. The developers' engineer shall submit a plan or letter from the appropriate fire agency identifying the approved fire hydrant locations and indicating the fire flow and duration required for each final map. This information must accompany the water system improvements plans when submitted for initial review.
- O. A minimum 20-foot sanitary sewer and access easement shall be dedicated to Washoe County over any facilities not located in a dedicated right of way.
- P. A minimum 30-foot water main easement shall be dedicated to Washoe County over any facilities not located in a dedicated right of way.
- Q. A minimum 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer manholes. and develop storm dray remains hydraulically equivalent to the facility..."
- R. All storm drain outlets that will be draining into any of the facility channels shall adequately protect that area from erosion i.e. riprap of adequate size and area.

VECTOR CONTROL CONDITIONS

- 19. Compliance with the following conditions shall be determined by the Vector Control Program of the District Health Department prior to the recordation of a final map:
 - A. The landscape design for front lots shall require three foot no sod setbacks from the back face of the sidewalk. If a curb is present without a sidewalk, the setback shall be three feet. The design shall be noted on the construction plans.
 - B. All roadside ditches approved with this project shall require concrete lining at the bottom.
 - C. Rock rip rap for mechanical slope stabilization shall be graded from three-quarter inch to the "D" size specified on the plans, four inches in depth and shall be placed as a mixed aggregate to discourage void formation for

rodent habitat. This design criterion shall be noted on the construction plans.

REGIONAL PARKS AND OPEN SPACE CONDITIONS

20. Compliance with the following conditions shall be determined by the Department of Regional Parks and Open Space the prior to the recordation of a final map:
- A. The developer shall provide a twenty (20) foot public access trail easement concurrent with the sanitary sewer easement corridor identified in Common Area A.
 - B. The developer shall provide a ten (10) foot public access trail easement along Common Area C. The developer shall construct at minimum a six (6) foot crusher fines multipurpose trail in compliance with Washoe County Green Book Standards. See trail detail attached.
 - C. The developer shall provide a ten (10) foot public access trail easement at Common Area A along drainage channel. The developer shall construct at minimum a 6ft. crusher fines multipurpose trail in compliance with Washoe County Green Book Standards. See trail detail attached.
 - D. The developer shall provide a twenty (20) foot public access trail easement concurrent with Common Area B.
 - E. The developer shall provide a twenty (20) foot public access trail easement at the northeast corner of lot 127 from the maintenance road to the detention facility. Alignment shall be coordinated at a later date in conjunction with the developer, Washoe County Regional Parks and Open Space, and Washoe County Water Resources.
21. All angles of the drainage ditches 90 degrees or greater shall be redesigned and shall specifically include the proposed underground facilities and piping concepts as presented at the February 27, 2007, Board of Commissioners meeting as shown on Plate 1, including Enlargements 1, 2, 3, 4, 5 and 6 (included now in the submitted proposal). The County Engineer shall determine compliance with this condition.

***** END OF CONDITIONS *****

**APPEAL CASE NO. AX07-002 - BLACK ROCK CITY, LLC -
APPEAL OF AMENDMENT OF CONDITIONS - CASE NO. AC06-
013 - AMENDMENT OF SPECIAL USE PERMITS - COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing to consider an appeal to the Planning Commission decision to partially approve the request to amend the identical conditions of approval on all approved special use permits to allow concurrent follow-up review of all permits by the Planning Commission at the same meeting, to phase out continuing review and to phase out the requirement for financial assurances to assure clean-up of the site should the site be abandoned by the applicant, as authorized in Section 110.810.60 of the Washoe County Development Code. The project is located approximately 20 miles north of the town of Gerlach in northern Washoe County, approximately one mile past the end of pavement of State Route 34, and one-half mile east of the intersection of State Route 34 and Jackson Lane. The site is addressed as 88 Jackson Lane. The ±200-acre parcel is designated General Rural (GR) in the High Desert Area Plan, and is situated in a portion of Section 36, T35N, R23E, MDM, Washoe County, Nevada. The parcel is located in the Gerlach/Empire Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 066-030-23)

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the appeal.

Trevor Lloyd, Planner, explained the grounds for appeal case No. AX07-002, the location of the property, and the amendment request of the six approved special use permits. Mr. Lloyd expressed the concerns of the Planning Commission as stated in the agenda memorandum dated February 1, 2007. He explained the Planning Commission approved the first portion of the request to consolidate the reviews for the six remaining special use permits into one hearing, but denied the other portions of the request. He said the applicant requested the Board reverse the Planning Commission decision and grant all three portions of the request.

Commissioner Galloway asked if 120 percent of the cost of the restoration was one of the things that occurred for the three-year review. Mr. Lloyd explained every three years reassessment occurred in regard to financial assurances. Commissioner Galloway asked if the applicant was able to keep the interest on that security. Mr. Lloyd replied he did not believe so.

In response to Commissioner Galloway, Melanie Foster, Legal Counsel, replied the conditions were vaguely written. She said the purpose of the conditions was for clean up and revegetation of the site if it were ever abandoned. Ms. Foster said the amount was determined after three estimates for clean up removal and revegetation were obtained and averaged to 120 percent of that amount.

David Pedroli, Black Rock City, LLC, distributed photographs that illustrated the present state of the property, which were placed on file with the Clerk. He

explained a clean-up bond existed that covered the cost of the clean up. He said at present, the improvements to the property were approximately \$1 million. Mr. Pedroli explained the clean-up bond covered revegetation and stated the materials on site for the Burning Man event was not debris, but containers, an improved yard, a fenced area, and a shop for building and stored materials. He indicated a yearly inspection of the property would be welcomed and said when staff visited no suggestions for clean up were provided.

In response to Commissioner Sferrazza, Mr. Pedroli replied there was 200 acres, and during Burning Man approximately 600 acres of Bureau of Land Management (BLM) land 12 miles was occupied from the ranch site.

Commissioner Weber stated she had difficulty overturning the Planning Commission's position because checks and balances were needed and was unsure if she could support the recommendations. Mr. Pedroli reiterated the clean up bond-covered revegetation of the area in the case of abandonment.

Commissioner Galloway asked if the condition was accurately described as being strictly for revegetation and restoring the site. Mr. Lloyd replied that was correct. Commissioner Galloway suggested at some future time a lien be placed on the property to assure future compliance.

In response to the call for public comment, Garth Elliott praised the Burning Man event and stated they should not be held financially hostage. He said the Board should listen to the Citizen Advisory Board (CAB).

Commissioner Weber stated she did listen to the CAB, but had been contacted by residents to make sure checks and balances were conducted. She said the Board would be doing a service by upholding the Planning Commissions position.

Commissioner Galloway stated he supported the motion made by the Planning Commission and hoped that included the findings referenced on page 5 and 6 of the staff report.

Chairman Larkin commented the Planning Commission did approve the three-year review. He said in terms of the financial assurance condition the purpose was no different from any other assurance required for other special use permits in the County.

Commissioner Sferrazza asked how much did the 120 percent amount to. Mr. Lloyd replied it was approximately \$76,000. Commissioner Sferrazza suggested investing that money into an interest bearing account and returned to Black Rock City, LLC if it were abandoned to cover the annual increase in the cost. He remarked he would support the motion if that were allowed.

Commissioner Humke commented staff should be given options and the Board should return in a future meeting to give staff overall direction. Commissioner Weber agreed, and said there should be further discussion for the financial assurance and Commissioners Sferrazza's suggestion.

Upon recommendation of Roger Pelham, Senior Planner, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza voting "no," Chairman Larkin ordered that the action of the Planning Commission be upheld and partially approve the Amendment of Conditions Case No. AC06-013 for Black Rock City, LLC, such that all continuing review for all special use permits was combined into one omnibus review; the requirement for financial assurances to restore the sites were maintained; and that regular review by the Planning Commission continue every three years, having made the appropriate findings, in accordance with Washoe County Development Code Section 110.810.30.

REPORTS AND UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Galloway said the Heavenly Valley Master Plan would be considered by Tahoe Regional Planning Agency (TRPA) on February 28, 2007.

Commissioner Sferrazza announced he would attend the National Association of Counties (NACo) Conference in Washington D.C.

07-290F DISCUSS, REFINE AND APPROVE COMMENTS - BDR 48-183

Commissioner Galloway understood the bill was under revision, but did not know the outcome. He discussed his concerns and said the bill, as currently configured, was the opposite of what the Board understood how the water plan would conform to the regional plan. Commissioner Galloway said an additional item would be requesting that Washoe County retain control of its successful Tetrachloroethene (PCE) remediation plan for ground water.

Commissioner Humke recommended not taking action since there was sufficient time regarding the bill draft before it would be introduced.

* * * * *

8:48 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Stacy Gonzales
Deputy County Clerk*