



REGIONAL PLANNING GOVERNING BOARD

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Rosanna Coombes, Interim Director

MINUTES

REGIONAL PLANNING GOVERNING BOARD Regular Meeting Thursday, January 11, 2007

The Regional Planning Governing Board (RPGB) met in regular session in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Robert Larkin at 2:00 p.m.

1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: Robert Larkin, Geno Martini, Dave Aiazzi, Mike Carrigan, Dwight Dortch, Pierre Hascheff, and Bonnie Weber. Members absent: Robert Cashell, Jim Galloway, and Ron Schmitt.

Also present: Rosanna Coombes, TMRPA Interim Director; Norman Azevedo, Legal Counsel; Phil Caterino, TMRPA; Lora Richards, TMRPA; Patricia Rogers, TMRPA; and Paige Menicucci, TMRPA.

2. APPROVAL OF AGENDA

MEMBER AIAZZI MADE A MOTION TO APPROVE THE JANUARY 11, 2007, RPGB AGENDA, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

3. SALUTE TO THE FLAG

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

4. PUBLIC COMMENT

None

5. BUSINESS OF THE DAY

- A. Status report from local government staff regarding preparation of detailed recommendations for the implementation of concurrency as described in Regional Plan Goal 3.5 and related policies.

John Hester, City of Reno, stated that the definition of concurrency provided in the report is from the draft 2007 Regional Plan that the Regional Planning Commission (RPC) authorized last night to go to public hearing. Mr. Hester stated that there were forty different entities in the

stakeholders group and that there was a very productive process and community consensus while developing these concurrency principles.

[Chair Larkin left at 2:08 p.m.] [Chair Larkin returned at 2:10 p.m.]

Mr. Hester reviewed the principles addressing concurrency management in general and by functional area.

Member Hascheff asked about any difference in the timing requirements for concurrency between the concurrency principles reviewed tonight and the settlement agreement. Mr. Hester responded that the principles are consistent with the settlement agreement.

Member Hascheff asked if it will be possible to get zoning if there will not be adequate facilities to serve the units that will come from the zoning. Mr. Hester responded that you would have to have a facility plan in place to get the zoning. Then to use the zoning you will have to provide those facilities concurrently with the impact of development. Member Hascheff stated that is basically when you start pulling building permits. Mr. Hester stated or by the time you occupy.

Member Hascheff asked if someone would be able to occupy a structure if the facilities are not on-line but there is a funded facilities plan and they will be on-line within a year. Mr. Hester responded that it would depend on the functional area or type of service. Member Hascheff asked about schools specifically. Mr. Hester responded that is possible if the school district allows you to bus to an adjacent school zone area for a year.

Member Hascheff asked if somebody comes on-line with a project and ultimately the school is at capacity, under this system would they be able to contribute sufficient funds to basically start that project and would that meet the spirit and intent of the concurrency standard, although the remaining funds to build the additional school to absorb the impact would not be build until somebody shows up and pays the other half. Mr. Hester responded yes and stated that they talked about proportionate share with a number of facilities. Some facilities provide a lot of capacity and then as development happens they go under capacity and another chunk of infrastructure comes on-line.

Member Hascheff asked if these are just principles now and details will be added as you move forward with placing this into code. Mr. Hester responded that he imagines that there will be evolution of facility plans over the years and they will get better and better.

Member Hascheff asked about the option to build and dedicate. For example, if someone comes up with a project and sewer plans are needed, would the concurrency standards be satisfied as long as it is built and dedicated. Mr. Hester responded sure.

Member Hascheff asked about how reimbursement would work. Mr. Hester responded that it depends on the type of facility. If a developer puts in an oversize sewer line, they could get paid back as other people hooked up to that. There may be some functional service types where there is not that kind of agreement, but as we go through this process we will develop them.

Member Hascheff referred to the statement that there is consensus that the current systems in place effectively address the foregoing principles and asked if that means that the concurrency standard is met if someone has paid their impact fees. Derek Morse, Regional Transportation Commission (RTC), responded that is difficult to say. There is a lot of discussion that still

needs to take place on the practical implementation. The impact fees do create something that has to be considered.

Member Hascheff asked Mr. Morse if under this system with the concurrency standard, the timeline for improvements will be compressed so that needed improvements would have to be funded concurrently as opposed to the current system which may take place seven years later. Mr. Morse responded that is a complicated issue that needs a lot of discussion. Mr. Morse stated that the only thing that would allow the RTC to compress when things can be done is having more money. Given the fact that impacts occur and they are cumulative and you are collecting money that accumulates over time for not only that project but for many others, there has to be at least a discussion of the reality of the fact that under that type of scenario you will have times in which you have things that are not operating at level of service (LOS) but that you are collecting funds for.

Member Hascheff one escape clause would be the reimbursement agreement so if someone comes in and adds incrementally 1,000 trips on an already overloaded intersection, they have to do those improvements under the concurrency standard then as other people basically get their projects approved and add to that would they not be entitled to some kind of reimbursement. Mr. Morse responded that the way it works is that if we have an impact fee capital improvement program with all those projects on it and someone does some of that work, the law says that we have to reimburse them. The mechanism in place for doing that is a crediting arrangement.

Chair Larkin asked Mr. Hester if the implementation of these concurrency standards will occur at the code and ordinance level before each body. Mr. Hester responded that is right.

Chair Larkin asked if it will be a staged event so there is some uniformity in the language and methodology that is applied. Mr. Hester responded that they all anticipate they will match the principles but it may not be the same in each code.

Chair Larkin asked when it will be fully implemented throughout the region. Mr. Hester responded that the City of Reno is trying to have it by July of this year.

Chair Larkin asked what the feeling was with the other two planning directors that worked on this. Mr. Hester reviewed some of the work being done in each entity and stated that in general, Sparks and the County may not be on as quick a time schedule as Reno but they are not far off.

Chair Larkin asked if the RPGB should provide guidance in terms of when the implementation is expected. Mr. Hester responded that the settlement agreement gives direction on that.

Chair Larkin stated that he does not want to see, at this time next year, a developer saying he did not know anything about concurrency requirements or any body saying that another body is behind in the implementation of these. We need to be consistent and moving uniformly. We need to set a deadline as a region to have this implemented within our planning departments. Chair Larkin asked what a reasonable time would be to allow full implementation of the codes and incorporating it into the various ordinances. Mr. Hester responded that he would hesitate to answer on behalf of the other jurisdictions.

Chair Larkin stated that each body should ask that question of its respective planning department and directed Ms. Coombes to bring the question back to the RPGB.

Mr. Hester stated that when the RPGB adopted the plan amendment, they were asked to come back every three months. Mr. Hester stated that today is the second three-month status report and we will be back in three more months to see where we are.

Chair Larkin asked about a statement in the reimbursement program regarding reimbursements being an amount equal to the reasonable costs incurred by the new development. Mr. Hester responded that each one of the functional areas has a procedure in place to determine what is reasonable.

Member Aiazzi asked if the concurrency principles would apply to all water purveyors or just Washoe County and TMWA. Mr. Hester responded that it would apply to any water purveyor. Mr. Hester stated that the Reno Municipal Code requires any water purveyor to let us know that it has been demonstrated to their satisfaction that these conditions have been met.

Member Aiazzi asked about a line in the transportation section stating that the creation of the regional road impact program operatively eliminated all existing deficiencies on the regional road system. Mr. Morse responded that the reason that language was put in there is that when the impact fee was established you could not ask the future users to pay for anything that existed as a deficiency in the system at that time.

Member Aiazzi clarified that it is not a future deficiency but a current deficiency. Mr. Morse responded yes.

There was some discussion regarding impact fees and who pays for current and future deficiencies. Mr. Morse explained that at the inception of the impact fee program all of the deficiencies that were in the system at that time were wiped out. Since then any facilities that have become deficient or are projected to be deficient are all part of that impact fee CIP program. Any deficiency in the system today is not one of the preexisting ones, it is one that is legitimately there and that we can collect for because it has been accounted for in terms of the impact fees that are being paid and how they were calculated. Mr. Morse also stated that impact fees were never intended to pay for one hundred percent of all the deficiencies that will occur in the system because development does not cause one hundred percent of those needs. That impact fees also do not cover the freeway system. There are some very specific issues that will have to be dealt with.

Member Aiazzi stated that to get away from impact fees we are not telling people they can't build but if you want to build, certain things have to be done before you get the permission. Mr. Morse responded that the fact of the matter is that you rely heavily on the collections from impact fees to build those things.

Member Aiazzi stated that we are talking about the terminology of calling it an impact fee as opposed to concurrency standards. Mr. Morse responded that it is true they are separate in that regard but there is truly an inter-relationship between them that has to be recognized, discussed and worked out.

Member Dortch asked if a legislative change is needed to implement the concurrency standards. Mr. Hester responded no but you may if you want to do an impact fee for schools.

Member Dortch stated that the way he reads it we are putting impact fees on development. Mr. Hester stated that the stakeholders group have said that if these principles are implemented in the codes, they could live with that. Mr. Hester also stated that it is not necessarily always an impact fee. There are also hook up fees for water or sewer.

Member Dortch expressed concern regarding impact fees and implementing something that would be contrary to state law. Member Dortch stated that no matter what you call it when you talk about a developer paying their proportionate share of the impacts of their development, it is an impact fee.

Mr. Hester stated that all of the services do not use impact fees. The key point is we have everybody from the stakeholders group saying this is something reasonable they can work on.

Member Carrigan stated that everybody in the development community here has signed off on this but if you get somebody that comes in from out of town, they are going to ask where it says that in state law.

Bambi Spahr, Builders Association Executive Director, stated that the reason the language is written the way it is because there are different systems in place. In some cases there is a set fee. In other cases things are being addressed through negotiated results on a case by case basis. Ms. Spahr stated that they are not advocating more impact fees but what they did try to use language that everybody could live with. Ms. Spahr stated that the State already allows impact fees for most of these services, with the exception of schools. Ms. Spahr stated that they were not trying to set new standard but that they were trying to accomplish the document and the guiding principles in there that allow you to deal with a system that is already in place.

Member Dortch asked how to address the school issue because the way it is written looks like an impact fee. Ms. Spahr responded that at the meeting with the stakeholders group it was made clear that we were not advocating an impact fee but we do believe that schools need to be addressed. One of the problems is that there has not been really good facility planning done. It is difficult to operate from a development perspective not knowing where a school is needed, how much of it is mine and what impact am I having on that particular site. Ms. Spahr stated that this is kind of a first step and there was really good work done by the various members of the stakeholders group to try to put something together that establishes a good framework. The hard work is going back and doing the good facility plans and actually developing the ordinances.

Member Hascheff stated that the timeline is established in the settlement agreement for July 2007. Member Hascheff stated that he would expect some comments from the staffs if they need more time. Chair Larkin stated that the settlement agreement is silent on the actual implementation of each code.

Member Hascheff stated that he would like to hear from staff if they will not be able to move to the code level by July 2007. Mr. Hester stated that it will be a tight deadline and they are trying their best.

Chair Larkin asked Mr. Hester when he will back to report on this. Mr. Hester responded that he will be back with a status report in three months.

- B. Status report on amendments to the 208 Water Quality Management Plan and discussion regarding the schedule and process for completion.

Phil Caterino, Senior Planner reported that additional meetings were held to work out problems the technical committee had with formatting and the way the document was prepared. The final version of the amendments for the 208 plan should be complete tomorrow. Because the time schedule is now tight, the contract will be negotiated to allow a little more room in case there are comments that come in and the document needs to be modified. The revised amendments will be brought back to the February RPGB meeting.

6. ADMINISTRATIVE ITEMS

- A. Consideration and possible direction to staff on tentative FY 07-08 budget and conceptual work program.

Ms. Coombes stated that costs for budget amendments made last year were absorbed out of the ending fund balance. When those decisions were made, there was an acknowledgment by the RPGB that the contributions would have to be modified in the upcoming fiscal year in order to accommodate those costs proceeding into the future.

[Chair Larkin left at 3:00 p.m.]

Ms. Coombes stated that simply moving between the total contribution from last fiscal year to a balanced baseline budget would be about a six percent increase from last year to this year. Also provided in the staff report are some optional extras called budget change proposals (BCPs). The BCPs are stand alone things that the RPGB may wish to fund that have a specific budget associated with them. Ms. Coombes reviewed information on each of the three BCPs listed on page 15 of the meeting packet and asked for feedback from the RPGB.

Member Weber asked about the budget for the three phases for the Data Portal BCP.

[Chair Larkin returned at 3:05 p.m.]

Ms. Coombes explained again that the first phase would be a one time expense of \$40,000. It would progress beyond that for each of the phases.

Member Aiazzi stated that he does not mind going forward with the Education and Training Initiative BCP but that he would like to know if the governments would send people to the seminars. It might depend on who the speakers are and what topics are addressed. All of the staffs are overworked right now and might not take a day or two out to go to a seminar that does not apply to them. Ms. Coombes stated that Regional Planning staff can canvas them and get some more specific information.

Chair Larkin asked if the Regional Data Analysis BCP is an attempt to start moving back toward the data and data repository that he asked about two years ago. Ms. Coombes responded that would be the Data Portal BCP project.

Member Hascheff stated that he is in favor of all three BCPs because of the value added benefits that would result from the expenditure of these funds. Member Hascheff suggested not sending staff to a seminar but bringing technical people here on the ground to look at what we are doing and provide recommendations.

Member Weber expressed concern regarding the long-time expense of the Data Portal BCP. Ms. Coombes stated again that the Data Portal project has been broken into pieces that will build on each other. Investing in the first phase does not presuppose that you have to invest in the next two phases.

Member Aiazzi asked for information regarding how the figures for the Data Portal BCP were determined. Mr. Caterino responded that the figures are based on meetings with purveyors and on his past experience doing portals like this for regional entities.

Member Aiazzi spoke about linking to other websites and stated that unless it is programmed to be automated it will eat up more staff time than it is worth. Mr. Caterino responded that the first phase does include dedicated IT staffing time to start the process. Maintenance will probably be outsourcing.

Member Martini asked who requested this project. Chair Larkin responded that it came out of a workshop the RPGB had about two years ago where he and Member Aiazzi were thinking that the Regional Planning Agency (RPA) should be the repository of regional data.

Ms. Coombes asked if the Board Members are comfortable with the fact that even if the baseline budget is approved it will require an increase in contributions from the entities. Chair Larkin responded that he has no problem with any of the BCPs.

Ms. Coombes asked if the Board Members want Regional Planning staff to provide more detail in terms of budgeting the BCPs in the next phase of the budget process.

Chair Larkin asked if any of the Board Members want to eliminate any of the BCPs right now. Member Carrigan stated that Sparks' percentage of the budget is more than anybody else's and that he would like to stick with the baseline only. Member Carrigan stated that he would like to take a look at where Sparks is as a city with their budget.

Member Hascheff suggested that a compromise might be that Sparks can say their staff could benefit from the Education and Training Initiative BCP. Member Carrigan responded that Sparks has always supported that and agreed with Member Aiazzi's comments that the training should be pertinent to what is going on in the area.

Member Hascheff stated that Ms. Coombes will come back with some specifics on how the money for that BCP would be used. Member Hascheff suggested that on the other two BCPs the Board Members could take that back to our respective Boards and say Sparks is not interested in funding those two BCPs and is there a way that the County and Reno could pick up Sparks' portion of the budget for those.

Chair Larkin stated that he is not hearing that any of the BCPs are dropping out and asked Ms. Coombes to proceed forward with the additional information she has been asked to provide and bring it back to the RPGB.

- B. Consideration of a timeline or critical path to address issues regarding the future of regional planning including, but not limited to, governance models for the program of regional planning, amendments to RPGB regulations to clarify the roles of the RPGB and RPC, and mechanisms to report progress on, or cumulative impact of, planning decisions in the region.

Ms. Coombes stated that a draft set of timelines and deliverables are provided in the staff report on pages 30 and 31 and asked for input on those.

Member Hascheff stated that in September of 2007 we have a workshop with respect to what models we want to pursue. Ms. Coombes responded yes, on the governance models.

Chair Larkin asked if there were any questions about the steps in the process. There were no questions.

7. REPORTS

A. Members' and Director's reports.

1) Status report on the 2007 update of the Regional Plan

Ms. Richards reported that last night the RPC had a workshop and adopted the Technical Advisory Committee's (TAC's) final recommendations regarding the draft 2007 Regional Plan. The RPC expressed concerns that are listed in the staff report. Those issues have been resolved. The TAC and the RPC have reached consensus on the draft plan and it will move forward to the public hearing process at the end of the month.

Chair Larkin asked for confirmation that the public hearing schedule outlined in the staff report is a go. Ms. Richards responded that is correct.

Member Hascheff stated that when the update moves through the public hearing process there will be opportunities to readjust. Member Hascheff asked if the RPGB would have all the public comments from those hearings when the update is brought to the RPGB in March or if they will have to go back all the way through the RPC process to make those adjustments based on public comment. Ms. Coombes responded that at the end of the third public hearing meeting there will be an agenda item where the RPC can then direct staff or the TAC if they need additional work done or whether they are wanting to have the item proceed on to the RPGB. The RPC may choose to have a final decision made on a subsequent agenda and then it is simply a matter of a normally agenda item to pass it on to the RPGB.

2) Status report and possible direction to staff on implementation of the legislative strategy including, but not limited to, finalization of the legislative MOU, tentative RPGB legislative subcommittee meeting schedule, and tracking of bill draft requests

Chair Larkin asked if there has been any changes to the strategy from the last discussion on this item. Ms. Coombes responded no.

Patricia Rogers, stated that they have been invited by the legislature to bring a report to them on the safe routes to school information and that is tentatively set for February 20.

3) Status report on the development of a white paper and work program to coordinate population forecasting in the region

Member Aiazzi stated that he would like to know which entities are not cooperating so we can move forward. Ms. Coombes stated that the purpose of the white paper is to give you a sense of what is happening now, who is doing what, and should give you an idea of the entities that we would like to coordinate with to get this done.

B. Legal counsel's report:

Mr. Azevedo stated that there is no litigation pending. Mr. Azevedo also stated that the private property owner applications for inclusion in the TMSA will be coming to the RPGB at the next meeting.

Chair Larkin requested feedback on the processes that the three entities utilized. Chair Larkin commented on the RPC's mystification at last night's meeting regarding the rationale why some of the individual land owner requests were denied at the local governing body level. Chair Larkin stated that he anticipated that all of the minutes from those meetings would have been included in the reports from the entities to the RPA for forwarding to the RPC. If those were not, then perhaps that is a glitch in the system. Mr. Azevedo stated that the RPC indicated that this was the first time for the process and they articulated some relatively specific concerns. A significant point was the absence of meaningful comments from the local jurisdictions as those applications went through.

Ms. Coombes stated that what came to the RPA was different based on the entity, specifically as it relates to Washoe County. Ms. Coombes stated that she understands that the County did do a fairly substantive review of the applications as they went through. The delay in terms of production of minutes is such that those were not available. Regional Planning staff asked County staff for any tangible information that they could provide so that it could be included in the packet and it was not forthcoming. Ms. Coombes stated that information from the City of Reno was included in the packet and the concern of the Commissioners was that the City of Reno's process did not provide an analysis on each of the criteria. What the RPC had before them was the property owners analysis, limited information on each of the criteria from the local governments, and fairly substantial analysis on each of the criteria from Regional Planning staff. The RPC wanted the RPA to adjust our analysis as well in this whole process. Ms. Coombes stated that Regional Planning staff needs to sit down with the RPC and iron out some of the wrinkles in the system.

Chair Larkin asked what will be done about the process. Ms. Coombes responded that the RPC will have a workshop on it and give the RPA direction on how they want to see the process.

Chair Larkin asked if the three Planning Directors will be invited to that workshop to participate. Ms. Coombes responded that they will encourage the Planning Directors attendance.

Chair Larkin asked if the RPC denied any of the applications. Mr. Azevedo responded no.

8. REQUESTS FOR FUTURE AGENDA ITEMS

- A. Consideration and possible action on calendar of agenda items.
- B. Members' and director's requests for agenda items.

Member Weber stated that she would like to ask the RPGB if they would consider changing the March 8 RPGB meeting date.

Ms. Coombes stated that is the meeting in which we anticipate the consideration of the 2007 Regional Plan which means a 30-day advertising. Once it is advertised it can't simply be moved like we would any other meeting.

After some discussion it was decided to change the March 8 RPGB meeting to March 29, 2007.

9. WRITTEN CORRESPONDENCE

None

10. ADJOURNMENT

MEMBER AIAZZI MADE A MOTION TO ADJOURN AT 3:40 P.M., SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

Rosanna Coombes, Interim Director
Truckee Meadows Regional Planning Agency

Robert Larkin, Chair
Regional Planning Governing Board

**APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION
ON**

_____, 2007