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12 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

13 IN AND FOR THE COUNTY OF WASHOE

14 COUNTY OF WASHOE, by and through
15 its Board of County Commissioners;
16 SUN VALLEY GENERAL IMPROVEMENT
17 DISTRICT, by and through its Board of
18 Trustees,

Case No. CV02-03469

Dept. No. 9

19 Petitioners,

20 vs.

21 WASHOE COUNTY REGIONAL GOVERNING
22 BOARD,

23 Respondent.

24 and

25 CITY OF RENO, a municipal corporation, and
26 CITY OF SPARKS, a municipal corporation,

27 Interveners/Respondents.
28 _____ /

_____ /
AND ALL MATTERS RELATING THERETO.
_____ /

Reno City Attorney
P.O. Box 1900
Reno, NV 89505

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SETTLEMENT AGREEMENT

(Program of Annexation)

COUNTY OF WASHOE ET AL. v. TRUCKEE MEADOWS
REGIONAL GOVERNING BOARD ET AL., CASE NO. CV02-03469

POINT 1. Reno will adjust its requirement to submit annexation applications when applicants seek certain types of permits.

Reno will initiate a code amendment to RMC §18.08.106(b) as follows:

1. Applications for development within the sphere of influence, including but not limited to, land divisions and adjustments, structure improvements and grading shall be required to apply for annexation and waive the required processing time unless the proposed development is fifty percent (50%) or less expansion of residential structures, ten percent (10%) or less expansion of non-residential structures and less than 5,000 square feet, a permit for an irrigation system, air conditioner, furnace, water heater, re-roof, not modifying the roof structure, interior sprinkler system or fire alarm.

2. The territory described in the applications set forth in subsection 1 will not be annexed until and unless the territory is contiguous to the City.

POINT 2. Reno to withdraw its proposed Program. The City of Reno ("Reno") will withdraw its proposed 2003-2010 Program of Annexation ("Program").

POINT 3. Reno and Sparks can extend existing annexation programs. The programs of annexations only address annexations set forth in NRS 268.610 - 268.668, inclusive.

1 Reno's current 1999-2005 Program of Annexation will expire on December 31, 2005.
2 Sparks' Program of Annexation will expire in 2006. NRS 268.625(1) requires that Reno and
3 Sparks adopt a program of annexation.

4 Programs of annexation are based upon the cities' rights to expand their boundaries if the
5 cities comply with the requirements of NRS 268.610 - 268.668, inclusive. On the other hand,
6 NRS 268.670 annexations are based upon property owners' rights to seek annexation of their
7 properties to the cities and are outside of the Program.

8 The cities' programs of annexation are applicable only to the methods of annexations set
9 forth in NRS 268.610- 268.668, inclusive. NRS 268.670 annexations may continue in
10 accordance with the "Terms of Settlement Agreement *Washoe County and the Sun Valley GID*
11 *vs. Truckee Meadows Regional Planning Governing Board,*" CV 02-03469.

12 3.1 The Cities may seek an extension of the cities' current Programs of Annexation.
13 This extension is subject to the requirements for noticing, consideration, public hearings,
14 approvals by the pertinent local government, and a finding of conformance by the RPA.

15 3.2 As an alternative to the cities seeking an extension of their existing programs of
16 annexation, they may pursue the adoption of new program of annexation. Reno and Sparks
17 agree to include in their respective annexation programs only properties 1.) which total no more
18 than 35% of the acreage identified in 4.3.1, below, and 2.) with all applicable services and
19 facilities plans as described in 5.2, below. Exceptions to these two limitations may be proposed
20 by Reno and Sparks for properties including, but not limited to, the following: 1.) properties in a
21 proposed special assessment district, and 2.) properties with development constraints and/or no
22 facilities plans if these properties are between areas that do have facility plans, are included in a
23 cooperative plan, or are federal lands. The cities programs of annexation shall address
24 annexations pursuant to NRS 268.610 through 268.668.
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1 **POINT 4: The parties will work to implement this agreement through amendments to**
2 **the Regional Plan and enhanced facility planning.**

3 4.1 Reno, County and Sparks agree to jointly sponsor amendments to the Regional
4 Plan that implement the provisions of this agreement. Reno, County and Sparks further agree to
5 advocate for, and not take positions contrary to, the successful inclusion of the provisions of this
6 agreement in the Regional Plan.

7 4.2 Reno, County and Sparks further agree to advocate for, and not take positions
8 contrary to, the perpetuation of policies that implement the provisions of this agreement in the
9 Regional Plan.

10 4.3 The proposed amendments shall include changes to the Truckee Meadows
11 services areas:

12 4.3.1 Each jurisdiction will utilize population forecasting to determine their
13 respective portion of the TMSA
14

All numbers are in thousands (000s)	1980 Census	2000 Census	Pop. Increase per year (historic)	2004 Pop. estimate	Pop. Increase per year (recent trend)	2030 projection with historic trend	2030 projection with recent trend
Reno	101	180	3.95	199	4.75	302	323
Sparks	41	66	1.25	82	4	115	186
Washoe County Total	194	339	7.25	383	11.00	572	669
Unincorporated Washoe County	52	93	2.05	102	2.25	155	161

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22 All entities agree to use the above population forecast range by jurisdiction for the year
23 2030. Each entity will use a figure within the range as the forecast for their jurisdiction.

24 The entity forecast divided by 4 people per acre (the historic persons per acre in the
25 "urban areas" of Reno and Sparks) shall provide the total acreage within the portion of
26 the TMSA under the jurisdiction of each respective entity. The sum of the acreage for
27 each entity will comprise the total TMSA acreage. Lands with development constraints
28

1 shall not be counted in the total acreage. Cities or County are not precluded from
2 proposing an exception to the above acreage limitation through an amendment to the
3 Regional Plan.

4 For purposes other than this agreement, the population forecast by entity shall be based
5 on approved population plans as found in conformance with the 2002 Regional Plan. It
6 is understood that the figures above may change as population plans and the consensus
7 forecast are updated.
8

9 4.3.2 Reno, County and Sparks shall designate a portion of the Truckee
10 Meadows Services Area that will be under their respective jurisdictions and that will
11 receive public services and facilities for development on parcels 5 acres or smaller in
12 size. The unincorporated area in the Reno portion of the TMSA will be the Reno sphere
13 of influence and the unincorporated area in the Sparks portion of the TMSA will be the
14 Sparks sphere of influence.

15 4.3.3 Once the TMSA lines are amended the cities and county shall amend their
16 respective master plan land use designations to accommodate their projected population
17 for their entire portion of the TMSA
18

19 4.4 Reno, County and Sparks shall jointly sponsor amendments to the 2002 Regional
20 Plan to provide more flexibility in the location and size of commercial uses, and the density of
21 residential units in the unincorporated areas identified within the new TMSA. It is anticipated
22 that Washoe County's unincorporated communities may have higher density than currently
23 allowed, to support in fill and housing choice, variety and affordability

24 4.5 Members of the three local jurisdictions that participate on the boards of the
25 Truckee Meadows Water Authority, Regional Transportation Commission and Regional Water
26 Board agree to require facilities plans identified in 4.5, below, and to prepare all such plans to
27 address all areas of the Truckee Meadows Service Area by July 1, 2007
28

1 4.6 Regional Planning Governing Board shall enter into negotiations with the Washoe
2 County School District with the goal to develop a regional facilities plan consistent with local
3 master plans that have been found in conformance with the Regional Plan by July 1, 2007

4 **POINT 5: All three jurisdictions agree that the process shown on the attached**
5 **flowchart (Attachment 1) and in 5.1 - 5.3, below, shall be used for planning**
6 **and processing development applications requesting intensification effective**
7 **July 1, 2007, or as soon as public facility plans are found in conformance.**

7 5.1 Reno, County and Sparks agree that areas outside the Truckee Meadows Services
8 Areas (As described in 4.3) that do not have development constraints (Defined in Goal 2.1 and
9 Policy 2.1.1 of the Regional Plan) shall not be given more intense zoning designations (or land
10 use if a one-map system is used), or other additional entitlements for development until the area
11 is included in the Truckee Meadows Services Areas by amending the Regional Plan, is included
12 in all applicable services and facility plans (As described in 5.2.1) that have been found in
13 conformance with the Regional Plan, and the applicable services and facilities will be provided
14 concurrent with the impacts from any additional entitlements for development (See Attachment
15 1).

16 5.2 Reno, County and Sparks agree that areas inside the Truckee Meadows Services
17 Areas that do not have development constraints shall not be given more intense zoning
18 designations (or land use if a one-map system is used), or other additional entitlements for
19 development until the area is included in all applicable service and facility plans (As described in
20 5.2.1) that have been found in conformance with the Regional Plan, and the applicable services
21 and facilities will be provided concurrent with the impacts from any additional entitlements for
22 development (See Attachment 1).

23 5.2.1 Applicable facility plans are defined as:

24 5.2.1.1 Water supply

25 5.2.1.2 Sanitary sewer

26 5.2.1.3. Flood management

27 5.2.1.4 Transportation (streets, transit, pedestrian, bicycle)

28 5.2.1.5. Fire

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- 5.2.1.6 Police
- 5.2.1.7 Parks
- 5.2.1.8 Schools (subject to item 4.6 above)

5.3 Reno, County and Sparks agree to establish concurrency standards that are not inconsistent for all three jurisdictions.

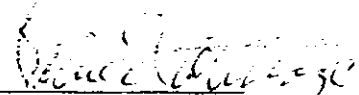
POINT 6: Expiration of Agreements

This Settlement Agreement and the 2002 Regional Plan Settlement Agreement (CV02-03469) will expire 25 days after the adoption by the Regional Planning Governing Board of the next update to the Regional Plan or June 30, 2007, whichever is first.

Dated this 22 day of ^{August} July, 2005.

RICHARD A. GAMMICK
District Attorney

**LAW OFFICES OF
NORMAN J. AZEVEDO**

By: 

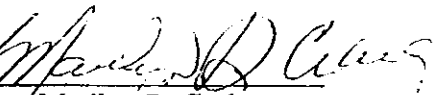


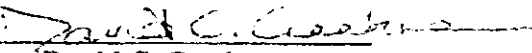
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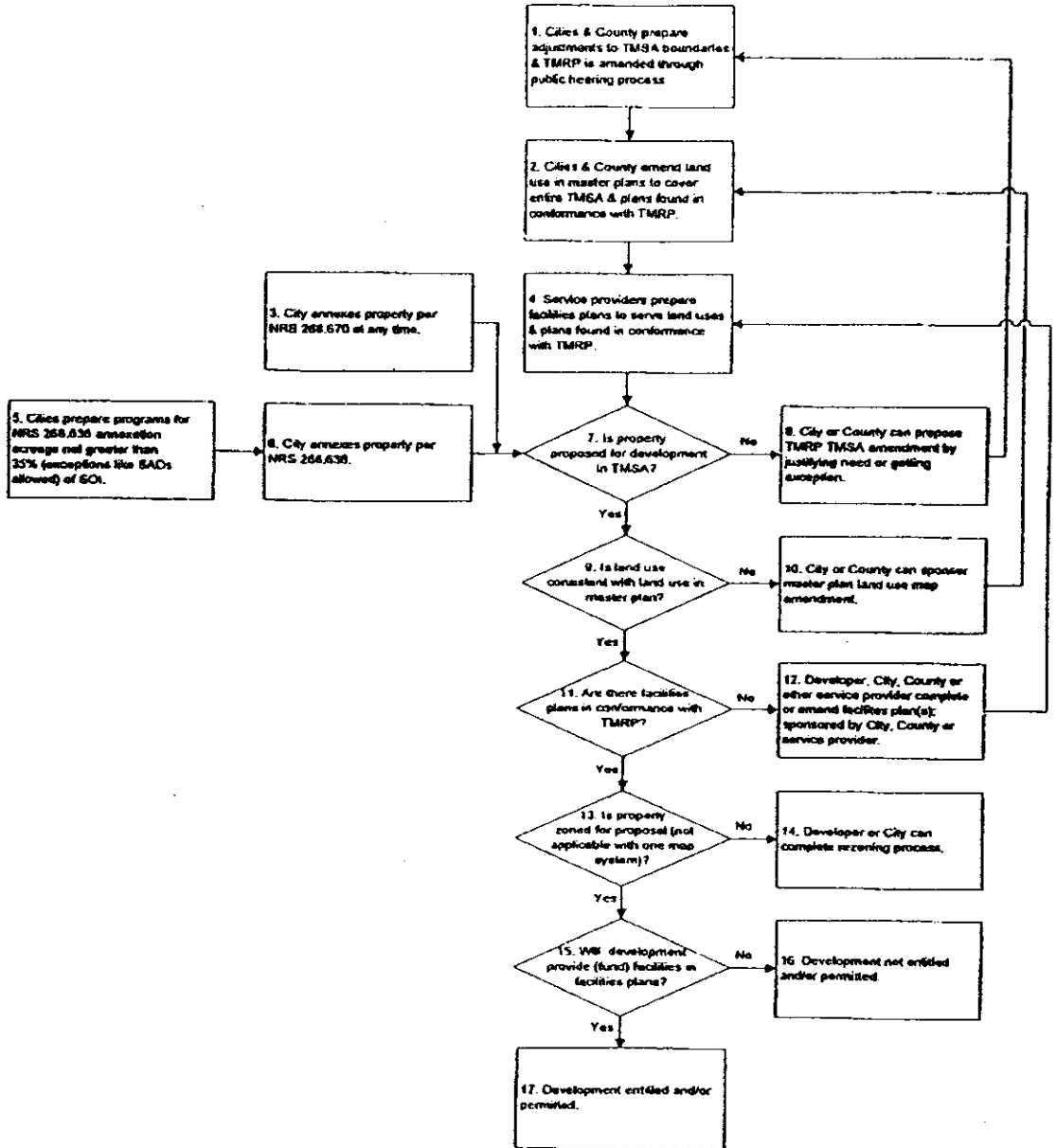
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Attachment I



The numbers associated with each box or diamond are for identification purposes only and do not indicate a sequence.

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Note

This flowchart is a copy of Attachment 1 of the City of Reno annexation case - settlement agreement (CV02-03469), filed with the 2nd Judicial District Court on August 23, 2005. It has been reproduced by Regional Planning staff for convenience only because the original copy as filed is difficult to read. Staff have made every attempt to faithfully reproduce the document. However, if you believe that this copy does not accurately represent the original please contact TMRPA at 321-8385.

Attachment 1

