



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., March 10, 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 6:30 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, Darrin Georgeson for Jim Newberg, Steve Rogers, and Oscar Sanders. Commissioners absent were: Jim Newberg and Mark Sullivan.

Also present were: Dave Ziegler, TMRPA Director; Norman Azevedo, Legal Counsel; Randy Baxley, TMRPA; Connie Anderson, TMRPA; Rosanna Coombes, TMRPA; and Patricia Rogers, TMRPA.

2. APPROVAL OF AGENDA

Dave Ziegler, Director of Regional Planning, noted an error under agenda item 6.B.3. Sun Valley GID should not have been included in this item.

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE MARCH 10, 2004, AGENDA AS CORRECTED, SECONDED BY COMMISSIONER MATTINA.

Chair Herman requested that agenda item 5.H. be addressed immediately after item 5.A.

COMMISSIONER LOKKEN AMENDED THE MOTION TO APPROVE THE AGENDA AS CORRECTED AND AMENDED, SECOND CONCURRED. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

3. APPROVAL OF MINUTES OF THE FEBRUARY 11, 2004, REGULAR MEETING

COMMISSIONER MATTINA MADE A MOTION TO ACCEPT THE FEBRUARY 11, 2004, MEETING MINUTES AS PRESENTED, SECONDED BY COMMISSIONER FRANDSEN. THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND ONE (1) ABSTENTION BY MEMBER GEORGESON.

4. PUBLIC COMMENTS

None

5. BUSINESS OF THE DAY

- A. **PUBLIC HEARING** - Consideration and possible adoption of RPC Resolution 04-03, recommending adoption of a proposed amendment to the 2002 Regional Plan, incorporating by reference the Regional Utility Corridor Report, August 1999, as amended February 2004.

Mr. Ziegler reviewed the proposed amendment to Policy 3.2.3 regarding the incorporation of the Regional Utility Corridor Report (RUCR), as amended February 2004, to the Regional Plan by reference. Mr. Ziegler also reviewed Regional Planning staff's conclusions regarding the criteria in Policy 4.3.6 required to be considered for proposed amendments to the Regional Plan.

Regional Planning staff recommends that the RPC make a recommendation to the Regional Planning Governing Board (RPGB) to incorporate the RUCR, as updated and reformatted, into the Regional Plan, by reference.

Commissioner Rogers expressed concern that section F.2 in the RUCR does not state that rural and suburban areas will be protected from development of new utility corridors and facility sites.

Mr. Ziegler stated that there were areas in the 1996 Regional Plan designated as rural and suburban communities. In the 2002 update that language became obsolete. As discussed at the last RPC meeting, the main reason that language was deleted from the RUCR is that it had become obsolete.

Commissioner Rogers stated that the rural and unincorporated areas should be given the same protection as the SOIs.

Mr. Ziegler displayed portions of a community boundaries map from the 1996 Regional Plan. Mr. Ziegler reviewed areas that were designated suburban and rural communities that still remain outside the SOIs today.

Commissioner Georgeson asked if there is a better way to define by population density. Mr. Ziegler responded that something could be developed along those lines.

Commissioner Frandsen agreed that the same protection should be offered to the unincorporated communities as to those within the SOI of the Cities. Even though some areas listed in section F.1 of the RUCR are protected, it needs to be more specific to avoid future problems.

Mr. Ziegler suggested that one option would be to restore the language in section F.2 regarding suburban and rural communities, specifying that it is as designated in the 1996 Regional Plan.

[The public hearing was opened.]

Lois Avery, Spanish Springs Community Advisory Board (CAB), stated that this should not be held up because there is a power line coming through. Ms. Avery agreed with Mr. Ziegler's suggestion for the wording of section F.2 in order to keep everything protected that was previously protected. Ms. Avery

stated that she liked Commissioner Georgeson's suggestion of using a population criteria and suggested that when the committee meets, that can be discussed.

[The public hearing was closed.]

COMMISSIONER MOSS MADE A MOTION TO KEEP THE LANGUAGE MARKED FOR DELETION AND INSERT 1996 BEFORE TMRP IN SECTION F.2 OF THE RUCR, SECONDED BY COMMISSIONER MATTINA. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

COMMISSIONER MOSS MADE A MOTION TO ADOPT RPC RESOLUTION 04-03, WHICH INCORPORATES THE REQUIRED FINDINGS, SECONDED BY COMMISSIONER LOKKEN. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

Chair Herman stated that agenda item 5.H will be addressed at this time.

- H. Discussion and possible action to establish a subcommittee of the RPC and/or advisory committee to make recommendations regarding possible amendments to the Regional Utility Corridor Report.

Chair Herman appointed Commissioners Rogers, Mattina and Herman to serve on the RPC committee to study the RUCR and any amendments. Chair Herman asked Regional Planning staff to agendize a meeting for the committee after recommended amendments are submitted.

Commissioner Frandsen stated that the committee should take into consideration that there are seventeen or nineteen unincorporated communities out there and they should be brought in to the discussion. Chair Herman stated that all the CABs and Neighborhood Advisory Boards (NABs) would be noticed of the committee meeting.

Chair Herman stated that the committee will name a Chair at their first meeting.

- B. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, K-W Western Office (CR04-002) - changing the land use designation from Public Facility to Urban Residential/Commercial on ± 0.60 acres located on the southeast corner of South Virginia Street and South Towne Drive.

Randy Baxley, Senior Regional Planner, stated that this site is occupied by a former post office building, which is no longer in use. This request would allow the building to be converted to an office use.

Although this site is already developed, the staff report from the City of Reno indicates that the existing paved area and landscaping have deteriorated since the former post office was closed. During that time, it is possible that Steamboat Buckwheat may have migrated onto this site. Before any site work is done on this property, a field survey should be taken of the site by a botanist, ecologist, or other competent professional to determine if the Steamboat Buckwheat is present and a written permit required from the State Forester Firewarden through the process set forth in NAC 527.010 through 527.560, inclusive.

Regional Planning staff recommends a determination of conformance based on the findings in the staff report.

[The public hearing was opened.]

Melissa Lindel, CFA, stated that she is in agreement with Regional Planning staff's recommendation for approval.

[The public hearing was closed.]

COMMISSIONER LOKKEN MADE A MOTION TO FIND THE K-W WESTERN OFFICE AMENDMENT TO THE RENO MASTER PLAN IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER MATTINA.

Chair Herman stated that the City of Reno supported the recommendation by Washoe County as to the zoning category for this amendment.

THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- C. PUBLIC HEARING - Regional Plan Conformance Review - City of Sparks Master Plan amendment, Ghiggeri Ranch, LLC (CR04-005) - changing the land use designation from Medium Density Residential to Tourist Commercial on ±5.77 acres located south of Prater Way, east of Marina Drive, west of Sparks Boulevard and north of Interstate 80.

Connie Anderson, Regional Planner, was present to answer any questions regarding this proposed amendment.

Chair Herman asked if any commissioners or the public wished to speak on the public hearing agenda item. Hearing none, Chair Herman asked for a summary approval based on the findings in the staff report and the recommendation to approve this amendment.

COMMISSIONER SANDERS MADE A MOTION TO FIND THE GHIGGERI RANCH, LLC AMENDMENT TO THE SPARKS MASTER PLAN IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER MOSS. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- D. PUBLIC HEARING - Regional Plan Conformance Review - City of Sparks Master Plan amendment, Foothill Meadows (CR04-006) - changing the land use designation from residential, 5-10 acres per dwelling unit to residential, 3-7 dwelling units per acre on a ±20 acre site located southeast of the current terminus of Campello Drive, east of Wingfield Springs.

Mr. Baxley was present to answer any questions regarding this proposed amendment.

Chair Herman asked if any commissioners or the public wished to speak on the public hearing agenda item. Hearing none, Chair Herman called for a summary motion supported by the findings in the staff report recommending approval of this case.

COMMISSIONER FRANDBEN MADE A MOTION TO FIND THE FOOTHILL MEADOWS AMENDMENT TO THE SPARKS MASTER PLAN IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER LOKKEN. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- E. Discussion and possible recommendation to adopt proposed amendments to the RPGB Regulations on Procedure on conformance review of master plans, facility plans, and other similar plans.

Mr. Ziegler reviewed the proposed regulation that would help ensure that required conformance reviews take place and that local governments and affected entities are aware of the statutory requirements.

Mr. Ziegler stated that he would like to work with the planning directors and their staffs to make sure they are on board with this proposed regulation. Mr. Ziegler would then bring it back to the RPC for a final review before it is taken to the RPGB.

Commissioner Lokken asked what would be considered "other similar plans" that will be monitored by Regional Planning staff. Mr. Ziegler responded that the phrase "other similar plans" is from the statute. Mr. Ziegler stated that he will try to come up with some examples of what those plans would be.

Chair Herman stated that they would include capital improvement plans and other terminal facility improvements, among other things. Commissioner Lokken stated that a 2/3 vote would not be needed on a capital improvement plan. Chair Herman stated that it is included in that category.

Mr. Ziegler suggested checking the legislative history, the statute and any other records of the Regional Planning Agency (RPA) for guidance on what the legislature meant when they said "other similar plans".

Commissioner Mattina asked what that penalty would be for not conforming to the regulation. Chair Herman stated that the penalty could end up being civil court action.

Commissioner Mattina asked if the penalty is defined anywhere. Chair Herman stated that the result of civil court action could be civil sanctions, injunctions, fines or a combination of those penalties.

Commissioner Mattina asked if these possible penalties are written anywhere. Norm Azevedo, Legal Counsel, stated that the consequence for non-submittal or non-conformance would be in the discretion of the District Court judge, subject to review by the Supreme Court. Mr. Azevedo recommended staying away from making a regulatory provision addressing the penalties for non-submittal. The courts will fashion whatever they deem appropriate given the factual circumstances they are faced with.

Commissioner Mattina stated that it would be nice to have some idea of what the penalties might be other than the fact that it is sort of understood among the planning community. Mr. Azevedo responded that if it is the discretion of this commission, he would be glad to assist the RPA in preparing a draft regulation that can be added on that point.

Mr. Baxley stated that the Regional Transportation Plan (RTP) is one example of what would fall into the category of "other similar plans".

Chair Herman stated that he is ready to direct staff to facilitate coordination with the local entity staffs to develop a list of plans that need to be reviewed for conformance and to incorporate them into the regulations. Chair Herman stated that the regulation could then be brought forward to the RPGB.

COMMISSIONER LOKKEN MADE A MOTION TO RECOMMEND APPROVAL OF THE CONFORMANCE REVIEW PROCESS, SECONDED BY COMMISSIONER MOSS.

Commissioner Lokken asked if the 2/3 vote requirement is stipulated by Nevada Revised Statute (NRS). Chair Herman stated that master plan amendments require a 2/3 vote and asked if capital improvement plans require a 2/3 vote. Mr. Azevedo requested a two-minute recess.

[Chair Herman called a two-minute recess at 7:30 p.m.]

Chair Herman called the meeting back to order at 7:32 p.m.

Mr. Azevedo stated that NRS 278.0282 subsection 7 states that the determination of conformance made by the commission must be made by an affirmative vote of not less than 2/3 of its total membership.

Commissioner Lokken stated that the staff report refers to things that legal counsel needs to provide and asked if there is language that needs to be expressed in the motion to include that.

Commissioner Moss stated that since we have not seen that language, this motion should be delayed until the next regular RPC meeting.

COMMISSIONER LOKKEN WITHDREW THE MOTION.

Mr. Ziegler asked for clarification that the direction to staff is to work with Mr. Azevedo, touch base with the local staffs, get a more concrete proposal together and put it on the agenda for the next regular RPGB meeting. Chair Herman responded that is correct.

- F. Informational report on the schedule for the Regional Water Planning Commission's update of the Washoe County Comprehensive Regional Water Management Plan (RWMP).

Mr. Ziegler reviewed the schedule for completing the update of the RWMP.

Chair Herman asked if it is true that the workshop will only review a portion of the recommendations for the new plan. Mr. Ziegler responded that is correct. The Regional Water Planning Commission (RWPC) would like to focus during the workshop on those portions that they feel are furthest along and are of interest to the RPC. Mr. Ziegler informed the Chair of the RWPC that the RPC still wants to have a chance to look at the other portions of the plan.

- G. Discussion and possible direction to staff on 2005 legislative report.

Patricia Rogers, Community Outreach Assistant, stated that there is no additional information to add to the staff report in the meeting packet.

Commissioner Lokken asked if the RPGB will be considering tomorrow whether or not to hire a lobbyist. Mr. Ziegler responded that the RPGB is scheduled to take action on the budget for fiscal year 04-05. In taking action on the budget they would, in effect, be taking action on a decision on whether

or not to hire an outside legislative consultant. Mr. Ziegler stated that Regional Planning staff will recommend to the RPGB that the legislative liaison and lobbying functions be handled in-house by the Regional Planning Director and staff.

Commissioner Lokken expressed concern that if a problem were to develop during the 2005 legislature, Regional Planning staff would be putting itself in the middle of what would be an entity disagreement. Until we can get to a point of trust, that type of strategy might be dangerous. Commissioner Lokken also mentioned the need of an independent funding source.

Chair Herman suggested that the issue of planning with our neighboring counties should be included in our legislative agenda.

Mr. Ziegler stated that he would convey the thoughts and concerns of the RPC to the RPGB.

6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

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

Mr. Ziegler reviewed the agenda items scheduled for the March 11, 2004, RPGB meeting.

Commissioner Lokken asked if there has been any discussion at the RPGB level about an independent funding source for the RPA. Mr. Ziegler responded that there has been. Mr. Ziegler has kept the RPGB posted on the research that the RPA has been doing on that issue.

Commissioner Lokken stated that there is a role model in the Regional Transportation Commission (RTC). We would be advocating properly funding land use planning in the region. The argument to the Cities and the County is that as a result, they might be able to hold back their contributions and redirect those funds.

B. Legal counsel's report - Status report and possible direction to staff on:

- 1) Washoe County and SVGID appeal to District Court in dispute resolution case DR03-001-RPGB, regarding cooperative planning criteria;

Mr. Azevedo distributed and reviewed copies of a brief submitted by the County on the cooperative planning criteria issues. Mr. Azevedo will have a draft of the brief that will be submitted on behalf of the RPC and the RPGB ready for review at the next RPC meeting.

- 2) Consideration of court orders and appearances before the District Court regarding the Regional Plan Settlement Agreement (October 17, 2002) and related issues; and

Mr. Azevedo distributed and reviewed copies of a settlement agreement on the Bushey/Busi litigation. The County and the City have expressed the desire to maintain the litigation in the Supreme Court to keep it going even though the underlying dispute will have been resolved. Mr. Azevedo did send a letter to the counsel for the Cities and the County requesting their input on this.

- 3) Petition for judicial review filed by Washoe County of the certification of Reno's annexation program as conforming with the Regional Plan.

Mr. Azevedo stated that he filed a statement of intent to participate. Mr. Azevedo will be submitting the motion for consolidation in Judge Hardesty's courtroom.

Mr. Ziegler stated that the next RPC meeting will be a joint workshop and asked Mr. Azevedo when he needs feedback from the RPC. Mr. Azevedo stated that he will check his calendar for the submission date and report back to Mr. Ziegler.

7. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

Chair Herman asked Mr. Azevedo if he was able to get an answer regarding the financial disclosure requirement. Mr. Azevedo responded that he did provide that information to the RPA.

Chair Herman asked Mr. Ziegler to e-mail the outcome of this issue to the commission members. Mr. Ziegler responded that he will send that information.

Commissioner Frandsen asked what the deadline is for submitting the financial disclosure. Chair Herman responded that the deadline is the end of March.

A. Review of tentative agenda items for March and April 2004.

Mr. Ziegler reviewed the agenda items for the March and April RPC meetings.

Mr. Ziegler stated that he was asked if representatives of the RWPC could attend an RPC meeting to give a report on the matter of the flood control program rather than holding a separate joint workshop. Chair Herman stated that this topic should be addressed at a workshop so that the RPC can give feedback and input.

B. Review of 12-month calendar of projected RPC actions.

Mr. Ziegler stated that the 12-month calendar has been updated and will continue to be updated once a month.

8. WRITTEN CORRESPONDENCE

None

9. PUBLIC COMMENT

None

10. ADJOURNMENT

Chair Herman adjourned the meeting at 8:05 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

Dave Ziegler, Director
Truckee Meadows Regional Planning Agency

Terry K. Herman, Chair
Regional Planning Commission

REGIONAL PLANNING COMMISSION
MARCH 10, 2004
PAGE 9

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