



# REGIONAL PLANNING GOVERNING BOARD

**MEMBERS**  
Dwight Dortch, Chair  
Robert Larkin, Vice-Chair  
David Aiazzi  
Mike Carrigan  
Robert A. Cashell  
Jim Galloway  
Pierre Hascheff  
Geno Martini  
Ron Schmitt  
Bonnie Weber  
Dave Ziegler, Director

## MINUTES

### REGIONAL PLANNING GOVERNING BOARD Regular Meeting Thursday, March 9, 2006

The Regional Planning Governing Board (RPGB) met in regular session in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Dwight Dortch at 2:00 p.m.

#### 1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: Dwight Dortch, Robert Larkin, Dave Aiazzi, Robert Cashell, Geno Martini, and Ron Schmitt. Members Jim Galloway and Pierre Hascheff arrived at 2:05 p.m. Member Bonnie Weber arrived at 2:35 p.m. Members absent were: Mike Carrigan.

Also present were: Dave Ziegler, TMRPA Director; Norman Azevedo, Legal Counsel; Randy Baxley, TMRPA; Rosanna Coombes, TMRPA; Patricia Rogers, TMRPA; Lora Richards, TMRPA; and Joy Randall, TMRPA.

#### 2. APPROVAL OF AGENDA

MEMBER MARTINI MADE A MOTION TO APPROVE THE MARCH 9, 2006, RPGB AGENDA, SECONDED BY MEMBER LARKIN.

Dave Ziegler, Director of Regional Planning, noted a correction for the agenda under Approval of Minutes. The year should be 2005.

THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

#### 3. SALUTE TO THE FLAG

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

#### 4. PRESENTATION

- A. "Vision to Reality: Strategies, techniques and tools for TOD Corridors," by Mark White and Ellen Greenberg

*[Members Galloway and Hascheff arrived at 2:05 p.m.]*

Mr. Ziegler introduced the guest speakers. Ellen Greenberg is from the Bay Area and is an authority on the interaction of land use, transportation, and urban design. She is working on a joint effort of the Congress for the New Urbanism (CNU) and the Institute of Transportation Engineers (ITE), working on livability and walkability of arterial collector streets. Mark White is from Kansas City, Missouri, and is an attorney. He is an expert in zoning, subdivision law, form-based zoning, land use litigation, and growth management plans.

Ms. Greenberg and Mr. White gave a presentation on strategies, techniques and tools for TOD Corridors.

*[Member Weber arrived at 2:35 p.m.]*

## **5. APPROVAL OF MINUTES**

A. November 10, 2005

MEMBER WEBER MADE A MOTION TO APPROVE THE NOVEMBER 10, 2005, MINUTES, SECONDED BY MEMBER HASCHEFF. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

## **6. PUBLIC COMMENT**

Garry Bowen commented on the efficiency of the public transportation in Denver. Mr. Bowen also distributed copies of a press release and stated that the American Institute of Architects has just awarded this region a sustainable design assessment team project which will look at smart growth, growth issues, rapid development, and resource management.

## **7. BUSINESS OF THE DAY**

A. Status report on proposed amendments to the 2002 Truckee Meadows Regional Plan, including amendments proposed jointly by Reno, Sparks, and Washoe County pursuant to the settlement agreement in the Reno annexation matter (August 23, 2005).

Member Hascheff disclosed that he has a client that is included as part of the amendment and recused himself from this discussion.

Mr. Ziegler stated that the Regional Planning Commission (RPC) held three public hearings on the proposed amendments. Last night the RPC deliberated at some length and ultimately two motions were made and passed. The first motion was to prepare for detailed consideration a group of technical amendments generated from Regional Planning staff. There was another motion that no action be taken on the main set of amendments proposed by the three local governments and to insert those proposed amendments into the Regional Plan update process. The RPC articulated the following list of needs: a more participative process; more time for the public; the schedule should be joined with the schedule for the update; the population formula and the number of acres involved should be considered more carefully; the regional planning principles of infill, transit oriented development, and compact urban form should be reinforced; to conserve natural resources, to consider these proposed amendments in the context of the public lands bill, the water plan that is being considered at the moment through the SCR 26 process, and the Regional Transportation planning process; and more specificity in the proposed amendments.

Chair Dortch stated that right now the amendments are sponsored by the three local entities. Mr. Ziegler responded yes.

Chair Dortch asked if the process would be changed if the RPGB were to sponsor these amendments and send them back to the RPC. Mr. Ziegler responded that by statute, the RPGB has the authority in state law to request amendments to the Regional Plan as do the three local governments. A request from the RPGB would have the same weight and effect as a request from any of the three local governments.

Chair Dortch asked what can be done to expedite this process and get this to the RPGB. Mr. Ziegler stated that the motion yesterday regarding the main body of the proposed amendments was to fold those concepts into the update process. If that concept prevails, it would be next Fall and into November or December before the process would be wrapped up. If there is a desire to either keep the proposed amendments on a separate track and expedite their consideration at this level, Legal Counsel might be willing to discuss some options there.

Chair Dortch stated that if someone comes into the City and applies for a zone change, they have the ability to be heard within a certain period of time without being delayed. Chair Dortch asked if there are any time frames like that for this situation where we have applied for these amendments from each of the entities. Mr. Ziegler responded that there is not any that he is aware of unless there are underlying legal, constitutional principles.

Norm Azevedo, Legal Counsel, stated that there is no statutory time frame that mandates that these particular amendments go forward. There is a five-year update and an annual requirement. This process is outside of that. The quickest way to get it before this body is under NRS 278.0272 subsection 8 that does require that some person file an appeal of the determination that was made last night. There is no statutory period set forth in that subsection of the statute that mandates as to when the appeal has to be filed or when the appeal has to be considered. If it is the desire of this body to expedite that process, if an appeal were to be filed today, you could hear it at your next regularly scheduled meeting or hold a special meeting.

Chair Dortch stated that if there was an appeal filed, he would be in favor of holding a special meeting and trying to get this process moved along as quickly as we possibly can.

Member Galloway stated that he has recently received letters questioning how these amendments could be going forward without provisions to address the necessary resources and services that would be required. A letter from Madelyn Shipman pointed out that the expansion of territory provisions were going forward in the amendments but not the concurrency requirements and that the concurrency requirements were being put off until the update. This is not in keeping with the settlement agreement between the parties. Member Galloway speculated that one of the reasons that the RPC did not want to go forward may have been because there was no offsetting safeguard. Member Galloway stated that he was involved in the drafting of the settlement agreement and that the parties should have all been advocating for the inclusion of those concurrency requirements in this current set of amendments. If any entity should appeal this decision, that appeal also should include that they did not include these concurrency requirements. Nothing in that agreement said that the territory expansions could go forward without the concurrency requirements that there shall be funded facility plans for certain things.

Member Aiazzi asked what the effect would be on requests for annexation if this does not go forward. Mr. Azevedo responded that requests would be under the rules that are in place at the time prior to these amendments. Member Aiazzi stated that there are no concurrency standards in place at all right now. Mr. Azevedo responded that is correct. Member Aiazzi stated that the option of deciding where we are going to grow would go away because then it is left up to developers.

Member Larkin asked Mr. Azevedo to describe exactly what happened with the amendment proposal last night. Mr. Azevedo stated that the action was to take no action with moving forward with the amendments and to refer those amendments over to the Technical Advisory Committee (TAC) to consider during the update process and to use the current calendar for the TAC process in addressing those amendments.

Member Larkin stated that even though this process was outside of the normal plan amendment process, the RPC was holding itself to its normal process of how to factor or account for the amendment. Mr. Azevedo stated that the RPC's decision was to not move forward with the amendments at this time and to remand those amendments to the TAC for further consideration to be brought forward to them at a later date.

Member Larkin stated that we are under a court order by Judge Hardesty. The three entities worked very diligently with a very aggressive schedule to develop the amendments and now the RPC seems to feel that they are exempt from the court order. Member Larkin stated that he is confused about the three entities being bound by the court order and how the RPC could find themselves in a position where they are avoiding a court order.

Member Martini asked for confirmation that what the RPC did last night was to remand or put back these amendments on the update. Mr. Azevedo responded yes. Member Martini asked if the amendments were to pass the way it is, can they not re-address those amendments during the update anyway. Mr. Azevedo responded yes.

Member Weber stated that in watching last night's meeting, she believes that there were many points that were made that were not truthful and that that the RPC and the public do not have a full concept of what is going on. For the past year, we have been working with Justice Hardesty under his orders. Member Weber stated that it was not like the public was not involved and that there have been numerous Board of County Commission meetings where this has been an agenda item. Member Weber stated that people have had the opportunity to speak on this and we need to move forward. Unfortunately, the public does not understand it all but we were elected to do some of these things that maybe are not the easiest to do. Member Weber stated that her district has the biggest opportunities waiting for them and there have been lots of meetings. It is not perfect, but we were directed to do something about his and we need to move on. Member Weber stated that she is sorry that the RPC did not have the guts to do what needed to be done.

Chair Dortch asked if the RPGB can request that the RPC reconsider this and take an up or down vote. Mr. Azevedo responded that the RPGB can make that request and that he is looking for a process to get it before the RPGB legally. The statute regarding appeals says that any person can file an appeal. Chair Dortch stated that he is hoping that someone appeals it today because none of the RPGB members can authorize their entities to do it today. Chair Dortch stated that, in the meantime, he is asking Regional Planning staff to take it back to the RPC for an up or down vote.

Member Cashell stated that he does not understand why the RPGB would not have the right to appeal this. Chair Dortch stated that is because the RPGB has to vote on it.

Member Cashell commented on the amount of work that has gone into this by the County Commissioners and the City Council people and staffs and stated that last night was one of the biggest grandstanding shows he has seen in a long time.

Member Aiazzi stated that he watched tapes of last night's meeting and agreed with the RPC in a couple of aspects but not overall. The RPC was making the case that this was already a done deal but what we did was come out with an agreement for the amendment to come to the RPC to really start the public process. Member Aiazzi stated that where the RPC failed us was in not having those public meetings. Member Aiazzi stated that we have said in public meetings that we are not voting this entire thing up the way we presented it but that we want the RPC's advise. The RPC sidestepped the issue to detail out what we have asked them to detail. We asked the RPC to go out to the public and address the concurrency issues and look at the maps. Member Aiazzi stated that the public has not been as involved as it could have been but that is because the RPC keeps postponing the public involvement. They spend all the public hours talking about how the public is not involved. Member Aiazzi suggested having a special meeting and have the negotiating team talk to the RPC about what we did and why we did it. Member Aiazzi also stated that he agrees that there are some people on the RPC that are looking to running for office and it seemed more like campaign speeching than planning.

Member Larkin asked if this body can appeal the RPC's decision. Mr. Azevedo responded that from a legal perspective, he finds it very troubling to have the appellant be the same as the adjudicator of the appeal and that his recommendation would be to avoid that. it creates a difficult decision for this body.

Member Larkin stated that we are in a difficult position because we have a court order. Mr. Azevedo stated that his recommendation is that we need to get a status report to Judge Hardesty immediately to tell him what occurred and what the process may be on a going forward basis.

Arlo Stockham stated that given the discussion and the apparent difficulties in getting the issue before the RPGB, he will volunteer to file an appeal this afternoon.

Bob Rusk stated that he would be glad to be involved in the appeal process.

Member Larkin asked if there is a time period required for a special meeting to look at that appeal. Mr. Ziegler responded that we would have to comply with the open meeting law and find a venue. Member Larkin asked if there is a particular time frame that the law calls for after an appeal has been filed. Mr. Azevedo responded that the open meeting law requirement for an agenda notice is three working days. Member Larkin asked if there is any other statute that requires any greater period of time. Mr. Azevedo responded no.

Member Galloway asked the appellants if they would consider in their appeal to also appeal the fact that the RPC did not have before it the concurrency requirements of that settlement. Those concurrency requirements were not supposed to be just in the Regional Plan update, they were supposed to be in any amendment made before the Regional Plan update. Member Galloway stated that the RPC may have side-stepped the issue because they did not get all the information and stated that he hopes that will be raised.

Mr. Ziegler stated that on the issue of concurrency, he and his staff met with the Planning Directors after the January 12 Joint Meeting to get clarification on what was being proposed to amend the Regional Plan. There was agreement at that time that the proposed amendments are spelled out in the joint staff report that was presented to the RPGB on January 12 and concurrency is not a part of that list.

Member Aiazzi asked Mr. Azevedo for confirmation that the court order did not say we had to implement the plan. Mr. Azevedo responded that is correct. Member Aiazzi asked Mr. Azevedo if the bounds of the court order have been met by bringing it to the RPC. Mr. Azevedo responded that he believes that step of the court order has been satisfied. Member Aiazzi stated that he does not think it helps the planning by letting it drop here.

Member Larkin stated that he would like to hear Judge Hardesty say that.

Member Aiazzi stated that the court order was that we came up with an agreement and we would take that to the public because Judge Hardesty also agreed that there should be a lot of public comment. Judge Hardesty also agreed that the end result may not be the same result as we put out there. Member Aiazzi stated that he is willing to hear the appeal but does not think we should hide behind the fact that we are under a court order because that gives the public a false sense that this is the end result. Member Aiazzi stated that he heard the statement last night at the RPC meeting that if the RPGB is going to approve this anyway, why are we here. Member Aiazzi stated that the court order did not say that everyone has to agree to it.

Member Larkin stated that he agrees with Member Aiazzi but that RPC was not diligent in making a decision. Member Larkin stated that he is not suggesting that the RPC is under any obligation to endorse the amendments but they have to make a decision.

Chair Dortch asked if an appeal is filed today, when can the RPGB have a meeting to address that appeal. Mr. Ziegler responded that if an agenda were posted by 5:00 p.m. tomorrow, the earliest the RPGB could meet would be March 16.

Chair Dortch asked the RPGB to consider Thursday, March 16, at 2:00 p.m.

Member Aiazzi suggested 6:00 instead of 2:00. Member Aiazzi also suggested asking the RPC Chair to consider holding a meeting next Wednesday to reconsider their decision.

Member Weber stated that 6:00 p.m. would provide a better opportunity for the public to attend.

Chair Dortch asked the RPGB if 6:00 p.m. on March 16 is okay. Chair Dortch stated that if this facility is not available, it will be left up to Mr. Ziegler to find a location that is suitable.

Member Schmitt stated that March 16 is a Planning Commission night for the City of Sparks and that he will be out of town that day.

Member Galloway stated that the representatives from all three entities stipulated before Judge Hardesty that concurrency is part of the package. The settlement agreement would have required that the concurrency be part of any implementation package.

Chair Dortch stated that he understands that there might be some issues with Sparks regarding the date for the special meeting, but that we need to get to it as soon as we can.

Mr. Azevedo stated that on March 3, 2006, we received a letter from Washoe County indicating that the properties that are subject to a potential TMSA roll-back need to receive individual

notice. Mr. Azevedo recommended that the RPGB direct Regional Planning staff to start that process. It is a necessary element to taking final action on the amendments. Washoe County has offered to help the TMRPA and the RPGB has the authority to request Washoe County to assist in that notification process. Chair Dortch responded that is fine.

MEMBER LARKIN MADE A MOTION TO CONVENE A SPECIAL MEETING OF THE RPGB NEXT THURSDAY, MARCH 16 AT 6:00 P.M. AT A LOCATION YET TO BE DETERMINED, SECONDED BY MEMBER MARTINI.

Member Schmitt stated that it would be best to consult the missing members of this commission and allow them the opportunity to be here. Member Schmitt stated that it is not fair for a group to be sitting here saying we need to mandate a meeting next week on an item that is obviously very volatile to the community and there should be every opportunity for every commissioner to be here. Chair Dortch stated that is duly noted.

Mr. Ziegler asked for some discussion on the nature of the agenda item and what exactly the RPGB would be considering at the special meeting.

Chair Dortch stated that the RPGB would be hearing the appeal only, related to the settlement agreement and asked Mr. Azevedo for confirmation that the RPGB can not hear anything other than the appeal in relation to this. Mr. Azevedo responded that his recommendation is to limit it to the appeal of the determination made by the RPC last night.

Member Aiazzi asked if the RPGB can only hear what was on the RPC's agenda last night. Mr. Azevedo responded that the RPGB would be reviewing the RPC's decision. The appellant would be able to bring forward to the RPGB whatever they deem appropriate for your consideration. Member Aiazzi asked if it would be up to the appellant to bring forward things like concurrency and that the RPGB would have to hear whatever the appellant brought forward. Mr. Azevedo responded that without having a written appeal in front of him, yes.

Chair Dortch stated that if there is more than one appeal, the RPGB would hear all of the appeals on this item. Member Larkin stated that the agenda would be worded as to hear appeals related to this issue. Mr. Azevedo stated that his recommendation to the Director would be to make it as broad as possible.

Mr. Ziegler stated that there is a requirement to give ten days written notice in two newspapers before the RPGB can adopt amendments to the Regional Plan. What the RPGB would be hearing on March 16 would be an appeal of the RPC's decision to refer certain proposed amendments to the TAC. Mr. Ziegler stated that he wants to make it clear that if it is the intent of the RPGB to adopt amendments to the Regional Plan, that requires ten days notice in two newspapers.

Member Larkin stated that is not the intent of the motion. This is to set up a special meeting to hear any and all appeals related to the RPC decision of last night.

THE MOTION CARRIED WITH EIGHT (8) MEMBERS PRESENT. MEMBER HASCHEFF DID NOT VOTE.

MEMBER AIAZZI MADE A MOTION TO REQUEST THE CHAIR OF THE PLANNING COMMISSION TO CALL A SPECIAL MEETING FOR WEDNESDAY, IF THEY SO DESIRE TO RECONSIDER THEIR DECISION, SECONDED BY MEMBER LARKIN. THE

MOTION CARRIED WITH EIGHT (8) MEMBERS PRESENT. MEMBER HASCHEFF DID NOT VOTE.

*[Member Schmitt left at 3:33 p.m.]*

## **8. ADMINISTRATIVE ITEMS**

- A. Consideration and possible adoption of FY 06-07 budget and work program.

MEMBER LARKIN MADE A MOTION TO ACCEPT THE BUDGET AND WORK PROGRAM AS STATED IN THE STAFF REPORT FOR 06-07, SECONDED BY MEMBER AIAZZI. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- B. Consideration and possible acceptance of annual financial audit for FY 04-05 prepared by Kafoury, Armstrong and Co.

*[Member Cashell left at 3:34 p.m.]*

MEMBER MARTINI MADE A MOTION TO ACCEPT THE AUDIT, SECONDED BY MEMBER LARKIN. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

*[Member Cashell returned at 3:35 p.m.]*

## **9. REPORTS**

- A. Members' and Director's reports.

- 1) Report on Truckee Meadows Growth Task Force

Mr. Ziegler submitted the written report on the Task Force at page 91 of the meeting packet.

- B. Legal counsel's report:

- 1) Status report and possible direction to staff on Washoe County's petition for judicial review of the certification of Reno's annexation program as conforming with the Regional Plan including, without limitation, schedule for considering possible Regional Plan amendments affecting the Truckee Meadows Service Areas (TMSA) pursuant to settlement agreement (August 23, 2005)
- 2) Discussion and possible direction to staff in response to Washoe County's request to initiate a possible amendment of the Truckee Meadows Regional Plan pursuant to paragraph A.1 of the settlement agreement (October 17, 2002) to roll back Reno's sphere of influence in the vicinity of St. James's resort and Pleasant Valley
- 3) Status report regarding procedural matters in dispute resolution case #DR 05-001-RPC: Citizens Against Casinos in Neighborhoods adv. City of Reno regarding adoption of the Redfield Regional Center Plan by the Reno City Council on December 1, 2005
- 4) Status report regarding case #APP-05-001, appeal filed by Mr. George Postrozny pursuant to subsection 4 of NRS 278.02788, appealing the

determination of the Reno City Council concerning the use of land within the sphere of influence, specifically, the master plan amendment for gaming locations (LDC06-00066)

Mr. Azevedo asked for approval of the RPGB to send a status report to Judge Hardesty on what happened last night and what the RPGB has ordered today.

MEMBER AIAZZI MADE A MOTION TO GIVE MR. AZEVEDO AUTHORITY TO SEND JUDGE HARDESTY A STATUS REPORT OF WHAT HAPPENED LAST NIGHT AND THE RPGB ACTION TODAY, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND ONE (1) ABSTENTION BY MEMBER HASCHEFF.

**10. REQUESTS FOR FUTURE AGENDA ITEMS**

- A. Consideration and possible action on calendar of agenda items.
- B. Members' and director's requests for agenda items.

Mr. Ziegler asked if scheduling a joint meeting with Board of Trustees of the School District should continue to be put on hold until we see where the proposed amendments go. Chair Dortch responded that would be appropriate.

**11. WRITTEN CORRESPONDENCE**

Mr. Ziegler stated that the correspondence is being kept in binders and is available to the RPGB.

**12. ADJOURNMENT**

MEMBER AIAZZI MADE A MOTION TO ADJOURN AT 3:36 P.M., SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

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David S. Ziegler, Director  
Truckee Meadows Regional Planning Agency

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Dwight Dortch, Chair  
Regional Planning Governing Board

**APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON \_\_\_\_\_, 2006**