

**WASHOE COUNTY COMMISSION
RENO CITY COUNCIL
SPARKS CITY COUNCIL**

JOINT MEETING

THURSDAY

9:00 A.M.

JANUARY 12, 2006

PRESENT:

Bob Larkin, Washoe County Commissioner, Chairman
Bonnie Weber, Washoe County Commissioner
Pete Sferrazza, Washoe County Commissioner
Jim Galloway, Washoe County Commissioner

Robert A. Cashell, City of Reno, Mayor
Dave Aiazzi, Reno City Councilmember*
Dan Gustin, Reno City Councilmember
Pierre Hascheff, Reno City Councilmember
Jessica Sferrazza, Reno City Councilmember
Sharon Zadra, Reno City Councilmember

Geno Martini, City of Sparks, Mayor
Mike Carrigan, Sparks City Councilmember
John Mayer, Sparks City Councilmember
Judy Moss, Sparks City Councilmember
Phil Salerno, Sparks City Councilmember
Ron Schmitt, Sparks City Councilmember

ABSENT:

David Humke, Washoe County Commissioner
Dwight Dortch, Reno City Councilmember

The Board and Councils met in joint session in Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, with Sparks Mayor Geno Martini presiding. Also present were County Manager Katy Singlaub, Deputy District Attorney Melanie Foster, County Clerk Amy Harvey, Reno City Manager Charles McNeely, Reno City Attorney Patricia Lynch, Reno City Clerk Lynnette Jones, Sparks City Clerk Lenda Ulrich and Sparks City Manager Shaun Carey.

SALUTE TO THE FLAG

Gary Schmidt, local resident, discussed the Pledge of Allegiance. Following the Pledge of Allegiance to the flag of our Country, the Clerks called the roll for their respective entities, and the Commission and Councils conducted the following business:

PUBLIC COMMENT

Guy Felton, local resident, discussed Jeff Griffin's behavior at a recent City Council meeting. He also discussed the Ethics Committee and recent dealings with local resident Sam Dehne.

Mike Pennington, Reno Sparks Chamber of Commerce Public Policy Director, said he supported moving forward on agenda item number six.

Eric Holland, local resident, complimented the Reno-Gazette Journal on an article discussing an amendment to the master plan and spoke in opposition to the plan.

John Rhodes, local resident, disclosed he was employed by the District Attorney's Office but was on his own time. He requested that property he owned on Rhodes Road be included in the Reno Sphere of Influence (SOI) and in the Reno Truckee Meadow Service Area (TMSA) due to the proximity of the property to both the Reno SOI and to municipal services.

Don Kitts, local resident, commented on the growth process.

Ginger Pierce, local resident, discussed keeping Pleasant Valley out of Reno.

Sharon Zadra, Reno City Councilmember, spoke about graffiti. She said the Nevada Department of Transportation (NDOT) was fining the contractor working on the Spaghetti Bowl \$5,000 per day for their delinquent performance. She said the local entities were being tasked with removal of the graffiti on the mini sound walls. She encouraged the group, both individually and collectively, to request NDOT to return some or all of the fine money to the local agencies to be used for graffiti removal.

Gary Schmidt, local resident, discussed a lobby contract for Madelyn Shipman, retired Deputy District Attorney, which was ultimately pulled.

Andy Manor, local resident, said it was nice to see the Cities and the County working together for the future of the Reno, Sparks and Washoe County area. She noted planning had been a mess in the past, and said reasonable planning was very important. She said a master plan should be stuck to without a bunch of amendments.

Josh Wilson, local resident, stated he worked for the Washoe County Assessor's Office but was speaking on his own time. He said he was representing the Trailblazers Motorcycle Club, as well as the Motorcycle Racing Association of Northern Nevada. He said the Hungry Valley Off Highway Vehicle (OHV) area was the only established OHV in the region, and the plan seemed to encroach on that. He said, to sprawl into the only OHV designated area could only increase the existing tension, and

conflicts were being seen between homeowners and users. He questioned supporting a bill that no one has seen.

Sam Dehne, local resident, discussed various issues of concern to him.

Juanita Cox, local resident, apologized to the joint panel, stating the last time she was before them she discussed the Bureau of Land Management (BLM) using seed that had cheatgrass in it to reseed the Andrew Lane Fire area. She said, after speaking to an expert on the subject, she was told two percent in the mix was acceptable, and the seed in question had less than that. She discussed BLM's intention to treat 17 western states with an herbicide to overspray for weeds. She suggested looking at www.organicconsumers.org/blm.htm.

06-79 **MINUTES**

For Washoe County, on motion by Commissioner Galloway, seconded by Commissioner Weber, and for the City of Reno, on motion by Councilmember Gustin, seconded by Councilmember Zadra, and for the City of Sparks, on motion by Councilmember Mayer, seconded by Councilmember Salerno, which motions duly carried, Mayor Martini ordered that the minutes of the joint meetings of January 31, March 25, and July 12, 2005 be approved.

06-80 **DISCUSSION – IMPLEMENTATION PROGRAM OF
ANNEXATION SETTLEMENT AGREEMENT**

John Hester, Reno Community Development Director, said there was a settlement agreement on the Reno Program of Annexation that was approved and ordered by Justice Hardesty. He said, as part of Justice Hardesty's Order, the Cities and County were to prepare proposed Regional Plan amendments to implement that settlement agreement. The elected officials, representing each of the entities, and Regional Planning staff met to prepare the recommendations.

Mr. Hester said the recommendations were in three parts, with the first being a staff report and map. He said there were explanatory notes that comprised the second part of the recommendations, and a discussion on County financial support for infill being the third. He discussed the items addressed in the staff report.

Mr. Hester said a need was identified to handle population growth over the next 20 years. He stated approximately 9,900 acres for Reno and approximately 16,000 acres for Sparks were identified, and a four person per acre density was used. He said the unincorporated County would have 14,300 acres more than was needed at the planned density due to lower density development. He said the St. James rollback was approximately 2,100 acres, raising the Reno number to 12,000 and changing the unincorporated number to 16,400. He said the City of Reno was able to identify the Sunny Hills area, the area south of Hidden Valley, part of University Farms, and some additional areas in the Cold Springs area with the rollback. He said that got them to

about 20 percent of the number Reno needed. The Winnemucca Ranch area was added giving Reno room to grow. He said it did not get Reno to the 20-year number, but it was enough to grow and plan. He said it prompted the need to clarify language in Nevada Revised Statute (NRS), as well as identification of a future service area.

Adrian Freund, Washoe County Community Development Director, said one of the key concerns of unincorporated residents was that there be a rollback of the Reno SOI in the areas of St. James and Pleasant Valley. He said there was an approved development of approximately 525 acres and 1,000 homes, with a density of about 1.9 units per acre. He said the rollback would ensure it stayed within the County and noted there were no commercial developments planned in that area at this point. He said approximately 2,700 acres was subtracted to reduce the imbalance in the County acreage per the formula in the settlement agreement, due to the County having significantly lower density development than the Cities. He said it allowed for redistribution of existing unincorporated TMSA to a few different areas. He discussed additions to the County's service areas and concerns with buffering from city annexations in the Cold Springs area. He discussed the addition to the County's TMSA in the Hidden Valley, Silver Knolls, and Wadsworth areas.

Mr. Freund said the numbers for the County showed there were about 14,000 to 15,000 acres of vacant developable land left in the unincorporated TMSA. He stated that land could accommodate an additional population of 60,000 persons by 2030. He mentioned the County future services area was a segment between the Reno and Sparks future services areas, and noted there was a significant area in the middle that the Reno Sparks Indian Colony wished to have to protect its lands. He said that would eventually be removed from the County future services area further north. He noted cultural and environmental resources would be taken into account at the time public lands would be prioritized for inclusion in the public lands bill.

Margaret Powell, Sparks City Planner, said two additional steps had been identified to get the additional acreage included in the settlement agreement. She said four persons per acre was not considered a sprawl type density, and they looked for areas that could potentially support that type of density. She said, if Sparks went into Spanish Springs to the north, it would disrupt the existing residents, their lifestyle, and current density. She said their current Sphere of Influence (SOI) down the Truckee River Canyon through to the lower portions of Spanish Springs might work in creating a preunified service area for the City of Sparks long-term. She noted the Reno and Sparks TMSA's would be side by side and underlying the floodway.

Mr. Hester said along the western side of Silver Knolls, between Cold Springs and Silver Knolls, there were some Bureau of Land Management (BLM) parcels. He noted people with privately owned parcels in that area have agreed to designate them as open space, which will create a continuous corridor of open space. He said it was the intent of all three entities that islands, unincorporated developed residential area surrounded by an incorporated city, not be created as a result of the proposal.

Mr. Hester said there were future service areas for all three jurisdictions and most of those lands were federally owned. He suggested BLM and the local governments work together. He said no one was seeking to dispose of any lands with development constraints or lands that were identified with important natural features. He said lands for the Reno Sparks Indian Colony would be identified, as well as the Pyramid Paiute Tribe. He said all of those areas would be subject to cooperative planning as defined in the settlement agreement. He said public service and facility plans, as well as concurrency of services, were in the settlement agreement and would be carried into the future service areas. He said important resources would be identified such as the sustainability of water, wildlife, etc. Lastly, he said the conversion of lands from public to private ownership should be based on some measure of capacity and how much has been converted in existing areas.

Mr. Hester said TMSA was changed for all jurisdictions, and future services areas were identified. He said the Cities would push for the County to bring its densities up, and the restraint on the Regional Plan for density in unincorporated areas would need to be removed. He noted there would also be a need for some commercial development to serve those areas. He said there was a policy change included for the public lands bill to identify the NRS needed for non-contiguous annexation.

Commissioner Galloway asked if there was wording regarding the islands and whether they came up with wording regarding the tribal future service areas. Mr. Hester said page four, item one, of the staff report addressed these areas. In response to Commissioner Galloway, Mr. Hester recommended accepting the staff report, directing all three staffs to begin processing the Regional Plan amendment, and making sure Commissioner Galloway's suggestions were part of the motion. He noted making the language part of the explanatory notes was also an option.

Mr. Freund recognized and thanked the negotiators for their work. He stated the intent of the explanatory notes was to cite each section of the settlement agreement where there was a lack of clarity and to propose wording. He said the first section of the explanatory notes was all that was agreed to by the negotiators. He noted an attachment to the packet explained the explanatory notes that were removed at the last negotiators' meeting due to a lack of consensus. He discussed the alternative wording suggestions developed after the January 6 negotiators meeting.

Mr. Freund discussed the second section of the explanatory notes dealing with City programs of annexation and exceptions laid out in the agreement dealing with special assessment districts and properties with development constraints. He said there was the potential for a separate agreement on the County infill assistance; however, the bulk of today's action was actually a recommendation to the Regional Planning Agency to amend the Regional Plan. He said the section went on to discuss how the acreage for each of the TMSA's were determined. He said recalculation of the acreages of the areas would only occur when an amendment was proposed to the TMSA by any of the jurisdictions. He discussed population forecasts in calculating the TMSA acreages.

Mr. Freund said the County would not be required to reduce the amount of acreage in its TMSA that remained in the unincorporated portion of the County. He said the County might relocate, but not expand, the total TMSA acreage. He noted either City could annex land outside of their TMSA, as long as it met the provisions of NRS 278.670.

Mr. Freund said clarifications on the County area plan updates would continue, and he indicated they would recognize future service areas of any of the jurisdictions in the County area plans that tended to encompass large areas. He said there were specific explanatory notes that clarified those existing property rights and entitlements that were protected through the 2002 Regional Plan Settlement that continue to operate. He said there was no lack of clarity as to whether unincorporated areas continue to hold their pre-2002 entitlements or if they might carry out parcelization.

Mr. Freund discussed concurrency, stating this was the first time there would be any provision specifically requiring that all facilities and service plans be in place at the time of entitlements for intensification of land use. He said it indicated the Regional Planning Governing Board would convene meetings with the School District. He said a funded facilities plan was changed, along with who was subject to the facilities plans and service requirements. He said anything filed prior to the approved settlement agreement of August 2005 could move forward, but these facilities requirements could be applied at the discretion of local governments. He stated these plans would be required after that date.

Mr. Freund clarified that Washoe County, the Cities of Reno and Sparks, and the Regional Planning Agency agreed to jointly submit language for the legislative session to clarify that the SOI's may be either contiguous or non-contiguous and that non-contiguous annexations might be permitted. He said there were two perspectives on non-contiguous annexation; it could be undesirable or, as in Cold Springs, some significant reasons were identified why the ability to non-contiguously annex might have been preferable. He noted the Tahoe Basin was not part of the Regional Planning area. He said the three entities agreed to participate in and support federal legislation for a Washoe County lands bill, stating the process would identify appropriate federally managed land for possible conversion to private use. He said development-constrained lands with steep slopes were not included in any of the future services areas on federal lands.

Mr. Freund said Explanatory Note G referred to the Cooperative Planning activity for the University of Nevada Reno (UNR) Farms area, noting it was currently a joint planning area. He said "joint" had a specific meaning under NRS that required each jurisdiction involved in a joint plan to approve or reject amendments. He said the Cities wished to have the UNR Farms area removed from the joint planning designation, changing it to cooperative planning. He said another issue was how master plans for that area would be found in conformance with the flood project, noting there was no consensus on that language. He said the UNR Farms stood at a critical juncture in terms of regional flood control concerns.

He said, in Explanatory Note H, the signatories to the settlement were considering a separate agreement in which Washoe County might agree to make certain future contributions to infill development. It was noted proposals on infill still needed to come before the Board of County Commissioners.

Mayor Martini read comments from Kimberly Reich and Ryder Homes regarding the agreement.

Mike Dillon, Builder's Association of Northern Nevada (BANN), supported the agreement but said there were concerns with item 5.2, the implementation of the planning process for services such as water, sewer, and roadways. He said, after discussing this with the staff of the three entities, BANN requested the Board create a working group that would work with these critical planning issues.

John Rhodes, local resident, discussed reasons his property should be in the Reno SOI.

Sam Dehne, local resident, objected to the one-minute rule for public comment, as well as to the map.

David Borkman, local resident, said he owned 200 acres of land on the south side of Peavine Mountain and represented the other landowners in that area. He asked that he and his neighbors be included in the planning process.

Randy Venturacci, Ralph Durham, Don Kitts, Bob Rusk, Jan Imaley, and John Fuller, local residents, supported the agreement. Michael Alonso, Jones Vargas; Gary Houk, East Washoe Valley Citizens Advisory Board; and Arlo Stockman, CSA Representative, supported the amendment.

Gary Feero, local resident, discussed planning.

Shawn Espinosa, State Sage Grouse Biologist, Nevada Division of Wildlife, voiced concerns with consultations.

John Madole, Associated General Contractors, said they supported the efforts to consolidate and settle differences. He echoed concerns with section 5.2 that were previously mentioned.

Buzz Harris, Associated General Contractors, mentioned an issue with concurrency.

Marge Sill, local resident, said she was concerned about some provisions within the settlement agreement and that there was no public input.

Lisa Teer Jayne, local resident, said she did not feel she had a voice in this effort.

Arlan Melendez, Chairman Reno Sparks Indian Colony (RSIC), indicated they acquired Hungry Valley in 1986 and recognized they must secure, and be in control of, a future that improves the quality of life for their residents by reestablishing traditional ways of life. He said it was difficult to maintain and preserve traditional culture and language in the middle of a highly urbanized area. He stated RSIC wanted to be responsible for managing its future in terms of natural and cultural resources in Hungry Valley. He said the Colony had spent millions of dollars in public improvements and community development, including water systems and community buildings. He explained that, to a great extent, Hungry Valley was undeveloped; and, to preserve the traditional values and life ways, it needed to be protected from future development. He said natural landscape was part of their traditions and the Colony wanted to preserve viewscapes of the mountains and valleys in the natural setting. He indicated they also want to work with the County in preserving the sacred sites and petroglyphs. He said currently the RSIC was not depicted on any of the maps.

Dennis Nolan, Encore Commercial representing Feather River LLC, said he was also a State Senator for District 9. He said they have 700 acres in the Wadsworth area surrounding the current Stamp Mill Estates property with about 320 recorded lots. He said the annexation plan as proposed would keep the 320 lots on about 100 acres, but would remove the rest of the proposed project from the area. He requested the entire area be placed in the proposed annexation.

Doug Ford, Sunny Hills property representative, said there was a natural canyon that gave access to the property and requested the plan be slightly modified to include this area.

Trent Averett, Peavine Pines President, said the company owned approximately 1,300 acres on the south face of Peavine Mountain. He said it was their understanding that the County had extra capacity in the TMSA boundary and requested that property be included in the boundary.

Cindy Schardt, local resident, wondered if the citizens were in agreement with all of the development.

Susan Juetten, local resident, applauded the idea of concurrence. She expressed concern over Explanatory Note F, and said the public should be more involved in the process.

Tina Nappe, local resident, said she was concerned with open space. She asked the Board not to adopt the agreement, but accept it as a platform for hearings.

Ann York, local resident, said the vast majority of Washoe Valley residents were strongly in favor of rolling back the Reno SOI. She said the Recreation and Wildlife departments needed to be considered, stating Reno had neither the money nor personnel to maintain these departments.

Kim Toulouse, local resident, said the plan represented a staggering loss of wildlife habitat.

Gary Schmidt, local resident, discussed urban sprawl.

Juanita Cox, local resident, said the Board was on notice that if this plan were accepted, lawsuits would follow. She discussed regional impacts.

Erik Holland, local resident, showed two cartoons addressing the issues.

Carol Christensen, local resident, said the agreement should be clearly written and easily understood. She requested that Explanatory Notes 4.1, 4.2, 4.3.2.d and I be placed back into the agreement, stating they were necessary for the public's understanding of the agreement.

Pat McAlinden, North Valleys Citizen Advisory Board, said they have been working on the Hungry Valley multi-use recreational area and had concerns since this particular area had been designated as OHV. She asked if the Cities were prepared to manage the land as Washoe County had, whether the Cities take would over neighborhood parks and the County manage the regional parks, and if a natural resource plan would be developed to protect the wildlife.

Derrick Parish, representing Robert Marshall, commended the Commission and asked to be involved in the annexation process.

Kathy Bowling, local resident, said BLM lands were imperative to the survival of wildlife; and agencies protecting wildlife must be included in any future County planning process. She was opposed to the taking of public BLM lands and placing them in private hands for development.

Norm Harry, Paiute Tribal Council, thanked staff for setting up the meetings with the Reno Sparks Indian Colony and Pyramid Paiute Tribe. He said they had identified the following four areas of concern surrounding the Paiute Tribe Reservation protection: the Pyramid Lake watershed, cultural resources, burial sites, and further development. He said they had legislation in place through Public Law 101.618 that allowed for land exchanges. He said the Tribe would continue to work with the Cities and County for flood control planning and protecting water quality.

Councilmember Carrigan said there seemed to be some misconception of what was happening. He said the entities were settling a lawsuit that was brought about with the 2002 Regional Plan, and anything they did or recommended would have to go through the Regional Planning Commission with public hearings. He also noted this agreement was only good until 2007. What was happening today was implementation of the terms of the agreement. Councilmember Carrigan wanted to get it on record that there would be plenty of public meetings.

Commissioner Sferrazza supported the St. James/Pleasant Valley/Silver Knolls/Winnemucca Ranch compromise, as he understood it. He was concerned with the loss of wildlife habitat and that they were being asked to take a position with respect to a lands bill with no information. He stated he would not support taking a position on such today. He did not support Golden Valley being in a TMSA or the fiscal inequity of this plan. He said the County should control development processes in the unincorporated areas; and, once developed, the land should be annexed excluding pre-existing residences. He said, historically when the County got involved in municipal services, it resulted in sprawl in the southwest and in the Spanish Springs area. He stated, if the County had not gotten into those services, they would not have had the growth. He said he would support the Regional Plan if Golden Valley were taken out of the TMSA.

Councilmember Moss said she was concerned with the UNR Farms and the language that was taken out relating to the flood project. She supported leaving the language in and said the UNR Farms land was critical to the whole concept of trying to mitigate and relieve citizens' flood problems.

Councilmember Zadra said the next step would be to continue the process in 2007, addressing many of the issues brought up by citizens today.

Commissioner Weber said the agreement was not perfect; and they still had a long way to go, but they needed to move forward.

Councilmember Gustin supported the agreement and the rollback of St. James Village and Pleasant Valley. He said voluntary annexation needed to be better defined, as it could be a detriment. He mentioned the length of the Master Plan, stating they needed to find a way to give it a longer life period.

Councilmember Aiazzi recognized the public had not been included until this point. He said there were things that still needed to be decided, such as the UNR Farms area and infill development. He said, if the County could reallocate some of their road maintenance money and direct it to infill, they could reduce the acreage.

Commissioner Galloway reiterated this was an implementation of the settlement agreement that was already in place, hence the 670 allowance and the map. He said in moving forward to get this done, they had to negotiate and the Explanatory Notes were an attempt to alleviate contentious areas.

Stuart White, Sun Valley General Improvement District (SVGID) attorney, asked that Explanatory Note 4.3.2.d be included in the Settlement Agreement and requested assurances that SVGID would be allowed to continue to govern their hydrographic basin.

Councilmember Aiazzi asked if the SVGID Board voted on this inclusion or if it was a staff recommendation. Mr. White said he would be bringing the issue to his Board tonight.

Naomi Duerr, Truckee Meadows Flood Project Director, said Explanatory Note I had been recommended for inclusion. She said the point of the note was to ensure that the Flood Project Coordinating Committee had a role in the planning process. She said this Committee had made a point of becoming knowledgeable, interested, and active in advocating for the flood project. In addition, they have technical staff that had expertise in this area. She said a point was raised concerning consensus, noting that in a Committee that required consensus, it was always possible for one member to act as a hold out.

Ms. Duerr said they had heard many proposals for development, and there were a number of road projects being proposed. She said the Flood Project staff had shown a willingness to work with those proposals and make them work with the project.

Mayor Cashell said he had no problem with the Committee participating. He said the Committee was doing a good job with flood planning. His problem with the consensus model was that no one individual should have veto power over a project.

Councilmember Sferrazza agreed with Councilmember Moss and Commissioner Galloway, stating the Flood Committee should have input.

Commissioner Humke supported the remarks of Councilmember Sferrazza. He noted the Flood Project deserved to weigh in on these projects.

Commissioner Sferrazza supported restoring Explanatory Note I. He said it was idiotic to allow for intensification of land use in a floodplain area. He asked if there were any other areas that should be included in the Note .

Ms. Duerr referenced the Community Coalition Plan map, and said the UNR Farms were key in terms of flood storage capacity. She said the other area they were looking at was an area south of Rattlesnake Mountain and south of the Huffaker Narrows referred to as the Huffaker Detention Pond. She stated other areas were smaller and within individual jurisdictions. She said, if they did not allow natural storage in these main areas, they would have to build the high walls along the river that no one wanted.

Councilmember Mayer said he initially voted against the settlement because he thought the amount of land for each entity was arbitrary. He was very concerned with the UNR Farms and the consensus model, stating he did not agree with that model. He was also concerned with units per acre and echoed Councilmember Aiazzi regarding infill. He said the County should help with infill by providing some formula of money to purchase infill property for certain projects. He commented the

General Improvement Districts needed to be preserved, and he would be voting against the agreement.

Councilmember Salerno said every elected official worked for the public, and individuals should contact their local officials if they had issues or concerns. He said there were some people today that asked to be included in the annexation that should be considered.

Chairman Larkin asked if, throughout the implementation proceeding, anything precluded any individual from coming forward and recommending additions to any TMSA. Dave Zeigler, Director of Regional Planning, said he encouraged everyone to participate in the upcoming public hearings. He said their view was any member of the public had the right to petition the three local governments, the Regional Planning Commission, or the Regional Planning Governing Board to ask for consideration of a Regional Plan amendment.

Chairman Larkin said he was supportive of the staff report and believed the explanatory notes, without the additions, had reached some kind of consensus among staff. He said there was nothing that precluded an agency from bringing additions forward during the plan amendment process. He commended Commissioner Galloway and Councilmember Aiazzi for their work.

It was noted that today's action should be looked at as adopting a baseline upon which the various jurisdictions agreed and upon which they were free to build during the Regional Plan update process. It was suggested they approve the staff report with direction to staff to move forward in this matter and not look at this as a separate agreement or amendment to the agreement.

Chairman Larkin said the matter of the UNR Farms became a trust issue with whether or not three entities would cooperatively plan versus joint plan. He said none of the notes would be deleted at this point, and there was still an amendment process to go through where language on the UNR Farms could be discussed.

Commissioner Sferrazza said he was confused because he read Explanatory Notes A, B and C to say that applications to amend the TMSA maps could not be made until after the adoption of the 2007 Regional Plan. He said, if the entities went forward today, they were adopting those notes. He was not willing to place his trust in that process without some conclusion today.

Commissioner Galloway explained amendments came from the government entities, so it was allowable for them to introduce amendments just before a Regional Plan update. He said the map was good for the next 18 months. To try to resolve the dilemma, he suggested a majority vote of a technical advisory committee, under the auspices of the Truckee River Flood Project Coordinating Committee, to resolve the UNR Farms issue. He said the University, the Army Corp of Engineers, and each of the three governments would appoint someone to that committee. He said he was

drawing the line on 4.1 and 4.2, and noted he did not vote for the agreement. He stated there was too much potential for the negative consequence of sprawl. He said the governing bodies adopted the settlement; and, once that was done, they all had an obligation to the Court to try to implement it. He said the map, the Settlement Agreement, and the amendments were a package and would be advocated as such.

County Manager Katy Singlaub said a consensus model had been used up to this point; and, if this went forward, the additional notes that were removed were removed by consensus.

Commissioner Humke said this was a settlement of some litigation that generally did not fall under the Open Meeting Law. He said there was a point where the negotiations were converted, so to speak, when it was determined there was an Open Meeting Law impact. It was his understanding that meetings were posted because elected officials participated. He said the wildlife advocates made very good points, and it might be possible to consider adding the Nevada Department of Wildlife to 5.2. He did not favor including the five or so people that came forward with land addition or subtraction issues because there needed to be a cut off somewhere. He encouraged those people to submit their comments, including maps, in writing. He said he did not support a change to the UNR Farms from a joint planning area to cooperative. He said Councilmember Gustin commented on voluntary annexation as found in NRS 680.670; and, if that were a motion to delete the provision from NRS, he would support him. He said they needed some fairness as to Washoe County affected legislation with regard to annexation. He asked if the alternate wording notes on page 11 were instead of or as a replacement of.

Commissioner Galloway said Explanatory Note I was an amended Note G. He said all alternate wording was adopted and nothing currently in Note G would be removed; instead there were two additional sentences in Note I.

Councilmember Gustin said, under 4.2, a definition of what it intended would be helpful, specifically “perpetuation”.

Commissioner Galloway said 4.1 was only effective for 18 months, and 4.2 concerned the commitment already made in the agreement that was previously adopted.

Councilmember Sferrazza said, in the spirit of compromise on the wording of Note I, it was important for the Flood Committee to review a development in a floodplain. She said it could be an advisory body rather than binding. She felt there should be some oversight by the Flood Committee and recommendations would go to the governing body for approval.

Councilmember Carrigan asked if the staff report came out of the meeting where each entity had representation.

Commissioner Galloway said these notes were the ones on which at least one party had some objection. He said the concepts have always been on the table. He noted Explanatory Note I could be placed in the negative to require consensus.

Councilmember Aiazzi said he agreed with Councilmember Sferrazza's suggestion and asked the County for clarification as to what those parameters could be on Explanatory Note H to see if that was something he could vote on.

Commissioner Weber said road maintenance would need to be considered as a way to make infill development contributions to this plan. She said there was a possibility it could be budgeted for the next years cycle.

In response to Councilmember Aiazzi, Commissioner Weber said a percentage would be the way to go, but she was speaking as one Commissioner.

Ms. Singlaub said they had provided an array of options, and it was clear the County was committed to the concept of a contribution to infill. She asked for direction for staff and requested this not be the only source to an infill incentive program. She noted impact would need to be looked at. She advised, staff had worked with the negotiators looking at a package value of approximately \$1.5-million, which did not come solely from road maintenance. She said the infill incentive program calculations assumed a contribution that would represent build out of those areas. She committed to having specific proposals before the Cities and County Commission within 60 to 90 days.

Councilmember Aiazzi said this should be tied into the acreage and could be reduced every year. He hoped for \$500 per acre per year.

Commissioner Weber moved that the County adopt the staff report with the attached map and 2005 explanatory notes, as well as the alternate wording. She said they should consider the people who spoke today, bringing their issues forward in the future.

Commissioner Galloway clarified that inclusion of the Explanatory Notes was in the motion and asked if Commissioner Weber would accept revising Note I to read, "intensification shall not occur if there is a finding by the coordinating committee that the proposed intensification is detrimental".

Commissioner Weber accepted the change and Commissioner Galloway seconded the motion.

Commissioner Sferrazza moved to remove Golden Valley, north of Golden Valley Road, from the TMSA with the exception of any already approved development. Commissioner Weber seconded the amendment.

Commissioner Galloway asked Legal Counsel if that was allowable under the law. Assistant District Attorney Melanie Foster said an individual who lived within

the TMSA had an expectation that at some point in the future they were within the planning for services. Commissioner Galloway said there was a provision that land outside the TMSA would retain its pre-2002 Regional Plan entitlements, and that was already in the notes. He asked if that would make a difference. Ms. Foster said it would not make a difference. She stated there was an additional issue in that removing those properties from the TMSA could put a parcel in the position of not being able to meet Health Department requirements for on-service septic systems. She said, if this was something the entities wanted to do, it needed to be carefully studied.

Commissioner Sferrazza said, if this opinion was correct, no one could ever be removed from the TMSA once established; yet, the plan clearly provided for its removal. He said he had spent a lot of time on Health Board issues, and it was clear that the only time a person had to hook up to a system was when it was legally available.

Ms. Foster said staff was very careful to look only at vacant land for removal from TMSA, and the issue was with a change that occurred in Health District requirements since the areas in Golden Valley were built. She said there was a need to review those requirements and to be sure that, in taking this action, they were not affecting any of those property owners negatively in their ability to use their property .

Chairman Larkin asked if there were any other avenues for amendment. Ms. Foster said avenues were available, but they had heard from a number of property owners that wanted that change. Chairman Larkin commented it would be inappropriate to support the amendment.

Commissioner Humke called for the question. Chairman Larkin said the motion to remove Golden Valley was made by Commissioner Sferrazza and seconded by Commissioner Weber. Commissioner Weber said she wanted to withdraw her second. Commissioner Sferrazza said the call for the question took precedence. The call passed 4 to 1 with Commissioner Sferrazza voting “no”. The amendment to remove Golden Valley from the TMSA failed 1 to 4 with Commissioners Larkin, Weber, Humke, and Galloway voting “no”.

Commissioner Galloway said, if they could resolve the legal problems, he would support the motion at a later date. Commissioner Sferrazza said he was blindsided today, stating this was something he had been asking about for five months. He said the District Attorney and Commissioner Galloway were aware of that and there was no reason this could not have been addressed before today. He moved to amend Note I to require a majority vote. There was no second and the motion died.

Commissioner Galloway asked if that motion would have been legally possible. Ms. Foster said it would have required going back and amending the agreement that created the committee in question. She said that committee could only act by consensus as specified in the agreement, and noted it would also require the University to participate in the amendment. Commissioner Galloway stated, if they breached that agreement for this purpose, they would be breaching it for others.

Commissioner Humke said several of those present served on the Flood Committee Project and everything that needed to be approved had been. He said it was premature to open the Interlocal Agreement.

In response to Chairman Larkin, Commissioner Weber restated her original motion.

Councilmember Carrigan asked about 4.3.2.d that discussed SVGID. He said Sparks was looking at consolidating and doing something different with their water companies. Commissioner Galloway said he would like to leave the existing wording. He said everything changed if there was a State law change; and, without State law changes, Sun Valley was the appropriate entity. Commissioner Humke concurred with Commissioner Galloway.

Councilmember Moss asked if the Cities were obligated to make the exact same motion as the County, or could they make changes and still be within the agreement.

David Creekman, City of Sparks Legal Counsel, said they were free to modify the motion, but before doing so, requested a five-minute attorney/client consultation.

12:52 p.m. The Board briefly recessed.

1:05 p.m. The Board reconvened.

Mayor Cashell said each entity would put their motions out on the floor to see how far apart or close they were.

Councilmember Aiazzi made the same motion as the County for the City of Reno with the exception of including the Explanatory Notes. Councilmember Gustin seconded the motion. Councilmember Sferrazza said she would not support the motion.

In response to Mayor Cashell, Councilmember Aiazzi said he would add the flood control amendment to Note G to his motion. It was explained things would be cooperatively planned, but the entity in whose jurisdiction it lay made the ultimate decision.

In response to Chairman Larkin, Councilmember Aiazzi said he would exclude page 11. He said Explanatory Note 4.1 stated this would be a complete package and would move forward under the Regional Plan amendment. He said the entities had come to an agreement, but had left out the public process. Councilmember Aiazzi did not see how they could agree to carry it forward through the Regional Plan process when they did not know what the Planning Commission would bring forward. He thought Sun Valley needed to come forward with Explanatory Notes.

Councilmember Sferrazza said, by bringing the Explanatory Notes forward, they could be taken to the Planning Commission for review. Mayor Cashell said they would be taking the Notes, but not the suggested changes or alternatives. Councilmember Sferrazza reiterated the Flood Committee should oversee those items that were in the floodplain and would not support this motion.

Commissioner Sferrazza asked if the attachment to the Explanatory Notes, page 9, was being deleted. Mayor Cashell clarified pages 9, 10, 11, and Note I would be removed. Chairman Larkin said the attachment relating to Explanatory Notes removed on January 6, 2006 was not a part of the Reno motion.

In response to Chairman Larkin, Councilmember Aiazzi said the amended wording for Explanatory Note G would read, “the Cities of Reno and Sparks, Washoe County and the Flood Coordinating Committee would cooperatively plan the UNR Farms area”.

Councilmember Moss moved to approve the staff report, map and the accompanying Explanatory Notes; however, the City of Sparks did not agree with or approve the alternative wording as brought forth by Commissioner Galloway. She stated it was submitted too late for a thorough and careful analysis. She said they concurred with the City of Reno’s motion for Explanatory Note G. She explained Sparks would not agree with the additional notes and alternative wording because they appeared to permissibly bind the exercise of legislative discretion. She said it provided the Flood Coordinating Committee with an impermissible veto in the cooperative planning process, but noted Sparks was committed to the Truckee River Flood Project Coordinating Committee. Councilmember Carrigan seconded the motion.

Commissioner Humke called for the vote. Commissioner Weber said she did not support the call for the question. Commissioner Humke withdrew the call.

Commissioner Galloway said all the notes, including the alternative language, merely rephrased language that had been out there for two weeks. He said they all had expert staff and paid legal counsel that had ample time to review it. He said 4.1 and 4.2 only referred to advocacy, and he would be willing to change wording to reflect that, but would not support the deletion of those items.

Commissioner Sferrazza favored the City of Sparks’ motion. Chairman Larkin clarified that both the City of Reno and the City of Sparks eliminated pages 9, 10, and 11 and provided wording for Explanatory Note G. Commissioner Sferrazza, said if they were deleting all of pages 9 and 10, he did not see a possibility of compromise.

Chairman Larkin said this was all part of the public record; it would be moving towards Regional Planning and would not be excluded. He said it was their recommendation as to the style of the amendment that the Regional Planning Commission should consider, and the Commission was under no obligation to take

anything from the three entities. He said he would hate to see this group get hung up on three pages and some wording because they had come too far.

Commissioner Humke said that pages 9, 10, and possibly 11, were part of the proposed agreement presented to him at the County Commission meeting January 10th. He said there was an element of good faith. He said pages 9, 10, and 11, as modified, provided assistance to minimally modify the Regional Plan; and, since it was pursuant to a lawsuit and constituted case law, it could also minimally modify State law. He said the County's original motion was a good one.

Mayor Cashell said pages 9 and 10 were removed from the proposal according to the staff report.

Councilmember Sferrazza asked what the problems were with pages 9 and 10 and wondered if some of it could be included. Mayor Cashell said it could be worked out at the Planning Commission, and the entities removed those pages in their negotiations.

Commissioner Galloway said he wanted to correct the record, stating it was agreed to separate disputed items into a package with no obligation to abandon those items. He said the idea was to move forward, and no one advocated reinstating those items.

Mayor Cashell said the Cities proposed incorporating 4.1, 4.2, 4.3, 4.3.1.b, 4.3.1.c into a motion.

In response to Councilmember Sferrazza, Councilmember Aiazzi explained the issues with pages 9, 10, 11 and Note H.

Commissioner Galloway said, if the alternate wording was included, most of the problems cited would be solved and a couple of small changes to the alternate wording would eliminate the rest. He said 4.1 and 4.2 could be changed to read, "are to be advocated for adoption". He pointed out that it seemed as if Councilmember Aiazzi was objecting to the words "implementation of the provisions of the settlement agreement," noting those words came directly from the settlement agreement that had been adopted.

Councilmember Aiazzi said he trusted the County to come up with something on infill on Explanatory Note H.

Commissioner Weber said Commissioner Galloway believed strongly in the alternate wording he provided. She said there was discussion at the County Commission meeting, and Commissioner Humke needed to note that pages 9 and 10 were an attachment to and not part of the original agreement. She amended her motion to remove the additional wording on pages 9, 10, and 11 in a spirit of compromise. She said

it took a lot of compromises to get here and they needed to work for the community. Commissioner Sferrazza seconded the amendment.

Commissioner Galloway said all the Explanatory Notes were reasonable and necessary. He said failure to define terms left them open to arguments later. He would not support the motion without the notes.

On motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried with Commissioners Humke and Galloway voting “no,” the amendment to delete pages 9, 10 and 11 was accepted.

Commissioner Galloway asked for the record to show that 4.1 and 4.2 only reflected the representations made during a negotiation process. He said another reason he voted no was the non-inclusion of other reasonable items in the other Explanatory Notes.

Commissioner Sferrazza supported Commissioner Galloway’s position, but felt this would not go forward unless approved today. He supported the motion.

For the Washoe County Commission, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Galloway voting “no,” Chairman Larkin ordered that the staff report with the attached map and 2005 Explanatory Notes only, be adopted. It was further ordered that Explanatory Note G be modified to read “Reno, Sparks, Washoe County and the Flood Coordinating Committee will cooperatively plan the UNR Farms area”.

Councilmember Aiazzi said legal counsel advised their motion not say adopt, but accept. Councilmember Sferrazza asked for clarification of the involvement of the Flood Committee in amended Note G. Councilmember Aiazzi said that anything that happened was cooperatively planned, but the final decision belonged to the entity within the jurisdiction.

For the City of Reno, on motion by Councilmember Aiazzi, seconded by Councilmember Gustin, which motion duly carried, it was ordered that the staff report with the attached map and 2005 Explanatory Notes only, be adopted. It was further ordered that Explanatory Note G be modified to read “Reno, Sparks, Washoe County and the Flood Coordinating Committee will cooperatively plan the UNR Farms area”.

For the City of Sparks, on motion by Councilmember Moss, seconded by Councilmember Carrigan, which motion duly carried with Councilmember Mayer voting “no,” it was ordered that the staff report with the attached map and 2005 Explanatory Notes only, be adopted. It was further ordered that Explanatory Note G be modified to read “Reno, Sparks, Washoe County and the Flood Coordinating Committee will cooperatively plan the UNR Farms area”.

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There being no further business, the meeting adjourned at 1:40 p.m.

ATTEST:

ROBERT M. LARKIN, Chairman
Washoe County Commission

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

ATTEST:

ROBERT A. CASHELL, Mayor
City of Reno

LYNNETTE R. JONES, City Clerk
City of Reno

ATTEST:

GENO MARTINI, Mayor Pro-Tem
City of Sparks

DEBORINE J. DOLAN, City Clerk
City of Sparks

*Minutes Prepared by
Jill Shelton, Deputy County Clerk*