



# REGIONAL PLANNING GOVERNING BOARD

**MEMBERS**  
Mike Carrigan, Chair  
Dwight Dortch, Vice-Chair  
David Aiazzi  
Jim Galloway  
Toni Harsh  
Pierre Hascheff  
Geno Martini  
Ron Schmitt  
Jim Shaw  
Bonnie Weber  
Dave Ziegler, Director

## MINUTES

### REGIONAL PLANNING GOVERNING BOARD

#### Special Meeting

Thursday, September 30, 2004

The Regional Planning Governing Board (RPGGB) met in a special meeting in the Chamber of Commerce Sierra Nevada Room, One East First Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Mike Carrigan at 11:05 a.m.

#### 1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: Mike Carrigan, Dwight Dortch, David Aiazzi, Geno Martini, Jim Shaw, and Bonnie Weber. Member Pierre Hascheff arrived at 11:07. Members absent were: Jim Galloway, Toni Harsh and Ron Schmitt.

Also present were: Dave Ziegler, TMRPA Director; Norman Azevedo, Legal Counsel; Rosanna Coombes, TMRPA; and Mary Kuechler, TMRPA.

#### 2. SALUTE TO THE FLAG

Member Weber led the salute to the flag and the Pledge of Allegiance.

#### 3. APPROVAL OF AGENDA

MEMBER MARTINI MADE A MOTION TO APPROVE THE SEPTEMBER 30, 2004, AGENDA, SECONDED BY MEMBER AIAZZI. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

#### 4. PUBLIC COMMENT

None

#### 5. REPORTS

##### A. Legal counsel's report

Norm Azevedo, Legal Counsel, stated that he will be participating in another conference before Judge Hardesty tomorrow at 1:00 p.m. Mr. Azevedo requested that the Regional Planning Agency (RPA) set up this meeting in order to resolve some pending matters.

*[Member Hascheff arrived at 11:07 a.m.]*

- 1) District Court orders and appearances regarding the Regional Plan settlement agreement (October 17, 2002) and related issues, including but not limited to the water purveyor issues in the Verdi area.

None

- 3) Washoe County's petition for judicial review of the certification of Reno's annexation program as conforming with the Regional Plan.

Mr. Azevedo stated that the Court raised a procedural question regarding the program of annexation litigation. Mr. Azevedo stated that the Court raised a procedural question regarding the program of annexation litigation. Currently, the litigation and the regional plan lawsuit are separate cases. If the annexation litigation remains separate then the decision of the Court may be appealed to the Supreme Court. The parties have drafted an order to consolidate the cases under the regional plan lawsuit matter (CV02-02469). Mr. Azevedo stated that his recommendation is to execute the stipulation on behalf of the RPGB which would mean that the court process before the District Court would be the only process and there would be no appeal to the Nevada Supreme Court. Whatever decision Judge Hardesty renders would be a final decision. The stipulation has been executed by the County. Mr. Azevedo requested authorization from the RPGB to execute the stipulation and submit it to the City of Reno for subsequent submission to the Court.

MEMBER DORTCH MADE A MOTION TO APPROVE MR. AZEVEDO'S REQUEST TO EXECUTE THE STIPULATION AND SUBMIT IT TO THE CITY OF RENO FOR SUBSEQUENT SUBMISSION TO THE COURT, SECONDED BY MEMBER AIAZZI.

Member Hascheff asked if this is to consolidate both cases so that they are under the settlement agreement. Mr. Azevedo responded yes.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- 2) Discussion and possible action to ratify agreement resolving Washoe County and SVGID appeal to District Court in dispute resolution case DR03-001-RPGB, regarding cooperative planning criteria, including:
  - a) Amendments to cooperative planning criteria
  - b) Amendments to settlement agreement regarding expedited dispute resolution

Mr. Azevedo stated that part of the cooperative planning process that impacts the RPGB is modifying the regulations on the process to provide for an alternate to the alternate dispute resolution process. In recent Court discussions, the dispute process was modified to require two separate processes for disputes. If a dispute in a cooperative planning area is in a portion of the region that is also covered by a specific, joint or cooperative plan, the dispute would go to the RPC, RPGB and then proceed to Court, if needed. In the alternative, disputes in cooperative planning areas not covered by one of these types of plans would proceed directly to the Court.

During the last status conference before Judge Hardesty, the City of Sparks expressed concern that they would prefer to have the RPGB act as an administrative body to render a decision on the disputes that are not within an area of a specific plan, joint plan, cooperative plan, or separate settlement agreement. As opposed to going to the RPC it would go directly to the RPGB. The RPGB would then be the administrative body who would first render a decision on the particular action. If a party was aggrieved with the decision of the RPGB, then it would go straight to District Court.

The corresponding RPGB regulations have been modified to address that particular process and have been submitted to all the legal counsels for the respective jurisdictions for comment. Mr. Azevedo recommended that the RPGB approve this new process, subject to the local governments agreeing on the cooperative planning criteria.

Member Weber asked Mr. Azevedo what the process would be if there was a dispute. Mr. Azevedo responded that the process that will be followed depends on the area where the dispute is applicable. Mr. Azevedo reviewed the process that would apply to each color coded area on the 2002 Regional Plan Dispute Resolution map dated March 4, 2004.

Member Hascheff asked if this new process would waive the RPGB's right to appeal a decision by the RPC. Mr. Azevedo responded that the new process would not modify that right.

Member Hascheff asked what part of the areas of interest go directly to the Judge and what would go to the RPGB. Mr. Azevedo responded that the areas of interest under the settlement agreement go directly to the Judge. The cooperative planning areas would go directly to the RPGB.

Member Hascheff asked why we would not take some of the areas of interest and deal with them at the local level instead of going directly to the Judge. Mr. Azevedo responded that this is a modification to the settlement agreement and if that is the direction, the RPGB wants to go, that would be fine.

Member Hascheff asked if there would be any reason not to go to the Judge and ask that disputes in the areas of interest come back to the planners. Chair Carrigan responded that was the intent of the Sparks City Council.

Member Hascheff asked if the County signed off on this process. Adrian Freund, Washoe County, responded that the County approved the expedited process as proposed. Mr. Freund stated that it is his understanding that something that falls within the County area plan would also come to the RPGB. That may need to be clarified.

MEMBER AIAZZI MADE A MOTION TO ADOPT THE REVISED PROCESS AND TO BE SURE THAT THE AREAS OF INTEREST WOULD HAVE THE PROCESS COME TO THE RPGB AND THEN TO THE JUDGE, SECONDED BY MEMBER MARTINI.

Mr. Azevedo clarified the motion stating that the specific plan areas and Reno-Sparks joint corridor areas go to the RPC. The areas of interest and the cooperative planning areas go to the RPGB.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- 4) Washoe County's appeal of the Regional Planning Commission's determination of conformance with the provisions of the Regional Plan and the settlement agreement in District Court Case No. CV02-03469 for City of Reno zoning

map amendments and Mortensen/Garson Development Standards Handbook (CR04-007).

Mr. Azevedo stated that he would like to get authority to file a statement of intent to participate.

Member Hascheff asked if there is a question as to whether this matter is outside of the settlement agreement. Mr. Azevedo responded no.

MEMBER AIAZZI MADE A MOTION TO HAVE MR. AZEVEDO FILE ON THIS CASE, SECONDED BY MEMBER DORTCH.

Member Hascheff asked if the option is still available for the parties to get together to try to resolve the issue. Mr. Azevedo responded yes.

MEMBER AIAZZI MODIFIED THE MOTION TO INCLUDE THAT THERE BE A SETTLEMENT CONFERENCE IN THE JUDGE'S CHAMBERS AGAIN WITH ALL OF THE ELECTED OFFICIALS, SECOND CONCURRED. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

#### **10. ADJOURNMENT**

MEMBER DORTCH MADE A MOTION TO ADJOURN AT 11:35 A.M., SECONDED BY MEMBER AIAZZI. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

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David S. Ziegler, Director  
Truckee Meadows Regional Planning Agency

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Mike Carrigan, Chair  
Regional Planning Governing Board

**APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON**  
**\_\_\_\_\_, 2004**