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## RENO GAZETTE-JOURNAL

### Reno to cut back annexation plan

Susan Voyles RENO GAZETTE-JOURNAL 1/21/2003 08:17 pm

To appease Washoe County officials, Reno is considering a 43 percent reduction in the amount of land it will annex through 2008 and would take only land already approved for intense development.

"If the staffs work together, they can resolve this without any bickering," Reno Mayor Bob Cashell said at a joint Reno and Washoe County meeting Tuesday. "But if it comes down to hard decisions, we will make them."

Of 15,107 acres within the city's sphere of influence, the city has removed 4,713 acres from the annexation program presented in December. And it is considering removal of another 1,822 acres, most south of U.S. 395 near Stead, for a total reduction of 43 percent.

Much of the land to be annexed would be in the south Truckee Meadows, near the junction of U.S. 395 and the Mount Rose Highway.

With intense commercial zoning in place for most of it, Reno planning manager John Hester said no further justification is needed.

The annexations would take in some of the new lands added to the new regional plan last May.

Since a court settlement over the plan in October, all disputes involving regional planning, possibly including this one, must go before Washoe District Judge James Hardesty for a final decision.

After looking at a map, County Commissioner Jim Galloway complained the city is still packing too much of the growth allowed over 20 years into six years, but Commissioner Pete Sferrazza said he was pleased the city is working with the county.

Despite the reductions, county community development director Adrian Freund said the city should still provide facts and figures to justify the annexations.

For its 1999 annexation program, the city documented the need for growth by using population forecasts, estimating demand for new housing and commercial land and provided an inventory of its lands.

On Tuesday, city planners could not say how much vacant land the city has nor how much of the 15,107 acres is within the expanded sphere for annexation approved last May.

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12/9/02

**TODAY** 

Residents can offer input on regional plan

Washoe County
residents can share their
views on new elements
to be added to the
Truckee Meadows
Regional Plan in a series
of meetings over the
next two weeks.
Reno, Sparks and
Washoe County officials
approved adding new
elements to the regional
plan when the county's
lawauit over the regional
plan was settled Oct. 17.
The plan adds 30,000
acres to the cities'
territories for
annexation.

territories for annoxation.

Under the court-supervised plan, new criteria must address planning, annexation, interim water resources and regional plan amendments. New standards are to be created for buffers to

separate custing communicies from new developments. The settlement also calls for the cities to have some say over new development remaining in the country. Here's a scheduled of the interestings of citizen advisory boards scheduled by the country.

Spanish Springs, Sun Valley and Warm Springs advisory boards will meet at 6:30 p.m. roday at the Sus Valley. Landowners Building, 5:360 Sun Valley Blyd.

Colf Springs bright. Colf Springs bright School. Township boards will meet at 6:30 p.m. Wednesday in the North Valleys High School. Township boards will meet at 6:30 p.m. Dec. 16 in the Regional, Fruncourtation Commission building, 2050 Villamova Drive. East Washoe Valley and West Washoe Valley will meet at 6:30 p.m. Dec. 18 at the Bowers Volunteer Fire Station in Washoe Valley will meet at 6:30 p.m. Dec. 18 at the Bowers Volunteer Fire Station in Washoe Valley will meet at 6:30 p.m. Dec. 18 at the Bowers Valley and Valley Road of Valley South Colonier Fire Station in Washoe Valley, 3905 Old U.S. 395.

EXHIBITM PAGE 2 & 12

# parks, county consider settlement on Regional Plan

Regional Plan ate are being blamed for easing friction and litigation een the city of Sparks and Tisunderstandings surrounding the controvernoe County. Sial

differences regarding the nds the spheres of influence eat Wednesday to discuss ional Plan Update which The two entities held a joint

of Reno and Sparks to include most of the developable land in

the Truckee Meadows. On May 9, the Regional made up of three elected officials each from Sparks and Washoe County, and four from Reno voted 8-2 to adopt the Regional Planning Governing Board -Plan Update.

280 percent — from 7,592 acres sphere of influence increased by to 21,449 acres - mainly by Under the plan, Sparks'

expanding 10 miles east along the Truckee River canyon.

Reno's sphere will grow by more than 300 percent — from ing south through the rural area of Pleasant Valley and west to 8,614 acres to 29,424 — extendthe California border.

cities ganged up on it to force the The county claimed that the the RPGB agreed to look into 35 expanded spheres of influence. Despite a compromise in which areas of contention in the plan,

planning elements and that the ing a declaratory judgment that the county filed a lawsuit seekthe plan is inconsistent with its enabling legislation, that it is make-up of the RPGB is unconfatally flawed by omitting critical stitutional.

faith in filing the lawsuit while the RPGB was looking into the Wednesday's retreat, Sparks Sparks city councilmen felt the county did not act in good areas of contention. But at

ed out that the county had to file the lawsuit by a certain deadline City Attorney Chet Adams pointto keep its legal options open.

a lawsuit except when you're "There appeared to be some misunderstanding on both sides the real issues," Adams said times you have to look at different strategies about when to file that distracted attention from today. "As an attorney, someSee **Regional Plan** page 7A



from page 1A

item on the Sept 22 City Countil a settlement that would end the agenda that would allow him to seek a 30- to 90-day continuance of the lawsuit while he works on Adams suggested putting an

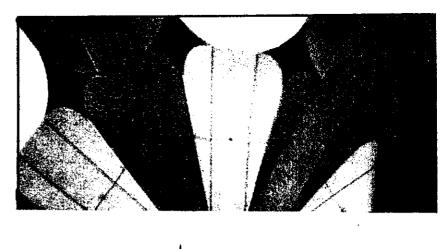
be further delays. There is a that would avoid several years of region," Adams said. "Until a udge rules on the suit and a chance to reach a settlement "It's an issue that affects our likely appeal is heard, there will stagnation. litigation.

in order to secure a continue the city of Reno and the Sun Valley General Improvement District will all have to agree, ance, attorneys for the RPGB, Adams said.

act on the proposal at its Jeple the County Commission could into settlement discussions is whether the other parties to the unclear at this time. However, litigation are willing to enter What areas of compromise are open to discussion and [7 nieeting.

plan," said Adams, who has to file a brief in the lawsuit on Sept. 30. "If people are willing, there may be room for a compromise and we may end up with a good

888 be quite safe and effective. This



in the community, whether they realize it or not

community would be crazy not to

EXHIBITM PAGE 3 B/Z

Monday session:

Failure to reach agreement could snarl the issue in court for years

By Susan Voyles RENO GAZETTE-JOURNAL

Washoe District Judge James Hardesty on Monday ordered Reno, Sparks and Washoe County officials into mediation next week to resolve their differences over the new re-gional plan or suffer the 

stake for our community. Why put it at risk?" Hardesty said. "Put your heads together and find a solu-

tion to these problems. The judge appointed himself mediator of the session next Monday.

"We are going to roll up our sleeves. Be prepared to work and bring your tooth-brushes." Hardesty said.

If officials fail to come to terms, Hardesty warned he will hold a court hearing on Oct. 2 on the county's lawsuit to block the plan. The county claims the plan is full of holes and gives Reno massive territories to annex solely to raise tax revenue.

Because an appeal is like-

ly if he rules on the lawsuit, Hardesty said the regional plan would be delayed for another year or two until the Nevada Supreme Court makes a final ruling. Developers, already are

lining up to annex to Reno, with proposals to add 2,289 acres into the city.

But because of the im-minent hearing, the Reno City Council postponed hearings last week on 12 ordinances that would allow the annexations. They include the 1,279-acre Bel-la Vista Ranch behind Rattlesnake Mountain, nearly 600 acres between Mogul and the new Sommerset development in hornwest Reno, 190 acres near Colden Valley and 208 acres near the new Damonte Ranch High School.

Until Hardesty makes his ruling his has imposed a temporary restraining order blooking city master tlesnake Mountain, nearly

der blocking city master planning for the new an-

With that, the regional planning agency has held off on reviewing updated master plans from the cities and county to reflect changes in the regional plan, which sets the general pattern for growth.

In the hearing Monday, lawyers for the cities con-tended a mediated settle-ment would be bad because

See REBIONAL PLAN on 4C

# plan/Judge orders iation for cities, county

From 16 the public would not be included. And they contended the mediation session should be limited to 38 amendments proposed by the county and residents after the

judge ruled the rest of the plan was valid.

Shawn Oliphant, a lawyer for several large property owners near Verdi, also demanded the county specify exactly what's

wrong with the regional plan. But Hardesty bought none of

He said the mediation sessions

will be open to the public.
He ordered the lawyers for the cities, the county, the regional planning board and the property owners to send him a list of issues to be resolved by 5 p.m. Friday,

And by noon Friday, Hardesty also ordered the cities, the county ty and regional officials to appoint spokesmen for the media tion sessions and agree to abide by his mediation rules.

If the government entities don't want him to mediate, Hardesty said he also wants that information by noon Friday.

He said the city councils and regional planning commission and governing board can hold emergency meetings this week under authority of his order.

He also wants the county manager, the regional planning director and the city managers to attend the mediation session, starting at 9 a.m. Monday in his courtroom.

The Regional Planning Governing Board approved the new planinan 8-2 vote May 9, the first major overhaul of the plan since it was adopted in 1991.

But on June 18, the County Commission voted unanimously to take the entire plan to court and dealing from strength rather than pick apart pieces of the plan in a later lawsuit.

The plan increases Reno's sphere for future annexation from 8,614 acres to 29,424 acres, stretching from Lemmon Valley to Pleasant Valley and west past

Sparks' sphere increases from 7,592 to 21,449 acres, including the steep east Truckee River

In the lawsuit filed by Assistant District Attorney Madelyn Shipman, the county contends the city of Reno seeks to annex all of the vacant land worth developing in the Truckee Mead-

City officials contend the vacant land should be developed in the city so growth pays city taxes to cover municipal services such as streets and police.

Reno officials claim the county subsidizes municipal services in outlying areas with county taxes paid by Reno residents. A regional study pegged the annual subsidy from Reno taxpayers at \$9.5 million two years ago.

The county lawsuit concludes the plan is "arbitrary, capricious and without lawful

authority" according to 1989 state law that set up regional planning exclusively for the Truckee Meadows.

Based on work by city, county and utility planners, the regional planenvisions the Truckee Meadows growing from 315,000 to 448,000 by 2020.

But the county complains the plan does not classify future land uses such as residential or commercial or any densities. Those are issues left to city master

No studies were done on the amount of land needed for furure growth; those studies are to begin

now.

But if the plan doesn't say where and when intense prowth will occur, the county contends there's no way of plaining for infrastructure such as road or sew,

Without that tramework, the county contends the plan is fa-tally hawed.

The plan, however, does set a municipal services boundary beyond which no homes can be built on lots of less than five acres and commercial usage is limited.

Gary Schmidt and several property owners near Schmidt's Reindeer Lodge on the Mt. Rose Highway filed a separate suit, claiming their property rights to develop more than that have been stripped away.

On Monday, Hardesty ordered their lawsuit be consolidated with the one filed by the county.

# Cities, county to settle matters outside of courtroom

BY JD. WILSON

Development Plan. Tribune Staff egarding litigation over the Regional Zashoe County and the cities of Sparks and Reno were ordered Monday to go into mediation

cities of Sparks and Reno used their changes to Regional Plan that included Planning Commission in June after the extensive additions to the spheres of majority on the commission to pass influence of both cities. Washoe County sued the Regional

of the developable land in the southern Sparks and Reno now include nearly all tripled the area under their spheres of mission 8-2 in May, the cities more than part of the county. the cities authority over development in those areas. The spheres of influence or for annexation to the cities and giving influences, earmarking those properties Under the plan passed by the com-

"arbitrary, capricious and without lawsion of the spheres of influence were District Attorney Madelyn Shipman ful authority." Washoe County Assistant The county contends that the expan-

considerations, without consideration

sphere of influence included the Truckee city would lose its ability to plan devel-River Canyon east along Interstate 80. according to Sparks Senior Assistant If the county prevails in its lawsuit, the City Attorney David Creekman. defined by the updated Regional Plan, opment within its sphere of influence as The largest addition to Sparks

Board approved it, or the option at the other end would be starting the process sible outcomes would be to recommend tion," Creekman said. "The range of posthe adoption of the plan as the Regional "It appears to be an either or situa

hampered for years until the dispute is was filed, until a new plan is adopted. pended, as it has been since the lawsui of the Regional Plan will likely be sus resolved. That could leave development efforts If the process starts over, execution

"Without an effective plan into the into the "These plans guide development o the future," Creekman said.

Regional Plan

any, settlements, hetween the parties must be reached by Oct. 2 when the lawsuit is sched-

from page 1A

said the cities took the land for fiscal future, the city's hands are effectively

could open the door to more lawsuits plan, Creekman said state law governtion between adopting or scrapping the something the judge, the cities and the without going through that process ings and input. Adopting a compromise county are hoping to avoid. ing regional plans requires public hear-Although there may be some solu-

weeks after Nazi Germany

launched its assault.

In 1947, James V. Forrestal

was sworn in as

Ħ

national military establishment Secretary of Defense as a new

unified America's armed forces.

In 1948, the United Nations mediator for Palestine, Count

ed in Jerusalem by Jewish extrem Folke Bernadotte, was assassinate invaded Poland, more than two Canton, Ohio. In 1939, the Soviet Union Football League — was formed in

To that end, each of the govern-ments will meet Monday with District Judge Jim Hardesty acting as mediator.

mediation. That meeting will be held Thursday in the Sparks City Council order — to appoint a representative for emergency session — per Hardesty's the public. chambers at 5 p.m. and will be open to Sparks City Council will meet in

announced the selection of nine

In 1962, U.S. space officials

and any agreement reached will be suband the county commission. ject to the approval of the city councils The mediation will be non-binding

man to step onto the moon. in 1972, "MASH" premiered

Armstrong, who became the first new astronauts, including Neil A

on CBS TV.

in 1976,

NASA publicly

Regional Plan stems back to the ongoing Much of the contention over the

See Regional Plan page 7A

Eriterprise at Palmdale, Calif. unveiled the

> ceremonies in space

their winnings as all CImachines now are or coins into the sk Camblers can initia

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same issues apply to the city of Creekman said. However, the county over fiscal equity, dispute between Reno and the

that Hardesty will be able to mediate a deal by then. sides have expressed optimism Attorneys and officials on both uled to appear in his court,

Sparks as well.

Hardesty said Monday tha

K Those Were

The Days

EXHIBITM PAGE 6412

 a precursor of the Nation. Professional Football Association Maryland in the Civil War Battle back a Confederate invasion of

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### Officials to begin work on growth model

# Truckee Meadows: Pact urges cooperation in planning for new development in region.

**y** Susan Voyles

CAZETTE-JOURNAL

Atter dismissal Thursday of a lawsuit that challenged the new regional plan for the Truckee Meadows, initials said work will begin to create a model for concentrating growth in cities.

washoe District Court Judge James <u>Hardesty</u> dismissed a lawsuit filed by Washoe County questioning the plan, after local governments this week unanimously endorsed a settlement he had brokered among the parties.

The settlement calls for Reno, Sparks and Washoe County officials to cooperate in planning for new developments in the growth areas, whether in or out of the cities.

"We are just thrilled to have the decks cleared so we can work on this," said David Ziegler, acting <u>regional</u> manning director.

While the plan gives Reno and Sparks expanded areas for annexation, it also sets goals for population and jobs to be created within the McCarran Ring Road.

Moder the plan, at least 35 percent of 133,000 new residents expected by 2022 are supposed to live within McCarran, encircling most of Reno and Sparks.

The plan calls for local governments to revise their master plans and capital improvement programs to invest in these areas.

Minimum densities are set by the plan to concentrate apartments and condominiums along major transportation corridors such as Virginia and Fourth Streets, centers such as Washoe Medical Center, the University of Nevada, Reno, the two airports and Meadowood Mall and in downtown Reno and Sparks.

"Ithis is successfully implemented, over a period of years, in planning circles it could be considered as very innovative and a very good plan," Ziegler said.

Hardesty will meet with officials at 10:30 a.m. Thursday to hear a timetable on preparing standards by which to judge annexation and development requests. The settlement calls for these standards to be in place in 120 days. Hardesty also will hear results of the county and Reno votes on a proposed settlement ever a lawsuit filed against annexation of 2,671 acres in the Verdi area. Reno and Washoe governments will vote Tuesday on the settlement offer to allow up to 3,000 homes and 300 acres of commercial development.

The Verdi Township Citizen Advisory Board will meet at 7 p.m. Monday in the Verdi Elementary School to decide whether to push for the settlement or for the county to proceed with a lawsuit, now on appeal to the Nevada Supreme Court.

### 18.10.2002 Final Edition Reno Sparks 5 —□ Officials to begin work on growth model Truckee

Hardesty commended the staffs of the cities and the county in reaching an accord over the regional plan.

"Our community was facing a crisis of stagnation in perhaps one of our most important areas of development and our future," he said.

He added that as many as four lawsuits over planning issues, now being resolved, could have put a stranglehold over development for as long as five years.

Ed Graham of Verdi, who sat in on the three weeks of mediations, said, "Without <u>Hardesty</u>, it wouldn't have come about."

With the settlement in place, at least two of five questions on the Nov. 5 ballot will no longer be meaningful, said Madelyn Shipman, Washoe County assistant district attorney.

Two county advisory questions ask if voters would support rolling back Reno's area for expansion under certain conditions. Those boundaries are now set under the settlement, she said.

In a third county question, voters outside the cities will be asked whether they want to create an unincorporated township, which, if approved, could become a factor in evaluating annexations, Shipman said

The township would tax outlying residents for municipal services such as sheriff patrols, parks and road maintenance.

Outlying residents pay no extra taxes for those services, but city residents pay the county property tax rate and then city taxes for those services.

Of the two advisory questions on the Reno ballot, voters will be asked whether they want to consolidate governments with Washoe County. As the city will now be allowed to spread to outlying areas and create city islands, that question is perhaps more relevant than before.

City residents also will be asked whether they want to form their own county.

It's too late for any ballot changes. Sample ballots are to be in the mail by the end of this week.

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Aspect=Final\_Edition; Aspect=Reno\_Sparks; Aspect=Staff; Aspect=Oct; Aspect=Fr; Aspect=C; Aspect=Susan\_Voyles;

Page 2

Source=Final\_Edition; Date=17.10.2002; Section=Reno\_Sparks; Page=3; Id=2002101715582857;

### Settlement OK'd in regional plan suit

### STAFF REPORT

Washoe District Court Judge James <u>Hardesty</u> will get official word today that Reno, Sparks, Washoe County and <u>regional</u> officials have unanimously voted to settle a lawsuit over the new regional plan.

Earlier this week, the Reno and Sparks city councils and the Washoe County Commission unanimously endorsed the settlement agreement prepared under <u>Hardesty</u>'s supervision during the past three weeks.

On Wednesday, the three Sparks council members, four Reno council members and three county commissioners voted the same way as members of the <u>Regional Planning Governing Board</u>. The Regional Planning Commission followed suit.

The Sun Valley General Improvement District also supported the agreement after the cities agreed to withdraw from annexing territory in its valley.

The new <u>regional</u> plan still gives the two cities about 30,000 acres for future annexation. But city and county elected officials, planning commissions and their constituents will have input in the review of major development projects in the cities' new annexation territories and in the unincorporated county.

The new annexations and projects are to be judged by lists of standards to be prepared in the next 120 days.

<u>Hardesty</u> is scheduled to hear from local officials at 10:30 a.m. today in his courtroom. If the lawsuit hadn't been settled, lawyers were told to be ready to make opening arguments in the trial.

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### Settlement reached over regional plan

# Annexations: Pact opens way for Reno, Sparks to get more land.

By Susan Voyles
RENO GAZETTE-JOURNAL

With their final votes Tuesday, Reno, Sparks and Washoe County elected officials unanimously endorsed a court settlement to end the legal wrangling over the new regional plan.

The settlement will open much of the remaining vacant lands in the Truckee Meadows to annexation by both cities through designated annexation areas as allowed under the <u>regional</u> plan, as well as voluntary, contiguous annexations allowed under state law.

A list of six proposed annexation territories totaling 8,726 acres for the Somersett, Golden Valley, Cold Springs, Silver Knolls and Bella Vista Ranch areas already are on the Reno City Council's draft agenda for next Tuesday.

Reno and Washoe officials also will consider another negotiated settlement next Tuesday over annexing 2.671 acres in the Verdi area.

But county commissioners said at least unincorporated residents will have a say as city and county officials draw up the criteria to be used to judge major new projects and annexations and the hearings conducted on individual annexations and projects.

Each decision can be appealed to <u>regional</u> boards and Washoe District Judge James <u>Hardesty</u>, who will have the final authority on whether the new policies are followed. He will retain supervision of the court settlement for the next five years.

"I think Washoe County is on the road to a lot more progress than we have had in the last few years," county Commissioner Ted Short said. "We're sending a message to new developers and people who want to bring businesses here that we can actually do something and do it right."

After hearing concerns over water, <u>Hardesty</u> also ordered that the settlement describe the <u>regional</u> plan as being resource constrained. And he ordered that an interim policy to address any water supply shortages — as well as long-term water solutions — now under study be adopted as part of the <u>regional</u> plan.

Many of the specific criteria for addressing new-development impacts on existing neighborhoods, such as buffer zones, water constraints, municipal services and other issues, are to be worked out in the next 120 days.

For that reason, county commissioners Joanne Bond and Jim Galloway described the settlement as "half a loaf of bread with some squishy raisins."

But they decided that a half loaf is better than none if they went to trial and lost their lawsuit over the regional plan.

EXMBITM PAGEIOGIZ

### 16.10.2002 Final Edition Main news 1 —□ Settlement reached over regional plan

And even if they won, they'd still have to work with same officials to build a new plan, but without the assistance of a judge, said Michelle Poche, assistant county manager.

From all quarters, <u>Hardesty</u> drew praise for working with elected officials, lawyers and planners over the last three weeks to mediate a settlement.

"I wasn't a big fan of <u>Hardesty</u>'s before. But he did a tremendous job," said Reno Councilman Dave Aiazzi, <u>regional</u> planning governing board chairman. "I didn't give it a chance of one in a 100."

And as Aiazzi said, the settlement retains the basic tenets of the <u>regional</u> plan adopted May 9. Even the criteria by which to judge annexations and plan amendments were to be added later, he said.

Also, the settlement gives the cities some say over the impacts, such as flood control, of new developments in the county. And they'd have rights to appeal directly to <u>Hardesty</u>.

In the settlement, the Reno City Council also agreed to surrender 3,095 acres from its annexation territory in Lemmon Valley and another 3,336 acres in Pleasant Valley from the 21,000 acres granted by the plan, if the county down-zones a resort property.

While Sparks Councilman Ron Schmitt applauded the settlement in its unanimous vote, Reno Councilman Pierre Hascheff said he is concerned the county could seek state legislation to require a change in the voting procedures for the <u>regional</u> planning governing board.

There had been talk of majorities of the Reno and Sparks members, as well as a majority of the county members on the board, being required to approve major changes to the <u>regional</u> plan.

But County Commission Chairman Pete Sferrazza later said the county has agreed not to seek such legislation. But the county can't stop legislators from filing a bill to make the change.

Hascheff wanted the right to cancel the agreement if the county made such a play.

But the judge ordered each entity to vote the settlement "up or down," with no major changes.

Assuming the <u>regional</u> planning commission and the governing board adopt the settlement today, <u>Hardesty</u> will hear a report on the settlement Thursday. If no agreement had been reached, opening arguments were to have commenced.

More than a dozen outlying county residents addressed the County Commission before its vote to say they appreciated the efforts made on their behalf to fight the plan. They even applauded the commissioners for their vote.

For the last four months, the lawsuit held <u>regional</u> planning at a standstill, including master plans for the new annexation territories.

"We just simply as a community cannot stand to stagnate for two more years," Bob Lopes of Reno said.

Sarah Chvilicek, of the North Valleys Citizen Advisory Board, questioned how serious the cities would consider input from outlying residents.

Even as mediation talks were under way, several property owners in Cold Springs were filing applications to annex 8,200 acres to the city of Reno, Chvilicek said.

"There's still an imbalance of power. I'd like to see the entire plan go through the legislature to balance that power," she said.

EXHIBITM PAGE 11912 Separate from the hearings, Jim Pilzner, a Hidden Valley resident and former Reno councilman, said it's time for residents of unincorporated communities to petition Reno and Sparks for annexation.

"At least we'd get a vote for all the people making the decisions," he said. "The County Commission is gone. The city is getting everything it wants. They can create islands. That's exactly what the <u>regional</u> plan was supposed to avoid. It's over."

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