



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 Special Meeting Thursday, March 16, 2006

The Regional Planning Governing Board (RPGGB) met in special session in the Sienna Hotel Ballroom, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Dwight Dortch at 6:08 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, Mike Carrigan, Sharon Zadra for Pierre Hascheff, and Geno Martini. Member Jim Galloway arrived at 6:10 p.m. Member Bonnie Weber arrived at 6:15 p.m. Member Robert Cashell arrived at 7:35 p.m. Members absent were: Pierre Hascheff.

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

2. APPROVAL OF AGENDA

MEMBER LARKIN MADE A MOTION TO APPROVE THE MARCH 16, 2006, RPGGB AGENDA, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

3. SALUTE TO THE FLAG

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

4. PUBLIC COMMENT

Sam Dehne stated his objection to Reno spending money for more police and firemen so that developers can develop more land south of town.

[Member Galloway arrived at 6:10 p.m.]

5. BUSINESS OF THE DAY

- A. Consideration and possible action on appeal filed by Locnavar LLC (Randy Venturacci, member manager) and Bob Rusk pursuant to subsection 8 of NRS 278.0272, contesting the March 8, 2006, determination of the Regional Planning Commission to postpone consideration of proposed amendments to the Truckee Meadows Regional Plan submitted jointly by Reno, Sparks, and Washoe County, and other related appeals (if any).

Chair Dortch asked Legal Counsel to outline the options for tonight.

Norm Azevedo, Legal Counsel, stated that the RPGB has before it three separate appeals filed pursuant to NRS 278.0272 subsection 8. The statute permits any person to file an appeal with respect to a determination of the Regional Planning Commission (RPC). Mr. Azevedo stated that both of those requirements have been met for each of the respective appellants and recommended that the RPGB hear the substance of each of the appeals from the appellants. Mr. Azevedo stated that the Director of Regional Planning will be giving the RPGB a staff report as to the status of the RPC's action. The RPGB will then hear the testimony and any evidence that the appellants may provide. The RPGB is then permitted to do one of four things. First, the RPGB may affirm the decision of the RPC. Second, the RPGB may reverse the decision of the RPC. In the event that the RPGB decides to reverse the decision of the RPC, Mr. Azevedo recommended that the RPGB give the RPC some instructions or guidance as to how they are to proceed on a going forward basis with respect to the amendments, based on the concerns, testimony and evidence presented in the appeals. Third, the RPGB has the ability to modify the decision of the RPC. Fourth, the RPGB has the opportunity to hear the appeals and take them under submission and render a decision at the next regularly scheduled RPGB meeting. During the process, the RPGB will need to have some time to hear public comments on these topics. Mr. Azevedo stated that at that time, his recommendation would be that the RPGB render a decision.

Member Martini asked how the RPGB can reverse the decision of the RPC when they did not take any action. Mr. Azevedo responded that the RPC did take action to refer the amendments over to the Technical Advisory Committee (TAC).

[Member Weber arrived at 6:15 p.m.]

Dave Ziegler, Director of Regional Planning, stated that action letter on page 159 of the meeting packet says that the RPC's decision was to take no action at this time on the amendments that were proposed jointly by the three local governments and to wait for and refer those proposed amendments to the 2007 update process. Mr. Ziegler stated that the record consists of a lengthy Regional Planning staff report, minutes of the three public hearings that were held in February, and a set of correspondence that was received up until the time of the RPC's action. Mr. Ziegler stated that there were three things that the local governments were required to propose under the August 2005 settlement agreement. First, they proposed revised boundaries of the Truckee Meadows Service Area (TMSA) by jurisdiction. They proposed a provision that the Cities' portion of the TMSA is also its sphere of influence. They proposed amendments to goal 1.3 and

related policies. That is the goal in the Regional Plan and the policies that limit the density and intensity of development in the unincorporated area of the TMSA. Mr. Ziegler stated that there were other amendments that were proposed that were outside the requirements of the settlement agreement. Mr. Ziegler stated that the record also includes about 13 property owner requests that generally want to be included in or kept in the TMSA. Mr. Ziegler stated that he sent a letter to the Planning Directors on March 3 stating that the RPC and the RPGB should have a consistent set of standards or criteria for deciding on the property owner requests. Mr. Ziegler stated that he inquired of them what standards or criteria were used to delineate the TMSA additions and subtractions that were jointly proposed. The Planning Directors responded on March 6. That response letter is basically a restatement of the joint staff report that was provided to the RPGB on January 9. Mr. Ziegler stated that he received a letter from Adrian Freund dated January 3 that stated that the County believes it is essential for the RPC to provide notice to owners and an opportunity to be heard before any final action is taken to remove properties from the TMSA. Mr. Ziegler reviewed the following list of things the RPC said they needed or wanted for the process at their March 8 meeting: a participative process; more time, especially for the public; to join this process with the Regional Plan update schedule; to study the 4 persons per acre population standard; to consider the cumulative number of acres involved; to reinforce the Regional Plan principles about infill and transit oriented development; to conserve natural resources; to consider these amendments in the context of the public lands bill, the interim water study and the regional transportation plan; and more specificity.

Chair Dortch stated that he would like to give the Planning Directors an opportunity to address this item.

John Hester, City of Reno, presented an overview of the proposed settlement agreement plan amendments and concepts from the RPC public hearing comments.

Adrian Freund, Washoe County, stated that Mr. Hester covered the input that the three jurisdictions provided to the RPC. Mr. Freund stated that they are willing to work on the requests from the RPGB to possibly prepare a Regional Plan amendment relative to the concurrency issue and provision of adequate infrastructure in concert with development being approved. Mr. Freund stated that it is important to Washoe County that this set of amendments to the Regional Plan be viewed as a package. If certain parts of that package do not move forward, the entire agreement does not work.

Member Galloway asked Mr. Freund if an amendment should be included regarding Point 1 in the settlement agreement that Reno will adjust annexation requirements with development applications. Mr. Freund responded that those reliefs that do not require residents of the County to sign an annexation agreement for certain permits and discretionary actions are important to the County and that he believes that they are being fulfilled by the City of Reno.

Member Galloway stated that the St. James rollback should be part of the package. Mr. Freund responded that there are a series of TMSA amendments that were proposed in the joint staff report of January 12 and one of those does include the St. James rollback as well as other amendments to the TMSA that are proposed.

Member Galloway asked if it should also contain a restatement of what is in the sections that state that the Regional Plan will require that anybody who wants intensification will have to have these facilities plans in place and that they would be funded and concurrent with development.

Mr. Freund responded yes and stated that they have been working on specific local standards and procedures that would be imbedded in our development code for concurrency and provision of adequate infrastructure. Mr. Freund stated that he has indicated that they would be willing to bring forth an amendment that would capture the essential details of the settlement agreement in a Regional Plan amendment.

Margaret Powell, City of Sparks, referred to Member Galloway's comments and stated that Points 1 and 2 of the settlement agreement specifically relate to the lawsuit and Reno's annexation program so it would be inappropriate to have policies in the Regional Plan that relate only to Reno's program of annexation. Ms. Powell also pointed out that on January 12, a full packet of what staff was able to create and develop for the amendments was brought before all three jurisdictions and voted on and that is what staff has been working diligently to advocate. Ms. Powell stated that the time and direction given to the staffs to forward these Regional Plan amendments did not allow time to work on concurrency issues. Ms. Powell stated that much of the discussion she has heard looks at these amendments as if they will supplant the Regional Plan. All the other components of the Regional Plan will still be in place and any amendments to local master plans must still conform to the other policies in the Regional Plan that address infrastructure and resource limitations.

Chair Dortch asked that the appellants now make their statements.

Gary Duhan stated that Sage Community Group supports the proposed amendments and the settlement agreement. Mr. Duhan requested approval of the amendments and also requested that a modification to the Reno TMSA area be included.

Bob Rusk stated his support for the entire settlement agreement is in place and also supports the inclusion of Winnemucca Ranch in the TMSA.

Arlo Stockham stated that he is speaking on behalf of Loctavar LLC. Mr. Stockham stated that they are recommending that the RPGB return the RPC decision to defer these matters to a technical committee. These are important policy decisions that have already been reviewed and developed by technical committees and it is time for policy level people to make a decision.

Public Comment

John Howe spoke against the amendment and expressed concern regarding sprawl and water issues.

Chair Dortch stated that there is one more appellant to speak.

Bob Marshall, owner of Marshall Ranch, stated that it is not economical to operate his ranch as a cattle ranch anymore and he needs to do something else with the property. Mr. Marshall stated that he supports the settlement agreement. Mr. Marshall urged that his property that is not included in the Sage Community request also be included in the TMSA.

Trent Averett, Peavine Pines President, requested that his property be included in the TMSA.

Pamela duPrel expressed appreciation to the RPC for doing the right thing and stated that the settlement agreement does not require the adoption of a 100-year plan.

Buzz Harris stated that it is good to see a plan for the next 100 years and that we need to plan for the future. Mr. Harris also expressed concern regarding concurrency issues.

Tina Nappe expressed concern that due process has not been provided in this instance and thanked the RPC for their action.

Carl Adams stated that he supports the settlement agreement and also supports any effort to get the concurrency provisions included in the plan. Mr. Adams stated that the RPC did the right thing and is just trying to get more information to make a decision.

Lee Weston spoke about property he owns that should have been included in the proposed TMSA.

Susan Lynn expressed concern that developers have been included in this process and the public has been left out.

Bob Fulkerson stated that due process has been violated.

Tyrus Cobb stated that he shares concerns expressed by members of the public tonight.

Heather Singer stated that it is a conflict that Mr. Dortch urged developers to appeal the RPC decision and asked that RPGB members publicly disclose any relationships they have with the developers. Ms. Singer stated that it is unfair to force the RPC to make a decision before they have all the information they want.

Erik Holland spoke in opposition to the proposed amendments.

Craig Snynes expressed concern regarding water issues, native plants and animal life.

[Member Cashell arrived at 7:35 p.m.]

Madelyn Shipman referred to NRS 278.0272 subsections 7 and 8 and stated that since the RPC did not make a final decision that is subject to an appeal process, there is nothing before the RPGB to consider.

Sarah Chviliclick spoke in support of the RPC's decision to refer the joint proposals for further review and in opposition to scare tactics being used to imply the settlement is at risk because of actions of the RPC.

Tony Midmore stated that just because members of the RPGB are elected does not mean that they have so much knowledge of the public's situation and what is best for the public that they should not ask for input.

Ralph Durham spoke in support of the settlement agreement and moving forward with the amendments. What is at stake here is the ability for the Cities and the County to work together and to plan for smart growth.

Dan Herman expressed concern regarding how fast these appeals came before the RPGB. Mr. Herman asked that the RPGB members disclose any private meetings they have had with the developers represented here tonight.

Darin Bue stated that he would like to see the planning in this region incorporate talk about what is going on with the global economy.

Dennis Ghiglieri spoke in support of the RPC's decision. The right thing to do is to honor a public process.

Lori Wray requested that the RPGB plan workshops on the major issues in a public process.

David Bjorkman spoke in support of orderly growth.

Dorothy Hudig stated that the RPC only wants time to think about the issues.

Marjorie Sill stated that the RPC paid attention and listened to the people. Ms. Sill expressed concern that she was not informed by elected officials of what was going on before the decision was made by the RPGB.

Tim Stuffel spoke in support of the RPC's decision.

John Marshall spoke in support of the RPC's decision.

Susan Juetten spoke in support of the RPC's decision and of slowing down this process.

Sam Dehne expressed opinion regarding what the RPGB's decision will be.

Juanita Cox spoke in support of the RPC's in their search for truth and fact.

Willa Simpson stated that the people that have elected the RPGB members are depending on them to make the right decision and that the right decision was made by the RPC on March 8.

Jim McGill spoke in support of the RPC's decision to put this off to the 2007 Regional Plan update process. Mr. McGill stated that he was dismayed by the RPGB's reaction to the RPC's decision and expressed concern that a member of the RPGB is a lawyer for the law firm that represents the Winnemucca Ranch.

Chair Dortch stated that RPGB member Pierre Hascheff has abstained from any issues relating to this and has acted entirely ethically in this matter.

Bob Johnston expressed concern regarding various issues related to the proposed amendments. Mr. Johnston stated that if Winnemucca Ranch is annexed and allowed to develop, there will be a 14th amendment problem because all the land owners between there and Reno will then have an argument that they then get to develop under the equal protection clause.

Mark Montague spoke in opposition to the proposed amendments.

Monika Frank spoke in support of the TMSA and SOI roll-back in Pleasant Valley and in opposition to the Weston Lowden amendment request to include North Washoe Valley in the TMSA.

Gary Schmidt stated that it is not a property right to convert agricultural ranch or farm property into subdivisions.

Roger Edwards stated that the process is flawed because one person that does not agree with the RPC's decision can force it into another venue.

Amy-Louise Mazza expressed concern about planning for the next 100 years.

Louise Thomas expressed concern regarding open space, wildlife habitat, migration paths of birds and animals, and wells.

Chair Dortch read written comments submitted by: Carol Christensen; Matt Schultz; Doug Smith; John Kershaw; Bill Von Phul; and Shaaron Netherton in opposition to going forward with the amendments. Chair Dortch also read written comments submitted by Chris Lippman requesting that his property be included in the TMSA, and Mike Britton in favor of the amendments.

Frank Shank asked the Mayor to slow down, listen to the people, and not vote for this appeal.

[Chair Dortch called a recess at 8:53 p.m. The meeting was called back to order at 9:07 p.m.]

Member Larkin asked Mr. Azevedo if the option he presented to the RPC to take no action with regard to the proposed amendments is articulated in regulation or in statute. Mr. Azevedo responded that he cannot point to that exact language in statute or regulation. Mr. Azevedo stated that the statutes outline the process in NRS 278.0272 and that the RPC did have an option of taking no action.

Member Carrigan stated that the three local governments approved the court-mandated settlement agreement. Member Carrigan asked Mr. Azevedo how the RPC's option to do nothing fits into the scheme of things as far as the amendments coming forward as part of that settlement agreement. Mr. Azevedo responded that it is his opinion that the RPC did take action. They referred the amendments to the TAC.

Member Carrigan stated that some of the proposed amendments were provisions of the settlement agreement that came from a lawsuit and asked Mr. Azevedo where we stand with the settlement agreement now that the RPC has remanded this to the TAC. Mr. Azevedo responded that the three local governments were required to propose the amendments to the RPC. The settlement agreement did not predetermine the approval of the RPC. The RPC was required to exercise their discretion as a public body. Mr. Azevedo also stated that the RPGB is not in violation of the settlement agreement.

Member Carrigan asked if at some point it is at the Judge's discretion to make a decision on a settlement. Mr. Azevedo responded that the judge already has approved the settlement agreement. Mr. Azevedo stated that if there is a significant concern on the legal process or in proceeding forward, the RPGB does have the option to petition Justice Hardesty for additional directions and guidance as to where you currently are with this.

Member Galloway stated that the Judge would have the power to find that the settlement agreement was not complied with because the planners of the three entities failed to bring to the RPC any amendment that would implement a concurrency package, including funded facilities plans before any intensification could take place. Member Galloway asked if the RPGB could take the appeals under submission and not act on them at this time but request both the TAC and the RPC to hear the rest of the package that was required to be brought before them by the settlement agreement. Mr. Azevedo responded that if the RPGB were going to add amendments or portions of amendments for RPC consideration, it would be necessary to enter an order reversing the referral over to the TAC first and then make whatever recommendations you deem appropriate for an amendment package.

Member Aiazzi asked Mr. Azevedo if the terms of the settlement agreement have been met since it was sent to the RPC. Mr. Azevedo responded that the settlement agreement required the local governments to propose it and that it is his opinion that those parties who are signatory to it have discharged their obligation.

Member Aiazzi asked for confirmation that without this amendment, Reno would not be required to roll back the sphere at the St. James Village. Mr. Azevedo responded that he does not believe the City of Reno would have an obligation to roll that back.

Member Aiazzi stated that it is still in the sphere right now. Member Aiazzi asked Mr. Azevedo if the amendments were presented to the RPC in such a manner that they felt they could not comment on them or modify them but that they had to either approve or deny it as a whole. Mr. Azevedo responded that, from a legal perspective, he does not believe that to be the case and that the RPC felt they could do whatever they needed to do that was appropriate, and that there was no predetermination from the court as far as their decision process.

Member Aiazzi disclosed that he has spoken with Arlo Stockham, Mr. Alonzo, Heather Singer, Bruce VanDyke, and Dr. Johnston; and that he has traded e-mail with Mrs. Sill and Mr. Fulkerson. Member Aiazzi also stated that he has no business connections in the areas being discussed.

Member Aiazzi asked Mr. Freund what the downside of postponing this decision would be from a planning perspective. Mr. Freund responded that one of the important issues to the County is the rollback in St. James and Pleasant Valley. That will continue to be a point of contention. Mr. Freund stated that there are some area plans that have been supported by the public and approved by the Board of County Commissioners that may not be found in conformance due to the failure of some of these amendments to move forward.

Member Aiazzi asked Mr. Freund if there was a requirement by the City of Reno that they allow more intense development at Sierra Reflections. Mr. Freund responded no. Member Aiazzi asked if at the last Regional Plan update the City of Reno told the County if you develop St. James Village then we will annex it but we want you to down zone the property. Mr. Freund responded yes.

Member Aiazzi stated that in the negotiations when the County asked the City of Reno to roll back the sphere, the City of Reno said it would roll it back and asked the County to tell them where they could grow. Member Aiazzi asked if the map originated with Washoe County Planning. Mr. Freund responded that the map was actually brought together by consensus of the staffs working with our governing bodies. Washoe County did present a map that did have some reductions proposed in the TMSA and each of the entities brought forward proposals for future service areas and that was the map that was agreed upon. As part of that it was agreed to show this rollback to the south and that was balanced off with the need of the City for additional acreage in other areas which was responsible ultimately for some of the movement northward.

Member Aiazzi asked Mr. Freund if the builders or developers were involved in the negotiations. Mr. Freund responded no and stated that when staff referred to meetings with the builders and the development community, they were referring to meetings in relationship to the concurrency requirement.

Member Aiazzi asked Mr. Freund if he feels that the County has been bullied. Mr. Freund responded that he did not feel that he had been bullied, or that the County had been bullied in this process.

Member Larkin referred to Ms. Shipman's letter in the meeting packet and asked Mr. Azevedo to address the question regarding whether or not there is even anything before the RPGB tonight. Mr. Azevedo responded that the determination of the RPC to refer these amendments over to the TAC is a determination that can be considered by the RPGB tonight. Subsection 8 of NRS

278.0272 refers to a determination and does not modify the term determination as to an affirmative determination, negative determination, or final determination.

Member Larkin disclosed that he has had meetings with Arlo Stockham, Brett Scolari, and one representative from the Jaksick family. Member Larkin stated that he has no financial interest in the Winnemucca Ranch and no other interest in any properties anywhere except his home.

Member Larkin expressed concern that the process at the RPC level not be hijacked for political reasons and that any action that goes before the RPC could be sidelined for any amount of time. Member Larkin asked Mr. Azevedo if he would like to comment on that. Mr. Azevedo asked Member Larkin if his concern is that if the RPGB were to reverse the decision of the RPC and send it back down, they could just circle back and do what they did previously. Member Larkin responded no and stated that if the RPGB so remanded, the RPC would have an affirmative action and responsibility, as well as a duty, in order to address the Regional Planning Governing Board, which is the parent body. Member Larkin stated that his question is related to the options for action the RPC was given. Member Larkin stated that his concern in this instance is that the RPC really only have three options. They can accept, deny, or modify it. Sidelining the issue is not fulfilling the responsibility that the RPGB, as elected officials, have tasked the RPC appointed officials with. Member Larkin addressed the public and stated that they have elected the RPGB members and that they are living up to their responsibility now by sitting here and listening for three hours to the public's concerns. Member Larkin stated that he has a lot of concerns with the RPC's actions or failure to act in an affirmative manner that they have been charged by law and statute to fulfill. Sidelining this particular amendment series has some significant ramifications to the community that balance on health and safety as the statutes talk about. This is not just a process that we are doing to remedy a few developers. This is a long, drawn-out process that many of you have not been in consultation with our teams that have been involved with this over the last couple of years. You could not have been involved because it was under court order. You were involved because your elected officials were involved representing you. Member Larkin stated that right now he is really concerned about the process and asked Mr. Azevedo if he would like to comment on that. Mr. Azevedo responded that with respect to possible further delay, it would be his recommendation, if it was the pleasure of this body to reverse the previous decision of the RPC, that the RPGB put either directions or instructions in there as to what you would like the RPC to do with respect to reprocessing or handling the amendments.

Member Carrigan asked Mr. Azevedo what happens to the settlement agreement if the RPGB affirms the RPC's decision to defer this to the TAC. Mr. Azevedo responded that if the RPGB affirms the decision of the RPC, the three local governments have discharged their obligation with respect to the provisions of the settlement agreement that required the proposed amendments. Member Carrigan stated that the settlement agreement falls apart if any one of the three entities want to make it fall apart, because it was discharged to the RPC.

Chair Dortch asked Mr. Azevedo if it is correct that if the RPGB affirms the RPC's decision to send this back to the TAC, then at this point in time we do not have a settlement agreement that is approved. Mr. Azevedo responded that he would submit that one of the elements contemplated in the settlement agreement would have been delayed for a period of up to seven months, which was not contemplated in the original settlement agreement, and that could potentially have legal consequences.

Member Carrigan stated that the settlement agreement is up in the end of June, 2007. If the RPC delegates it to the TAC, then the settlement agreement is null and void and we are back to where we were in the 2002 plans. Mr. Azevedo responded that most, if not all the settlement agreements, cease to have any legal effect upon the approval of the 2007 update.

Member Carrigan asked if the RPGB decided to override the RPC and approve the amendments increasing the TMSA, is there the ability to roll those TMSA boundaries back during the 2007 Regional Plan update process. Mr. Azevedo responded yes and stated that notice may be required depending upon the circumstances.

Member Carrigan stated that the reason he is asking this is because everybody in the audience is saying there is no public process, but the problem is that the educational part of this issue went over everybody's head because we are really settling the lawsuit here, and we were doing things that were just going to last until the next update.

Chair Dortch asked for confirmation that the reason we are where we are at today is because of the lawsuits that were filed. Mr. Azevedo responded that this is a recent lawsuit regarding Reno's program of annexation.

Chair Dortch asked if the settlement agreement is not approved, where is that lawsuit. Mr. Azevedo responded that it puts it up in the air as to all the parties that are party to it. On that particular point, Mr. Azevedo stated that it would be his recommendation that he file a status report with the court immediately to put the court on notice of what has occurred.

Chair Dortch stated that if the lawsuit is back on the table, one way to resolve that lawsuit would be for the City of Reno to actually withdraw their program of annexation. Mr. Azevedo stated that it has already been withdrawn.

Chair Dortch asked if the other provisions of the settlement agreement that the three entities agreed to as far as additional densities in the County and possible commercial development would all go away. Mr. Azevedo responded that he would have to look at each one to give a definitive answer.

Member Aiazzi stated for clarification that a rollback of the sphere does not change someone's land use. If the TMSA is adopted, that gives someone a property right, and that can not be easily rolled back in 2007.

Member Galloway stated for clarification that this is a court order or mandated settlement. The court did not force us to settle. The court simply said that if you do not settle, he will just rule on the original lawsuit. Mr. Azevedo responded that is correct.

Member Galloway asked if in between the time that TMSA is expanded and then rolled back there is intensification in the form of zoning granted, that is very problematic to roll back. Trying to take away somebody's zoning is going to be very tough. Mr. Hester responded that the County has rolled back the zoning twice that he knows of in the last 25 years. Member Galloway stated that when the County did it, it took five years to do it on your recommendation to avoid legal issues.

Member Galloway disclosed that he has no pecuniary interest in this that is affected by this plan and that the only contact he has had from an appellant is with Mr. Rusk.

Member Weber disclosed that she has spoken with Arlo Stockham, the Jaksicks and many of the residents.

Member Weber stated that there were a lot of things said tonight by a lot of angry people and that every member on the RPGB takes their jobs very seriously. No matter which way the RPGB votes, we will not be able to please everyone. We started off with the Reno program of annexation and asked the court to allow us to go and work on this plan. It took a lot of time and effort, and a lot of folks to come up with a plan for the future of this area. None of this was taken lightly. We were not able to just go out to the public. In September we started having this on our Board of County Commission agenda so that people did have an opportunity to get educated. Member Weber stated that what she has heard tonight is that the public does not understand this process. Member Weber asked the RPGB to consider that more workshops may be needed to allow the public to at least get educated.

Member Aiazzi asked Mr. Stockham if this were postponed to the 2007 update, how would that affect what is being done at Winnemucca Ranch. Mr. Stockham responded that it would be pretty significant most principally in the more regional issues of infrastructure and facility planning. Mr. Stockham mentioned the Pyramid Highway study that is being done now by the Regional Transportation Commission (RTC) and stated that having some resolution on whether growth is going to go up there or not would make a difference on whether those facilities are adequate. There is a lot of planning to do with water, sewer, and things of that nature that would all be delayed. Mr. Stockham also stated that they are pursuing a land exchange to get many of the environmentally sensitive lands into public ownership and consolidate the whole thing and that would also be deferred. There would also be a substantial economic impact.

Member Larkin stated that he would like to see the RPC do their job and asked Mr. Azevedo if one of the options is to remand this back to the RPC. Mr. Azevedo responded that it would be to reverse the decision to refer it over to the TAC, if that is what is being suggested.

Member Larkin stated that he is suggesting to send it back to the RPC with three options of either denying, modifying, or approving, and to get the job done that the RPGB asked them to do to begin with. Chair Dortch asked Mr. Azevedo if the RPC decision has to be reversed first and then to ask the RPC to rehear it with those options. Mr. Azevedo responded yes.

Member Larkin stated that he would like to make a motion to reverse the RPC's decision to refer amendment 06-002. Member Larkin asked if that includes all of the provisions of the settlement agreement. Mr. Ziegler responded that the amendment that was submitted to the RPC is the amendment that was described in the local government staff report. It does not include concurrency. If you wish to include concurrency, that would need to be included in the motion.

Member Carrigan asked if that would be a modification then. Member Carrigan asked if instead of reversing it, can we modify it to say look at concurrency and send it back to the RPC. Member Larkin and Chair Dortch responded that the first thing they need to do is reverse the decision to send it to the TAC.

Member Carrigan stated that the third thing that was given as an option was to modify it and send it back. If you want to put the concurrency part of the amendment in there, that would be a modification and we could send it back. Member Larkin asked Mr. Azevedo to comment on that. Mr. Azevedo stated that a couple of things need to be done. You need to reverse the

decision to refer it to the TAC. You also need to put on the parameters as to the range of action you would like the RPC to take. Mr. Azevedo asked if it is correct that now he is hearing that you would like the RPC to hear a modified version of the amendment that came forward adding the concurrency. Member Carrigan responded that he is not the motion maker but that would be his question if there is a second.

MEMBER LARKIN MADE A MOTION TO REVERSE THE RPC'S ACTION WITH AMENDMENT 06-002 AND THEREBY MODIFY THEIR ACTION BY LIMITING THEIR SELECTION OF OPTIONS TO APPROVE THE AMENDMENTS AS SPONSORED WITH NO CHANGES, MODIFY THE PROPOSED AMENDMENTS AS SPONSORED AND APPROVE THE MODIFIED AMENDMENTS, OR DENY THE PROPOSED AMENDMENTS, SECONDED BY MEMBER CASHHELL.

Member Carrigan stated that he did not hear the modification of concurrency in that motion. Chair Dortch responded that the option that they RPC has to modify the proposal would include putting concurrency in there.

Member Carrigan stated that he would rather have this Board direct them to do that. Chair Dortch stated that his concern with that is that we have heard tonight that the staffs are working diligently on these concurrency standards and he does not know if they will have them back to them by the next meeting.

Member Galloway suggested a solution to that and stated that there is one in the meeting package tonight in Ms. Shipman's memo. Ms. Shipman has drafted at least one version of a concurrency amendment that could be considered. Member Galloway stated that for him to support this motion he feels that it needs to clarify that the plan we want the RPC to consider would include whatever proposals are made to implement the concurrency provisions of the settlement agreement.

Member Cashell stated that the RPC has the right to do any of those the RPGB has asked them to do and to let them do it. Member Galloway stated that the flaw in that is that it didn't happen the last time. Nobody ever brought the RPC any wording to implement or consider the concurrency provisions.

Member Aiazzi asked what would happen if the RPC does not give us a decision. Mr. Azevedo responded that he will advise the RPC to adhere to the RPGB's decision. In the event that were not to happen, the RPGB can come back and direct the amendments to be approved. In the event that situation were to occur, Mr. Azevedo stated that he would strongly recommend that we file a petition with the judge immediately.

Member Aiazzi asked if there is a time limit for when we want this decision back to us. Member Larkin stated that he would like to see this back within a practical period of time, which is the next 30 days.

Chair Dortch asked Mr. Ziegler if this could be back to the RPGB at the April meeting. Mr. Ziegler responded that he does not see how it can be done by April.

Member Weber stated that she was hoping that the motion would include opportunities to have more workshops.

Member Cashell stated that this is just the first phase of planning. The three entities have come up with an agreement that these are the areas that we would grow in over the next umpteen years. Nobody is going out there tomorrow to start building anything until they prove that they have water, sewer, streets, and whatever else there is. All of the plans and all the hearings start after this plan is adopted. Now, we go in and find out what we want, what we are going to do, how we are going to do it. We don't need those meetings right now. Now we are in a position to do planning and to listen to the people. This is the beginning of meetings that will go on for years. We need to adopt the plan we agreed to as all of the County and the Cities and go forward. The RPGB has asked the RPC to tell us how they can amend it or whatever they want to do. The RPC has heard our conversations tonight about concurrency. If they don't want to put concurrency in there, we can modify it when it gets to us.

Member Weber stated that she cannot support this motion if we do not have some workshops.

Mr. Ziegler stated that he is looking at the practical schedule. The RPC meets next Wednesday night and that agenda is already out and posted. The RPC has two meetings in April, the 12th and the 26th. In order to approve these amendments and get them back to the RPGB for action takes a drafting process. Once they are outlined and agreed upon conceptually, they have to be drafted up, and be put in Regional Plan language. There also has to be more public hearings. April would just be, as a practical matter, impossible. May might be possible, but it is also tight.

Member Carrigan asked Mr. Ziegler if the same process would still have to be done if they had approved these at their meeting last week. Mr. Ziegler responded that it may have been over optimistic to say that this could be in front of the RPGB for action on March 9th at that time. Mr. Ziegler stated that events certainly proved it was totally unrealistic and he is trying to insert some sense of reality about what is involved.

Member Galloway asked Member Larkin if the motion includes the concurrency requirements of Section 5.1 and 5.2 as part of what is going back to the RPC. Commissioner Larkin responded that as it currently stands, it does not include specific language that includes the concurrency language. Member Larkin stated that he believes that the RPC people have knowledge of this and that if they wish to include that in their deliberations, they may.

Member Galloway asked Member Larkin if he would consider modifying the motion to include that because he cannot support the motion if it is not included.

Chair Dortch stated that even if that was included in the motion, they have the right to modify whatever is before them. Member Galloway responded that it would at least guarantee that it comes out and is discussed. The agreement required that it be brought to them before and it was not.

Member Larkin stated that he would include it if the seconder will agree to the language. Member Cashell stated that he does not think it is necessary.

Chair Dortch suggested including in the motion that the best course of action would probably be to get it to the Regional Planning Commission at their next meeting after next week's meeting and then to direct Regional Planning staff to get it to us as quickly as possible after that, preferably by our May meeting.

Member Larkin asked Mr. Ziegler when the earliest practicable time would be and if that would include workshops or public hearings. Mr. Ziegler responded that there will be public hearings and that he is reluctant to speak for the RPC regarding workshops. Mr. Ziegler stated that the earliest practical date is the May RPGB meeting. That will not be easy, but it may be doable.

Member Larkin asked if that would include more than one public hearing. Chair Dortch responded that there will be a public hearing when the RPC hears it and a public hearing again when the RPGB hears it. Mr. Ziegler stated that would be the minimum statutory requirement to have at least two more.

Member Aiazzi stated that we do not have to ask the RPC to have the workshops. We can just ask our staff to do it.

Member Larkin asked if there is a number anybody has in mind. Member Weber stated that she would be happy with three.

Chair Dortch stated that if there will be three workshops, this time frame just went away. Chair Dortch asked Mr. Ziegler to comment on that. Mr. Ziegler stated that Regional Planning staff works for the RPGB and will do whatever they direct. Mr. Ziegler stated that Regional Planning staff is working on an update and is trying to keep that process moving. For many months now we have been basically split trying to keep the update moving and working on these as well. Mr. Ziegler stated that they can knock themselves out in a certain time frame in order to get this resolved, keeping in mind that there is only so many staff and there is only so many hours in a day. Mr. Ziegler stated that his personal view on workshops is that if they are just one-way educational events, he does not favor them. They can be done quickly but may not be productive. If they are indeed two-way, interactive-type events where public input is really solicited and honored, Mr. Ziegler stated that he is all for them.

Member Aiazzi stated that what he heard from a lot of the public is that they don't understand what the plan is so, the two-way event may not be necessary. Chair Dortch stated that it is not that the public does not understand the plan, it is that they do not like the plan.

Member Larkin asked Mr. Ziegler if it would be doable to have one workshop prior to the RPC public hearing and one workshop prior to the RPGB's public hearing. Mr. Ziegler responded yes.

MEMBER LARKIN AMENDED THE MOTION TO INCLUDE TWO WORKSHOPS, SECOND CONCURRED.

Member Galloway asked if those would be one-way or two-way workshops. Member Larkin responded that would be left up to the discretion of the RPC and the Regional Planning Governing Board staff.

MEMBER GALLOWAY MADE A MOTION TO AMEND THE MOTION TO INCLUDE THAT WHAT GOES BACK TO THE RPC INCLUDE CONCURRENCY, SECONDED BY MEMBER CARRIGAN.

Member Aiazzi stated that he will not support this motion and that the RPC can change this any way they want to.

THE MOTION FAILED WITH THREE (3) IN FAVOR AND SIX (6) OPPOSITIONS BY MEMBERS DORTCH, LARKIN, AIAZZI, CASHELL, ZADRA, AND MARTINI.

Chair Dortch called for the question on the original motion.

THE MOTION CARRIED WITH EIGHT (8) IN FAVOR AND ONE (1) OPPOSITION BY MEMBER GALLOWAY.

6. REQUESTS FOR FUTURE AGENDA ITEMS

None

7. WRITTEN CORRESPONDENCE

None

8. ADJOURNMENT

MEMBER AIAZZI MADE A MOTION TO ADJOURN AT 10:25 P.M., SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) 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 _____, 2006