



# 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, August 11, 2005

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

The meeting was called to order by Vice-Chair Dwight Dortch at 2:10 p.m.

#### 1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: Dwight Dortch, Jim Galloway, Pierre Hascheff, Robert Larkin, Geno Martini, and Bonnie Weber. Member Robert Cashell arrived at 2:50 p.m. Members absent were: Dave Aiazzi, Mike Carrigan, and Ron Schmitt.

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

#### 2. ELECTION OF OFFICERS

##### A. Election of Chair (Reno member)

MEMBER WEBER MADE A MOTION TO ELECT DWIGHT DORTCH AS CHAIR, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

##### B. Election of Vice-chair (Washoe County member)

MEMBER WEBER MADE A MOTION TO ELECT ROBERT LARKIN AS VICE-CHAIR, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

#### 3. APPROVAL OF AGENDA

MEMBER MARTINI MADE A MOTION TO APPROVE THE AUGUST 11, 2005, RPGB AGENDA, SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

**4. SALUTE TO THE FLAG**

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

**5. APPROVAL OF MINUTES**

A. May 12, 2005, regular meeting

MEMBER HASCHEFF MADE A MOTION TO APPROVE THE MAY 12, 2005, RPGB MINUTES, SECONDED BY MEMBER LARKIN. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

**6. PUBLIC COMMENT**

None

**7. BUSINESS OF THE DAY**

A. Consideration and possible adoption of RPGB Resolution 05-06, a resolution of appreciation for the service of Mike Carrigan as chair of the Regional Planning Governing Board.

WHEREAS, Mike Carrigan, representing the City of Sparks, has been a member of the Regional Planning Governing Board since June 24, 1999; and

WHEREAS, the Board unanimously elected Mike Carrigan as its Chair on August 12, 2004; and

WHEREAS, during Mike Carrigan's tenure as Chair, the Board took action on many issues of great importance to the Truckee Meadows; established regular communication with the Washoe County School District; and initiated a process in cooperation with the local governments and the State of Nevada to update the regional water quality management plan ("208 plan"), and

WHEREAS, under Mike Carrigan's leadership as chair, the Board worked with the other parties to resolve a difficult legal issue involving the cooperative planning criteria; and

WHEREAS, Mike Carrigan always exercised his oversight of the Board's agendas and meetings calmly, fairly, and efficiently;

NOW, THEREFORE, BE IT RESOLVED THAT the Regional Planning Governing Board extends its sincere appreciation to Mike Carrigan for his public service as Chair from August 12, 2004, to August 11, 2005.

MEMBER GALLOWAY MADE A MOTION TO ADOPT RPGB RESOLUTION 05-06, SECONDED BY MEMBER LARKIN.

Dave Ziegler, Director of Regional Planning, read the resolution of appreciation for the service of Mike Carrigan as chair of the Regional Planning Governing Board (RPGB).

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

- B. WORKSHOP - Regional Plan annual report summarizing individual 2004 reports submitted by local governments and affected entities pursuant to subsection 1 of NRS 278.0286.

Rosanna Coombes, Senior Planner, presented the 2004 annual report and recommended that the RPGB receive the report.

MEMBER GALLOWAY MADE A MOTION TO RECEIVE THE 2004 ANNUAL REPORT, SECONDED BY MEMBER HASCHEFF. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

## **8. ADMINISTRATIVE ITEMS**

- A. Consideration and possible acceptance of FY 2004-2005 fourth quarterly and end of fiscal year budget and work program report.

Mr. Ziegler stated that as of the end of the fourth quarter, we were about 5.1 percent under the working budget. Mr. Ziegler reviewed deliverables that were completed during the fiscal year.

MEMBER MARTINI MADE A MOTION TO ACCEPT THE FY 2004-2005 FOURTH QUARTERLY REPORT AND END OF FISCAL YEAR BUDGET AND WORK PROGRAM REPORT, SECONDED BY MEMBER LARKIN. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

## **9. REPORTS**

- A. Members' and Director's reports.
  - 1) Status report on Draft Environmental Impact Statement, North Valleys Rights-of-Way Projects (BLM, USDOJ, May 2005).

Mr. Ziegler reviewed the chronology of the Truckee Meadows Regional Planning Agency's (TMRPA's) involvement in the preparation of the Environmental Impact Statement (EIS).

- 2) Report on schedule for 2005 public hearing regarding requests, if any, for amendments to the Truckee Meadows Regional Plan, pursuant to subsection 7 of NRS 278.0272.

Ms. Coombes reviewed the schedule for the 2005 public hearing regarding requests for amendments to the Regional Plan.

- B. Legal counsel's report:
  - 1) Discussion and possible action to ratify proposed settlement agreement resolving Washoe County's petition for judicial review of the certification of Reno's annexation program as conforming with the Regional Plan.

Norm Azevedo, Legal Counsel, recommended approving the settlement agreement so he can bring it forward to Judge Hardesty.

Member Hascheff asked if there was any particular direction when the Washoe County Board of County Commissioners passed the settlement agreement. Adrian Freund, Washoe County, responded that the direction was basically to continue to work with the negotiating team to seek

some clarification. At that point, if there are any remaining differences, that could be taken to Judge Hardesty.

Member Hascheff stated that the first step should be for the parties to sit down and draw the TMSA lines. Member Hascheff asked John Hester, City of Reno, if it is realistic for that to happen within the next 30 days. Mr. Hester responded that the process of proposing amendments to the Regional Plan will take more than 30 days. Mr. Hester reviewed more information on the process of the agreement.

Member Hascheff stated that ultimately the first step in this entire process, based on the flow chart in the settlement agreement, is for the parties to identify their growth boundary of the TMSA over the next 20 to 25 years. Washoe County and the two cities would then sit down and decide where they think is the best place to grow.

Member Galloway stated that there was an agreement in a regional planning settlement that the SOI would be rolled back off of the St. James Village area. Member Galloway stated that it would not be possible to re-draw the SOI to include Pleasant Valley or part of it during this interim period, prior to the adoption of the next Regional Plan, because there is an existing agreement. Since the settlement agreement ends as of the adoption of the next Regional Plan, it would then be possible to redraw the SOI. Member Galloway asked Mr. Hester if there is a disagreement on that point. Mr. Hester stated that there is probably three different scenarios. One is exactly what Member Galloway said which is to wait to amend the Regional Plan in the 2007 update. The second is that any entity can propose an amendment to the Regional Plan at any time. Mr. Hester stated that he does not know that going out in front of the other entities and trying to change the SOI is in the spirit of the annexation agreement. The third scenario is that the City of Reno staff and Washoe County staff do not interpret the settlement agreement the same way.

Member Galloway stated that what Mr. Hester is saying is that with the Washoe County interpretation, what he said makes sense but it doesn't necessarily make sense with the City of Reno's interpretation. Mr. Hester responded that is unless of course both Washoe County and Reno agreed right now to go ahead and process an amendment.

Member Weber asked Mr. Freund to respond. Mr. Freund stated that based on Member Galloway's question, in terms of the TMSA itself, the area of the former St. James Resort and Pleasant Valley is within the TMSA because it will be provided with municipal water and wastewater services. The remaining issue would be whether the SOI covered that entire area of the TMSA or not.

Member Galloway stated that when he said TMSA he meant the Reno TMSA. We all agree it is within the larger TMSA.

Member Weber stated that one item is being addressed and another is being tied in. Member Weber requested that this item be put on hold to deal with agenda item 9.B.3 first. Chair Dortch responded that would be fine.

- 3) Discussion and possible direction to staff in response to Washoe County's request to initiate possible amendment of Truckee Meadows Regional Plan pursuant to paragraph A.1 of settlement agreement (October 17,

2002) to roll back Reno's sphere of influence in the vicinity of St. James resort and Pleasant Valley.

Mr. Azevedo stated that since there are two parties in the same settlement agreement with different interpretations asking the RPGB to either take action or not take action, his recommendation is to initiate an action with Judge Hardesty to get a ruling from the court on these particular provisions. The difficulty making a ruling is that during the settlement process there was a lot of discussion on these issues and the interpretation of the agreement becomes problematic for any one party to reach that conclusion as to what the agreement means and the intent of the parties in adopting that particular provision. In addition, Judge Hardesty has indicated very strongly that when there are questions of interpretation over the agreement, they be brought to him. Mr. Azevedo stated that it would serve all parties' interests if the RPGB decides to accept his recommendation. Mr. Azevedo stated that he would be reluctant to recommend that the RPGB initiate the amendment without getting that interpretation.

Public Comment - Marilyn Naylor stated that there are petitions with hundreds of signatures from people who are hoping that Washoe Valley will remain rural in character.

Chair Dortch read written comments submitted by Monika Frank regarding preserving the quality of life in Washoe Valley.

Public Comment - John Hester reviewed a chart on Reno's interpretation of where we are. In the settlement agreement, the City of Reno not only agreed to pull their SOI back from the residential area of St. James but also recommended pulling the TMSA entirely out of Washoe Valley.

Public Comment - John Frankovich stated that they do intend to file a tentative subdivision map very shortly on behalf of the owner that is consistent with the master plan that has been approved. We hope that this dispute does not delay that process. Mr. Frankovich stated that he does not have any objection to Mr. Azevedo's recommendation but requested that there be something filed in court so that notice is provided to the property owner.

Public Comment - Nancy Samon spoke in support of rolling back Reno's SOI.

Public Comment - Bob Rusk stated that there is a genuine concern that as the SOI moves south, Reno may be moving into the valley in the future.

*[Robert Cashell arrived at 2:50 p.m.]*

Public Comment - Mr. Freund stated that Washoe County re-zoned the area to residential in accord with the rural development standards in the Regional Plan 23 months after the settlement agreement was signed. Washoe County believes that the wording of the settlement agreement says something substantially different than the City does at this point in time. Mr. Freund stated that the settlement agreement asks Washoe County to do something which would have put it in a very precarious legal position. It asked Washoe County to essentially extinguish a valid zoning entitlement that was carried by property owners at that time. Mr. Freund stated that the re-zoning has been done. Mr. Freund provided email comments and letters regarding rolling back the SOI from a number of residents in the area. Mr. Freund stated that it is appropriate that Judge Hardesty review matters of interpretation of the settlement agreement.

Member Galloway asked if the word “after” that is underlined is the exact word that appears in the confidential brief. Mr. Freund responded that the wording “after 12 months” is an accurate recitation of part of the confidential brief. It is not the entire wording of the confidential brief in respect to this matter.

Mr. Ziegler read the names of people he received emails from today on this matter. Mr. Ziegler stated that all of them support the idea of the roll back. Copies will be provided to RPGB members.

Member Weber stated that Commissioner Humke wanted to be here today. Member Weber stated that she would like to see the RPGB make a tough vote to resolve this today for the community and to keep the rural character that the residents want to keep in their community.

Member Hascheff stated, lets say hypothetically that the city does roll back its SOI, we leave it within Washoe County’s jurisdiction. It becomes part of Washoe County’s TMSA as we decide what areas we want to grow in. Then what would happen is Washoe County’s allocation is 40,250 acres. Member Hascheff asked Mr. Hester if the city would then take the position that because it is now in Washoe County and Washoe County wants to keep it in their TMSA that it would then become part of Washoe County’s TMSA. Mr. Hester responded that is correct.

Member Hascheff asked Mr. Freund to respond to the same question. Mr. Freund stated that he is working on some numbers for the Washoe County meeting next week so we know what acreages we have. Mr. Freund stated that he concurs with the interpretation that Mr. Hester gave. That in effect is an amount that would transfer to either jurisdiction with respect to a TMSA. Mr. Freund stated that he would want to think about that more because Washoe County currently has a totally different relationship between SOI and TMSA than it would have under the proposed settlement agreement. This is one area of the TMSA where some negotiation is very likely to take place as we move toward drawing up these new TMSA boundaries.

Member Hascheff asked Member Galloway if he sees it working the same way or that this particular SOI issue would be exempt from us drawing TMSA boundaries. If Washoe County decided to keep it, for example, would it be added to the Washoe County TMSA. Member Galloway responded that the thing to look at is the SOI boundaries. This agreement is about rolling back the SOI. At the request of Reno, the County Commission approved a version of this settlement agreement that said the SOI and the TMSA would become current because the city SOI would be the city’s portion of the TMSA. One follows the other by that agreement. If the SOI is rolled back then it is not included in the city’s TMSA either. But, this is for the duration of this settlement agreement. We have an agreement that the SOI has to be rolled back. The agreement expires when the Regional Plan is updated in 2007.

Member Hascheff stated that it is also fair to say that there is a lot of planning and effort that is going to go into what we are going to do between now and 2007. Member Hascheff stated that he does not think drastic changes will occur when this agreement expires. It will be continued because it is going to work.

Member Galloway asked if Washoe County Legal Counsel has anything to add. There was no request to speak.

Member Weber asked if the comments that Member Galloway made mean that it is considered to be exempt. Member Galloway responded no, it is not exempt from the settlement agreement or

the annexation agreement that is proposed. If the SOI is rolled back, it would simply not be in the Reno SOI, it would be exempt from the Reno SOI and the TMSA because we have agreed in the other agreement that one follows the other.

Member Larkin asked if the parties in the room are ready to solve the issue of the contract dispute. Member Larkin also asked what impact this will have on the RPGB either way we go on agenda item 9.B.1. Mr. Azevedo responded that the parties here do have the ability to agree on a resolution of this issue. The difficulty is, in the past there have been situations where there have been split votes and there is one party who comes in front of the RPGB saying they disagree with the other parties interpretation. If the RPGB were to reach a decision to direct the agency to roll back the SOI, and the City of Reno wanted to proceed forward, that could go through an entirely different judicial process which would be longer. If there is a consensus vote, then those difficulties would not be anticipated.

Member Larkin asked if moving forward with agenda item 9.B.1 would be binding on a subsequent decision on agenda item 9.B.3. Mr. Azevedo responded that the RPGB can take action on 9.B.1 and have the ability to reconsider that decision at this meeting. Mr. Azevedo stated that he can consult the RPGB bylaws regarding parameters for that reconsideration.

Member Hascheff stated that for agenda item 9.B.1 one option is just to pass it and then direct Regional Planning staff to sit down with the same negotiating team to see if the issues can be resolved and maybe even start taking a look at what those TMSAs might look like so that it does not have to go back to Judge Hardesty for resolution. On agenda item 9.B.3 the RPGB could hold it as a status quo and allow those parties to draw TMSA lines and come to some type of an agreement. If they can not come to an agreement, then it would go to Judge Hardesty.

Member Galloway asked for clarification of Member Hascheff's suggested option. Member Hascheff stated that agenda items 9.B.1 and 9.B.3 would be resolved if we knew what those TMSA boundaries look like today. Member Hascheff suggested that since all the jurisdictions have already passed agenda item 9.B.1 that the RPGB also pass it with the understanding that we would still work together with Washoe County to resolve their concerns. Then agenda item 9.B.3 may be solved in the interim so it will not have to go to Judge Hardesty once the TMSA boundaries are drawn. If there is still an impasse, it will have to be before Judge Hardesty anyway.

Member Hascheff asked Mr. Ziegler if he is comfortable from a staff perspective with a motion to approve agenda item 9.B.1 and follow that up with a second motion to basically allow the parties to draw the TMSA boundaries and see if we can resolve agenda item 9.B.3. If the parties still are at impasse, then the RPGB would be making a motion to move it to Judge Hardesty. Mr. Ziegler responded that he would be comfortable with that. Mr. Ziegler asked if the settlement agreement in the Reno annexation case is approved and the parties take some time to see if the roll back issue can be resolved, would the resolution of that roll back issue be a Regional Plan amendment or would it be a writing that says the parties agreed that this is where we will draw the boundary in the update.

Member Hascheff asked Mr. Ziegler if it could be both. Member Hascheff also asked if it is correct that if it is decided that this particular area of St. James Village is going to be part of Washoe County's TMSA, it has to go through the plan amendment process. Mr. Ziegler responded yes. Mr. Ziegler stated that he is sensitive to Member Galloway's point that the 2002

agreement remains in effect. If all the parties are in agreement, we can make it work. If there is still a disagreement, we can still go to Judge Hardesty.

MEMBER HASCHEFF MADE A MOTION TO APPROVE AGENDA ITEM 9.B.1, SECONDED BY MEMBER LARKIN.

Member Galloway stated that in the County Commission meeting, he voted no on this in the nature of a protest vote. It was simply to flag the point that the two most active negotiators on this, Member Hascheff and Member Galloway, had come up with additional content that would have made this even more beneficial to the public. Member Galloway stated that he is not going to stand in the way of salvaging the good things that remain, so he will support this here today.

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

Member Hascheff asked Mr. Ziegler if he could move to continue agenda item 9.B.3 for purposes of bringing this forward with regional and both cities and Washoe County at the table trying to resolve whether this property would be part of Washoe County's TMSA, which would require Reno to roll back its SOI.

*[Chair Dortch called a recess at 3:15 p.m.]*

Chair Dortch called the meeting back to order at 3:20 p.m.

MEMBER HASCHEFF MADE A MOTION TO LEAVE THE CITY'S SOI IN PLACE, HOWEVER THE CITY WOULD NOT EXERCISE JURISDICTION WITHIN THE SOI, AND GIVE STAFF THE NEXT SIXTY (60) DAYS TO SIT DOWN WITH THE COUNTY STAFF, THE CITIES, AND REGIONAL AND START TO GET AN IDEA OF WHAT THAT TMSA IS GOING TO LOOK LIKE. IF THERE IS AN AGREEMENT AND THE COUNTY KEEPS THIS PROPERTY IN ITS TMSA, IT WOULD BE WITHIN THE COUNTY'S JURISDICTION, AND AT THAT POINT RENO WOULD ROLL BACK THE SOI.

Member Hascheff asked Mr. Ziegler if this motion is satisfactory. Mr. Ziegler clarified the motion stating that it is to continue this matter for a period of time and to maintain a status quo in terms of extra territorial jurisdiction and sphere boundaries and TMSA boundaries and in the mean time to give staffs a chance to see if we can work out an understanding. Mr. Ziegler stated that if that is the motion, he recommends that the matter be continued to a date certain.

Member Hascheff stated that if 60 days is not realistic, at a minimum it could be agendized by way of report back to the RPGB. Member Hascheff asked if that would be okay as well. Mr. Azevedo responded yes.

Member Hascheff suggested staying with the 60 day period and if it is not done, then at least a report can be made to the RPGB and it can be continued for another 30 days if necessary.

SECONDED BY MEMBER LARKIN.

Member Larkin asked staff from Reno and Washoe County if this can be done in the next 60 days. Mr. Hester responded that technically they can. If there is no resolution at staff level in 60 days, there probably will not be resolution. Mr. Freund responded that they will work on this. If there is not an agreement in 60 days, there will not be one.

Member Galloway asked if the motion includes that if there is no resolution, we are willing to leave this to Judge Hardesty. Member Hascheff responded that is correct. If at 60 days we are at an impasse and it does not look like it will get resolved, it will be deferred to Judge Hardesty.

Member Galloway stated that he supports the motion and that it will not need to be continued again. There will either be something worked out in 60 days or it will have to go to Judge Hardesty.

Member Hascheff stated that the 60 days is probably too short when you consider that we are trying to solve this problem in the bigger picture which is the TMSA boundaries and that may take some time. We can certainly make a lot of progress in the next 60 days.

Member Weber expressed concern regarding the comment by staff that if an agreement is not reached within 60 days, there will not be one. Member Weber stated that she looks to the elected officials to be making this happen and directing our staffs to make this happen through our input.

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

- 2) Status report on City of Sparks appeal to the Regional Planning Governing Board regarding Washoe County's adoption of the updated Spanish Springs Area Plan.

MEMBER HASCHEFF MADE A MOTION TO APPROVE, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBER PRESENT.

C. Legislative end-of-session report.

Patricia Rogers, Community Outreach Assistant, stated that a comparison table on eminent domain legislation considered during the 2005 session is included in the meeting packet.

Member Galloway stated that it is great to have a table like this that compares it in summary form.

Member Weber commended Regional Planning staff for an excellent job in the legislature. This is the first time the RPGB did not have to have lobbyists.

Member Larkin requested an electronic copy of the report. Ms. Rogers responded that she will email the report.

D. Report on Truckee Meadows Growth Task Force.

Mr. Ziegler stated that the Task Force will hold a workshop next week to work on an action plan.

## **10. REQUESTS FOR FUTURE AGENDA ITEMS**

A. Consideration and possible action on calendar of agenda items.

Mr. Ziegler reviewed tentative agenda items for the September 8, 2005, RPGB meeting.

B. Members' and director's requests for agenda items.

Public Comment - Gary Schmidt requested a future agenda item for the RPGB to initiate hearings and workshops to examine and address the errors and violations of the law of many public officials in the Andrew Lane fire.

**11. WRITTEN CORRESPONDENCE**

None

**12. ADJOURNMENT**

MEMBER MARTINI MADE A MOTION TO ADJOURN AT 3:40 P.M., SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

\_\_\_\_\_  
David S. Ziegler, Director  
Truckee Meadows Regional Planning Agency

\_\_\_\_\_  
Dwight Dortch, Chair  
Regional Planning Governing Board

**APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON  
\_\_\_\_\_, 2005**