



REGIONAL PLANNING COMMISSION

MEMBERS

Terry K. Herman, Chair
Florence 'Marge' Frandsen, Vice-Chair
Fred Lokken
Kendall Mattina
Marvin Moss
Jim Newberg
Steve Rogers
Oscar Sanders
Mark Sullivan
Dave Ziegler, Director

MINUTES

Regional Planning Commission (RPC) REGULAR MEETING WEDNESDAY, 6:30 P.M., January 14, 2004

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

The meeting was called to order by Chair Herman at 6:37 p.m.

1. ROLL CALL

The clerk called the roll and the following Commissioners were present: Terry Herman, Marge Frandsen, Fred Lokken, Kendall Mattina, Marvin Moss, Jim Newberg, Steve Rogers, Oscar Sanders, and Mark Sullivan.

Also present were: Dave Ziegler, TMRPA Director; Norman Azevedo, Legal Counsel; Randy Baxley, TMRPA; and Angela Fuss, TMRPA.

2. APPROVAL OF AGENDA

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE JANUARY 14, 2004, AGENDA, SECONDED BY COMMISSIONER FRANDSEN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. APPROVAL OF MINUTES

A. December 10, 2003, regular meeting

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE DECEMBER 10, 2003, MEETING MINUTES, SECONDED BY COMMISSIONER MATTINA. THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND TWO (2) ABSTENTIONS BY COMMISSIONERS SANDERS AND SULLIVAN.

4. PUBLIC COMMENTS

None

5. BUSINESS OF THE DAY

- A. PUBLIC HEARING - Regional Plan Conformance Review - Washoe County Comprehensive Plan amendment, Paul Olson (TMRPA 03-053) - changing the land use designation from Low Density Suburban and General Rural to Medium Density Rural and Open Space on ± 40 acres located $\frac{1}{4}$ mile southeast of the intersection of Fawn Lane and the Mount Rose Highway and a Washoe County Department of Parks and Recreation request changing the land use designation on two parcels totaling ± 5.34 acres from Parks and Recreation to Low Density Suburban and Public and Semi-Public Facilities located in the Forest Area Plan area.

Randy Baxley, Senior Regional Planner, stated that due to an unresolved issue regarding Regional Plan Policy 3.1.3 and the provision of septic service to the subject property, Regional Planning staff is recommending that this case be continued to the January 28, 2004, meeting of the RPC. This continuance will allow an opportunity for further discussions between Regional Planning and Washoe County Community Development Department staffs to resolve the issue. The January 28, 2004, meeting date will still be within the 60-day conformance review deadline mandated by NRS 278.0282.

[The public hearing was opened.] There were no requests to speak.

[The public hearing was closed.]

COMMISSIONER LOKKEN MADE A MOTION TO CONTINUE THIS ITEM TO JANUARY 28, 2004, SECONDED BY COMMISSIONER FRANSEN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

Dave Ziegler, Director of Regional Planning, stated that Regional Planning staff did meet with Washoe County staff earlier this week. Regional Planning staff does have a letter from Washoe County staff that resolves the concern. It does not appear that this item will be problematic on the next agenda.

- B. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, Silverado Ranch Estates #9 (TMRPA 03-050) - changing the land use designation on two parcels from Residential ≤ 4.5 du/ac to Open Space on ± 6.92 acres and from Open Space to Residential ≤ 4.5 du/ac on ± 4.93 acres located east of Roxbury Drive at its northern terminus and north of Ariel Drive, just west of its intersection with Brookdale Drive.

Angela Fuss, Planning Analyst, stated that Regional Planning staff has not identified any significant issues with this proposed amendment and recommends a determination of conformance, based on the findings in the staff report.

Commissioner Newberg asked if the State Historic Preservation Office (SHPO) request for the proposed development to be inventoried for cultural resources has been completed. Ms. Fuss responded that it has not been done.

Commissioner Sullivan asked about the process for that request. Mr. Ziegler stated that at the time the inventory is done, if SHPO sees a problem with compliance, SHPO would bring the project to a halt until the concerns are resolved.

Ms. Fuss stated that she was just informed that SHPO will have to sign off on the inventory as a final map requirement.

[The public hearing was opened.] There were no requests to speak.
[The public hearing was closed.]

COMMISSIONER MOSS MADE A MOTION TO FIND THAT THE SILVERADO RANCH ESTATES #9 AMENDMENT TO THE CITY OF RENO MASTER PLAN CONFORMS WITH THE GOALS AND POLICIES OF THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS IN THE STAFF REPORT, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- C. PUBLIC HEARING - Regional Plan Conformance Review - Washoe County Comprehensive Plan amendment, Burkhart (TMRPA 03-052) - changing the land use designation from ± 25.1 acres of Low Density Suburban and ± 600.8 acres of General Rural to ± 89.7 acres of High Density Rural, ± 238.2 acres of General Rural, ± 277.0 acres of Open Space, and ± 21.0 acres of Parks and Recreation located south of the terminus of Fawn Lane and west of the terminus of Shawna Lane, approximately one mile south of the Mount Rose Highway.

Ms. Fuss stated that this proposed amendment would not increase the development potential of the property but would instead distribute the existing potential over a greater area. This site is located within a Cooperative Planning Area. Washoe County staff has sent a copy of the application to the City of Reno for their review and comment. No comments have been received from the City of Reno. Ms. Fuss stated that Regional Planning staff has not identified any significant issues with this proposed amendment and recommends a determination of conformance, based on the findings in the staff report.

[The public hearing was opened.] There were no requests to speak.
[The public hearing was closed.]

Chair Herman asked Beverly Straub, City of Reno Assistant Planner, if the City of Reno chose not to comment on this case. Ms. Straub stated that she was not aware of the case. Ms. Straub stated that evidently, the City of Reno had no comment.

Commissioner Lokken stated that this is a request for a land use change with no proposed project. If there were a project proposal with regional significance, the RPC would see it. Ms. Fuss responded that is correct.

Commissioner Lokken asked if this is subject to Cooperative Planning. Ms. Fuss responded that it is subject to Cooperative Planning.

Commissioner Lokken stated that the Regional Planning staff report indicates that this area is not defined in the Settlement Agreement. Commissioner Lokken stated that Cooperative Planning came out of the Settlement Agreement. Ms. Fuss stated that it was determined that this area is in the Cooperative Planning Area.

Commissioner Lokken stated that any specific project would be taken to the City of Reno and they would be involved in it under the terms of the Settlement Agreement. Ms. Fuss responded that is correct.

Mr. Baxley stated that this site is located in the expanded 2002 Sphere of Influence (SOI) for the City of Reno, which makes it a Cooperative Planning Area. However, it is in an area where the City of Reno is not exercising its extra-territorial jurisdiction, which is why the application is processed through Washoe County.

Commissioner Lokken asked if finding number one in the staff report is true or if it needs to be altered. Mr. Baxley stated that the area is within the SOI, which makes it part of the Cooperative Planning Area. It is not within the area that the City is exercising its extra-territorial jurisdictions.

Commissioner Lokken asked how Regional Planning staff proposed to reword finding number one. Mr. Baxley responded that the statement is correct. It is not within an identified study area. The study areas were areas identified for consideration by the RPC for inclusion into the Truckee Meadows Service Areas (TMSA) or the SOI. This area is already within both the TMSA and the SOI.

Commissioner Lokken asked if the findings should recognize that the site of the proposed amendment is in the Cooperative Planning Area. Mr. Ziegler stated that an additional finding could be made. Mr. Ziegler stated that the key is that Reno has not exercised extra-territorial jurisdiction in this area.

Chair Herman asked if there was notification to the City of Reno. Ms. Fuss responded that Washoe County sent information to Reno for review and comment. The City of Reno did not send any comments back.

Chair Herman asked if there was confirmation that the City of Reno received the information. Ms. Fuss stated that Washoe County staff did send two packets to the Planning Department and one packet to Public Works. Ms. Fuss stated that she can not verify that the City of Reno received and opened their mail.

Chair Herman stated that there is an order from Judge Hardesty to make sure that the planning commissions communicate on Cooperative Planning Areas. Mr. Baxley stated that he contacted the City of Reno Community Development Department to see if they could verify that they received the information on this case. Mr. Baxley stated that he was informed that the City of Reno does not have any type of a log or other tracking mechanism to keep track of when they receive Cooperative Planning cases from Washoe County. The City of Reno was unable to verify whether or not they had received the information on this case.

Commissioner Sullivan stated that a representative for the City of Reno is here and if there is a problem, they would let us know. Commissioner Sullivan stated that the RPC and Regional Planning staff have done their job and notified the City of Reno.

COMMISSIONER SULLIVAN MADE A MOTION TO FIND THAT THE BURKHART AMENDMENT TO THE WASHOE COUNTY COMPREHENSIVE PLAN CONFORMS WITH THE GOALS AND POLICIES OF THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE TESTIMONY HEARD HERE TONIGHT AND ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER MOSS.

Commissioner Lokken asked if there would be any harm in continuing this item to the January 28, 2004, RPC meeting so that any doubts that communication occurred could be resolved. Ms. Fuss stated that she could contact individual planners with the City of Reno to see if they received the information for this

case and report to the RPC at the next meeting. Mr. Ziegler stated that a continuance to the next RPC meeting would still be within the 60-day conformance review deadline.

Commissioner Lokken that since there would be no harm in continuing this item, he would rather not support this motion.

Commissioner Sullivan stated there is a carrying cost involved and two weeks does make a difference. Commissioner Sullivan asked if it would be acceptable to vote on this case today and move it forward, assuming it can be verified that Reno did receive the correspondence. If that is not the case, this item can be brought back to the RPC at the January 28, 2004, meeting.

[Chair Herman called a one-minute recess at 6:57 p.m.]

Chair Herman called the meeting back to order at 7:02 p.m.

Mr. Ziegler stated that there is a motion and a second on the floor for a finding of conformance. If the RPC wishes to continue or make a contingent motion, legal counsel would like to comment.

Commissioner Sullivan stated that he would withdraw the motion so a contingent motion can be discussed. Commissioner Sullivan suggested that the motion be changed to state that the Regional Planning Agency (RPA) would verify that the City of Reno did review the information on this case and that the City of Reno has no comment.

Commissioner Moss stated that the original motion could be amended to indicate that approval is contingent upon verification that the City of Reno received the appropriate paperwork.

COMMISSIONER SULLIVAN AMENDED THE MOTION TO INCLUDE THE ADDITIONAL CONTINGENCY THAT THE RPA CHECK WITH THE CITY OF RENO TO MAKE SURE THEY DID HAVE AN OPPORTUNITY TO REVIEW THE INFORMATION ON THIS CASE AND THAT THE CITY OF RENO HAD NO COMMENTS, SECOND CONCURRED.

Mr. Azevedo clarified the amended motion stating that the approval is subject to the City of Reno delineating in writing that they were noticed on this matter and have no objection. If the City of Reno does have an objection, this matter would be put on the agenda for the next RPC meeting.

Chair Herman stated that placing this matter on the next agenda in the event that there is an objection is an additional amendment to the motion. Chair Herman asked the maker of the motion if he agreed with that amendment. Commissioner Sullivan stated that was intent of his original motion. Chair Herman asked if the second agreed. Commissioner Moss did agree.

THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- D. Discussion on, and possible direction to staff on, the FY 2003-2004 strategic plan and work program, for assistance in the development of the FY 2004-2005 budget and work program.

Mr. Ziegler stated that Regional Planning staff is interested in comments from the RPC about the upcoming fiscal year, particularly in the area of any adjustments to the long-term goals and requests for specific outputs being factored into the work program.

Mr. Ziegler stated that the Regional Planning Governing Board (RPGB) has placed the highest priority on a goal under which the RPA would take on the role of an objective source of regional data analysis and information. Mr. Ziegler reported that he has organized the Information Center project to put this goal into action.

Mr. Ziegler stated that one goal in the strategic plan calls for the RPA to resolve regional issues regarding such things as open space and the Truckee River. Mr. Ziegler suggested expanding the language of that goal, in the next generation of the strategic plan, to say that the long-term goal is to create stronger links between natural resource planning and land use planning.

Mr. Ziegler stated that the RPA has identified several outputs that could be included in the work program. Those outputs include the Information Center project; joint meetings and workshops; website outreach; networking on drainage ways, open space, green ways and river access; and emphasizing the subject of annual reporting.

Commissioner Lokken commented on coordination and networking. He said that regional transportation, water, the Truckee River, and open space are four critical themes tied to the Regional Plan, and the sooner we establish a regular dialogue, the better. Staff is coordinating and networking, but he would like to see more interaction with the RPC and perhaps the RPGB, in order to synchronize plans, be consistent with State law, and do a better job of regional planning.

Commissioner Frandsen asked if the RPA has sufficient staff to keep the website up-to-date. Mr. Ziegler responded that the staff in Rosanna Coombes' team will be able to keep the website up-to-date.

Commissioner Moss stated that Commissioner Lokken's comments are a good prelude to an update of the Regional Plan. The things that Commissioner Lokken described would allow adjustments to be made to the Regional Plan where they are needed and to involve the other agencies to make it truly regional.

Commissioner Sullivan suggested that one role regional can play is to try to get consistency between the entities. Within an SOI or when annexations are taking place, there is not a real consistency in land use. Land use should convert over from Washoe County to Reno or Sparks nicely.

Commissioner Sullivan asked about the process of funding for the RPA. Mr. Ziegler responded that the statute states that the three member governments will prepare and enter into an agreement to fund the RPA. It also states that the funding will be split up in proportion to the number of members that each local government has on the RPGB. Mr. Ziegler stated that one of the RPGB members has urged Regional Planning staff to look at the way that animal control is now funded. One of the concerns is that Sparks and Washoe County pay the same for the regional planning function but they have vast differences in assessed valuation. One issue is that the RPA funding is set in statute. Regional Planning staff will research whether it would take legislative action to change the RPA funding arrangements.

Commissioner Sullivan stated that the current role is that the RPGB sets the RPA budget and it is divided as 40/30/30. Mr. Ziegler stated that is correct. As a technical matter, it goes to each local government as a recommendation.

Commissioner Frandsen asked for an example of an independent source of funding. Mr. Ziegler responded that the only model researched so far is the animal control model, which is a portion of a penny on the property tax.

Commissioner Sullivan asked if the idea behind the suggestion to look into an independent source of funding is to create some autonomy. Mr. Ziegler responded that the concern is that people are sometimes not pleased with the recommendations the RPA might make on a conformance review or an element of the Regional Plan. Therefore, there might be a temptation to punish the RPA at budget time. There is also a down-side to autonomy. In some people's minds, there is a loss of accountability.

Chair Herman stated that the City of Reno Planning Commission just went through a planning session for 2003-2004 project priorities. Chair Herman stated that the Reno Planning Commission would like the RPA to work with them on the number one priority of natural resources. Chair Herman stated that he agrees with all of Commissioner Lokken's comments. Chair Herman stated that the area of natural resources needs a little more work, in terms of policy, in getting ready for the next Regional Plan update. Chair Herman stated that he does not see a problem with recommending a legislative change, if necessary, to change the budget funding. Chair Herman stated that a legislative agenda is needed.

Mr. Ziegler thanked the commissioners for their input.

E. Discussion of, and possible direction to staff on, 2005 legislative strategy.

Mr. Ziegler stated that Regional Planning staff is tracking a couple of interim studies to see whether they will affect the program of regional planning. Regional Planning staff has been asked to determine whether legislation would be needed to adjust or clarify practice on appeals within the context of regional planning. In preparation for the 2005 session of Nevada's Legislature, Regional Planning staff is working informally with legislative representatives of local governments and affected entities. A memorandum of legislative cooperation among the cities of Reno and Sparks, the Regional Transportation Commission, the Washoe County School District and the RPGB has been in place for a number of years. The RPGB will consider whether an outside consultant should be engaged to represent the RPGB

Commissioner Lokken stated that having legislative representation in 2003 was critical. Commissioner Lokken stated that the RPGB should use legislative representation again in 2005.

6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

A. Report on actions and agendas of the Regional Planning Governing Board.

Mr. Ziegler reported on actions taken by the RPGB at the January 8, 2004, meeting.

B. Legal counsel's report

- 1) Status report and possible direction to staff on the outcomes of the hearing held on December 19, 2003, in the 2nd Judicial District Court regarding the Settlement Agreement dated October 17, 2002.

Mr. Azevedo stated that the Beckworth/McMullen mediation did occur in the first week of January, 2004. The result of that mediation is that the parties agreed to address the development and planning

concerns raised by the property owners. In exchange, the property owners agreed to make the amendments through the joint planning process in lieu of going through cooperative planning. Mr. Azevedo stated that there was a significant discussion on the Regulations on Procedure. The parties are in agreement with the proposed regulation, which will simplify the process. Those regulations will be going in front of the local jurisdictions for approval. Mr. Azevedo stated that the Court ordered a planner from the City of Reno and a planner from Washoe County to report back as to the real issues that are pending between them on this point.

Mr. Azevedo reported that Judge Hardesty has indicated that there is a possibility that he may move on to a higher office. Judge Hardesty addressed the issue of the RPC and the RPGB being willing to retain him as mediator in the Bushey/Busi case or as the settlement judge over the Settlement Agreement in the event that there are additional disputes that arise between the local jurisdictions. Mr. Azevedo recommended that the RPC take a vote to determine if Judge Hardesty should retain jurisdiction over this case, even though he may not be the judge in Department Nine sitting in Washoe County.

Commissioner Lokken referred to a comment in the paper by Commissioner Galloway that Judge Hardesty's role would apply only to current issues and not to any new issues. Commissioner Lokken asked if that was just a comment on Commissioner Galloway's part or if it was included in the commission's motion. Mr. Azevedo stated that his understanding from the Court is that Judge Hardesty would retain jurisdiction of all existing disputes and prospective disputes.

Commissioner Mattina asked how the Judge can seek a judicial seat outside the Ninth Court and retain jurisdiction over regional planning. Mr. Azevedo responded that it would be by agreement of the parties. Judge Hardesty has checked as to the possibility of doing this. There is no judicial cannon that would preclude it.

COMMISSIONER SULLIVAN MADE A MOTION TO RECOMMEND RETAINING JUDGE HARDESTY FOR REVIEW OF ANY OF OUR DISPUTED ISSUES, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- 2) Status report and possible direction to staff on the Washoe County and Sun Valley GID appeal to the 2nd Judicial District Court of RPGB Decision 03-02 in Case DR03-001-RPGB: Washoe County and Sun Valley General Improvement District appeal of Regional Planning Commission Decision 03-03 in dispute resolution case DR03-006-RPC.

Mr. Azevedo stated that a petition for judicial review has been filed on the RPGB's decision. On behalf of the RPA, and as directed by the RPGB, Mr. Azevedo has filed a notice of intent to participate in that litigation. Mr. Azevedo reported that the City of Reno will also be filing an intent to participate in the litigation.

7. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

- A. Tentative RPC meeting schedule for January and February, 2004.
- B. Discussion of a 12-month RPC schedule.

Mr. Ziegler stated that a new format for projecting 12-month actions of both the RPC and the RPGB is included in the meeting packet. Mr. Ziegler reviewed the tentative RPC meeting schedule for January and February, 2004.

8. WRITTEN CORRESPONDENCE

None

9. PUBLIC COMMENT

Commissioner Sanders recognized that former Regional Planning Commissioner, Chuck Schembri, past away last week. Commissioner Sanders recognized Mr. Schembri's efforts on this board as well as the City of Reno Planning Commission. Commissioner Sanders stated that Mr. Schembri dedicated several years of his life to public service as well as training service dogs. Mr. Schembri was a great human being and he will be missed.

Chair Herman stated that Mr. Schembri was very active as a City of Reno Planning Commissioner as well as representing the City of Reno on regional planning. He is being missed.

10. ADJOURNMENT

Chair Herman adjourned the meeting at 8:04 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

Dave Ziegler, Director

Terry K. Herman, Chair

Truckee Meadows Regional Planning Agency

Regional Planning Commission

**APPROVED BY THE REGIONAL PLANNING COMMISSION IN SESSION ON _____,
2004.**