



# REGIONAL PLANNING COMMISSION

**MEMBERS**  
Fred Lokken, Chair  
Oscar Sanders, Vice-Chair  
Florence 'Marge' Frandsen  
Kendall Mattina  
Marvin Moss  
Jim Newberg  
Steve Rogers  
William Weber  
Dave Ziegler, Director

## MINUTES

### **Regional Planning Commission (RPC) REGULAR MEETING Wednesday, 6:30 P.M., March 22, 2006**

The Regional Planning Commission 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 Lokken at 6:30 p.m.

#### **1. ROLL CALL**

The clerk called the roll and the following Commissioners were present: Fred Lokken, Oscar Sanders, Dennis Romeo for Randy Barton, Marge Frandsen, Kendall Mattina, Marvin Moss, Jim Newberg, Steve Rogers, and William Weber. Commissioners absent: Randy Barton.

Also present were: Dave Ziegler, TMRPA Director; Norman Azevedo, Legal Counsel; Randy Baxley, TMRPA; Rosanna Coombes, TMRPA; Connie Anderson, TMRPA; Lora Richards, TMRPA; and Paige Menicucci, TMRPA.

#### **2. APPROVAL OF AGENDA**

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE MARCH 22, 2006, RPC AGENDA, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

#### **3. PUBLIC COMMENT**

None

#### **4. CONSENT CALENDAR**

- A. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan Amendment, Mayberry Bungalows (CR06-010), changing the master plan land use designation from Single Family Residential to Mixed Residential on a ±3.3 acre site located at the northwest corner of Mayberry Drive and McCarran Boulevard.

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE CONSENT AGENDA, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

## **5. BUSINESS OF THE DAY**

- A. PUBLIC HEARING - Regional Plan Conformance Review - City of Sparks Master Plan Amendment and Project of Regional Significance, Legends at Sparks Marina - Don Mello (CR06-008), 1) changing the master plan land use designation from Public Facility to Tourist Commercial; and 2) a Project of Regional Significance for a) sewage generation of more than 187,500 gallons per day; and b) traffic in excess of 6,250 average daily trips. The ±27 acre site is generally located west of Sparks Boulevard and north of Lincoln Way.

Randy Baxley, Senior Planner, reviewed information from the Regional Planning staff report regarding the evaluation of this project.

*[The public hearing was opened.]*

Randy Mellinger, Assistant City Manager for the City of Sparks, stated that he supports the findings in the staff report. Mr. Mellinger spoke about the project and stated that it is expected to be completed in 2008.

*[The public hearing was closed.]*

COMMISSIONER ROGERS MADE A MOTION TO FIND THE LEGENDS AT SPARKS MARINA - DON MELLO 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 NINE (9) MEMBERS PRESENT.

COMMISSIONER MOSS MADE A MOTION TO FIND THE LEGENDS AT SPARKS MARINA - DON MELLO PROJECT OF REGIONAL SIGNIFICANCE IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

## **6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS**

- A. Director's reports:

- 1) Report on actions and agendas of the Regional Planning Governing Board

Dave Ziegler, Director of Regional Planning, reported on actions taken at the March 9, Regional Planning Governing Board (RPGB) meeting. Mr. Ziegler stated that he informed the RPGB of the RPC's decision to take no action on the proposed amendments submitted by the local governments and to wait for the 2007 update of the Regional Plan. The RPGB received from the audience an oral statement of intent to appeal the RPC's decision and scheduled a special meeting at 6:00 p.m. on Thursday, March 16, to hear any appeals.

Mr. Ziegler reported on information that was reviewed at the special RPGB meeting on March 16. The RPGB made a motion to reverse the RPC's decision and to give the RPC the following options: 1) approve the proposed amendments with no changes; 2) modify the proposed amendments; or 3) to deny the proposed amendments, with the understanding that both the RPC and the RPGB would hold an additional workshop and public hearing. There was a subsequent motion to amend the main motion which would have included concurrency provisions in the

proposed amendments. The motion to amend the main motion failed by a vote of 3 to 6. The main motion to reverse the RPC's decision and give the RPC three options for action passed by a vote of 8 to 1.

Mr. Ziegler stated that the minutes from the RPGB special meeting on March 16 are not yet complete. There was a lot of discussion of the timing and deadlines of when this is all supposed to happen. The RPGB directed that the RPC take action on options 1, 2, or 3 by the May RPGB meeting.

Mr. Ziegler stated that Regional Planning staff sees this is an opportunity to be creative and shape the proposed amendments to some degree, with the involvement and assistance of the public. Regional Planning staff has been discussing the idea of getting a more complete more balanced set of proposed amendments for consideration. Mr. Ziegler reviewed what the proposed amendments cover and what they do not cover. Mr. Ziegler reviewed the process and suggested ideas for what needs to happen between now and the drafting, public hearings, and adoption phases of the process can take place. Mr. Ziegler stated that Regional Planning staff prefers the walk around format for workshops and suggested that it be combined with some structured opportunities for dialogue. The idea would be to give the participants a chance to bounce ideas off of each other and to come up with creative recommendations. The second and third weeks of April are a critical time to get something done. A number of key planning staff will be out of town during the first and fourth weeks of April. If a collaboration on the part of the public is encouraged, we need to make sure that there is an appetite for that collaboration at the decision-making level.

John Hester, City of Reno, stated that he heard some concepts during the public hearing meetings that could be added to what was proposed by the Cities and County. The proposal includes boundary changes and some policy changes. Mr. Hester stated that to make those boundary changes work, there are requirements prior to development in those planning areas and Future Service Areas (FSAs). Mr. Hester suggested that the RPC include concepts of integrated natural resource planning, concurrency in public services and facilities planning, and absorption of the Truckee Meadows Service Area (TMSA) before going into the FSA. Mr. Hester also offered the City of Reno's help in making any workshops that may be planned successful.

Commissioner Newberg asked Mr. Hester if his comments about absorption of the TMSA were not to allow further growth until the public lands become available and until we fill out the boundaries of the TMSA currently. Mr. Hester responded that is right and stated that what he was suggesting was that until you go to 4 people per acre or if you don't get to 4 people per acre, you don't need to have land.

Chair Lokken stated that it is the responsibility of the RPC to come to some set of recommendations about modifications to the Regional Plan and that those would then move forward to the RPGB. Chair Lokken stated that the RPC is currently in the process of updating the Regional Plan and asked how the RPGB can do what it did. Norm Azevedo, Legal Counsel, responded that the Truckee Meadows Regional Planning Agency (TMRPA), the RPC, and the RPGB look at the Regional Plan and amend the Regional Plan in one of three ways. There is the five-year update, there is an annual review, and then there are NRS 278.0272 subsection 8 amendments that are deemed to substantially benefit the community in general or they are necessary to the health and welfare of the community. The NRS 278.0272 subsection 8

amendments are discretionary. The amendments that came forward to the RPC that were sponsored by the three local governments were amendments that would fall within the category of substantially benefiting the community. The RPGB received three appeals with respect to the RPC's decision regarding the amendments proposed in furtherance of the settlement agreement. The appeal process is contemplated in NRS 278.0272 subsection 8 for those types of amendments and only those types of amendments. In addressing the appeals, the RPGB looked at the determination of the RPC and modified the RPC's action. The RPGB reversed the RPC's decision to send the amendments to the Technical Advisory Committee (TAC), ordered a different public process, and defined what types of action they would like the RPC to take.

Chair Lokken asked if the RPGB meeting to consider the appeal was properly noticed. Mr. Azevedo responded that the meeting was properly noticed. Mr. Azevedo stated that there were allegations by other attorneys that under NRS 278.0272 subsection 9 a specific notice was required for the appeal. That notice is for required hearings and this appeal is a discretionary hearing. Mr. Azevedo stated that it is his opinion that the terms of the open meeting law were met.

Chair Lokken asked if the RPC has any responsibility in the appeal. Mr. Azevedo responded that he would strongly recommend that the RPC follow the directives of the RPGB that were given as part of their decision on the appeal. Mr. Azevedo stated that the verbatim minutes from the RPGB meeting are not yet available and that he can not give the RPC specifically what was stated. Mr. Azevedo stated that he did request from the Chair of the RPGB the opportunity to write this decision because of the legal implications associated with the decision, because it is the first appeal that has gone forward in this particular process, and because the RPGB was very specific in their directions to the TMRPA, himself, and the RPC.

Chair Lokken stated that the range of actions through the RPC bylaws is that the RPC can do nothing, affirm, affirm with modification, deny, table, or continue. Based on the RPGB's action, it is narrowing the options the RPC has as a body. Chair Lokken asked if that puts the RPC in defiance of its own bylaws. Mr. Azevedo responded that he does not believe it was the intent of the RPGB to abrogate the RPC's discretion. Mr. Azevedo stated that it is his understanding that it was the RPGB's decision that they believe that these amendments do substantially benefit the community in general and need to be processed in some form going forward. It was an attempt to move the amendment along consistent with the mandates of the statute. To the extent that there is a possible conflict between the RPC bylaws and the statutes, the statute governs and the bylaws would have to be amended.

Chair Lokken stated that his line of questioning is to establish what the independence of the RPC is and why it exists separate from the RPGB. Mr. Azevedo responded that the RPC's role and statutory obligations and duties are delineated in the statute. NRS 278.0272 subsection 8 is one of the few instances that sets forth a statutory process to have the RPGB review a determination of the RPC. Mr. Azevedo stated that this is one instance where the RPGB does have the express statutory authority to review one of the RPC's determinations and render a decision in that regard.

Commissioner Mattina stated that if there is going to be further public involvement, there should be some goal of that public involvement and asked if the RPGB said whether the goal would be just educational or to reach some type of conclusion. Mr. Azevedo responded that there were

statements by many of the RPGB members ranging from education to interacting with the community. A review of the verbatim transcripts is necessary.

Commissioner Mattina stated that this would be above and beyond the normal public input during RPC meetings. Mr. Azevedo responded yes and stated that it was his recollection that Board Member Weber was concerned about educating the public and that there were others who wanted to hear from the public. Mr. Azevedo stated that it was his interpretation, without benefit of the record, that the RPGB wanted additional public involvement in addition to the three public hearings the RPC already had.

Mr. Ziegler stated that he told the RPGB that if the purpose of the workshops was education only, he does not favor them and that he favored two-way communication. Mr. Ziegler recommended to the RPGB that if there were to be workshops, that the RPGB honor the public input. As to what the RPGB said that night, the tapes need to be checked rather than speculating from memory.

Commissioner Newberg suggested working on getting some level 1 things passed with the directives that the absorption would not go into the new boundaries until the TMSA is completely filled. Other items may still need to be worked on through the TAC. Commissioner Newberg stated that he would favor the walkaround type of workshop and stated that it has been an effective communication device from the community to the RPC in the past.

Commissioner Rogers stated that he agrees regarding the walkaround workshops and stated that the people are educated, they want to be participants. They should be participants at the beginning and at the end.

Commissioner Weber asked what specifically the RPGB felt the immediate benefit is that makes this so expeditious. Mr. Azevedo responded that his understanding is that a lot of work had gone into the planning and that they believe that the result of this will benefit the community in general as to being able to plan further out into the future.

Chair Lokken stated that there are three basic principles that are important in any dialogue that moves forward. The first is that any set of amendments should preserve the principles of the current Regional Plan. The second is that the process should be participatory. The third is that any expansion of the TMSA be based on analysis that we all understand and is pegged to concurrency. Chair Lokken stated that the options the RPC has are to reaffirm the original action of two weeks ago, agendaize to vote up or down the amendments that were submitted to the RPC, or to direct staff to draft reports on identified amendments. Chair Lokken stated that he feels the best idea would be to expedite the Regional Plan update and do this as part of the update.

Commissioner Weber spoke in support of agendaizing it in order to have the option of giving them an up or down vote at the next RPC meeting. Commissioner Weber stated that the RPC has had three public hearings and is not in favor of any more workshops.

Commissioner Mattina expressed concern about having more public hearings and stated that she is not sure what would be said that is different than what the RPC has already heard.

Commissioner Newberg agreed that it should be put on the agenda again to either move forward or whatever else is decided at that time.

Commissioner Moss expressed concerned that the RPC does not have the language that was developed by the RPGB and asked Mr. Azevedo what would happen if the RPC does not comply with the motion that the RPGB made. Mr. Azevedo responded that if the RPC fails to adhere to the decision of the RPGB, it would call into question the legality of the RPC's action and that another appeal could be forthcoming. Mr. Azevedo stated that his advice to the RPC is to follow those directives from the RPGB.

Commissioner Sanders stated that what the TAC has been charged with so far has probably been less in scope than these amendments that have come before the RPC. The reason the TAC was set up was so that all affected entities and stakeholders would have time to work on this and do consensus building and provide the analysis that is so critical. Commissioner Sanders stated that he does not understand the time sensitivity of all the items that are in the proposed amendments. Commissioner Sanders stated that he would be in favor of taking some of these items that would benefit the entities and moving them forward so that they can move forward with their plans and then rolling the rest of them into the Regional Plan update process where they belong.

Commissioner Frandsen agreed with Commissioner Sanders and stated that she, Commissioner Moss and Commissioner Sanders were the committee that directed Regional Planning staff to get the TAC process working in order to avoid some of the problems that were experienced during the last update. Commissioner Frandsen stated that she also does not understand the rush and that any amendment has to have the concurrency language included. Commissioner Frandsen stated that she does not see anything to be gained by having another public workshop or hearing if the people who are going to make the decision are not going to pay any attention to what the public has to say.

Chair Lokken asked Mr. Azevedo if Justice Hardesty has established a deadline. Mr. Azevedo responded that he does not believe there is a deadline.

Commissioner Mattina agreed with Commissioner Frandsen's comment and stated that there needs to be a clear goal regarding the desired result of more public hearings.

Commissioner Moss asked for confirmation that the RPC is required to include planning for 20 years in the Regional Plan. Mr. Azevedo responded that the planning horizon delineated in NRS 278.0272 subsection 1 is 20 years.

Chair Lokken asked Mr. Ziegler if he feels that he has received adequate direction. Mr. Ziegler summarized the direction given to Regional Planning staff and stated that they will get the verbatim notes and figure out exactly what it is that the RPC has been directed to do and that appropriate action will be placed on the RPC's next agenda to respond to that direction.

Commissioner Moss requested that information from each of the entities on how many approved, unbuilt houses they have be provided.

Commissioner Frandsen requested a good discussion on the concurrency language.

Commissioner Rogers agreed that the concurrency issue has to be addressed.

Chair Lokken expressed concern regarding getting this done by the May deadline set by the RPGB and stated that the best thing would be to expedite the current update.

Public Comment - Susan Seidl stated that DVDs of the March 16 RPGB meeting are available through the Media Center. Ms. Seidl stated that she does not believe anybody gave any specific reasons about the substantial benefit to the community at that meeting.

Public Comment - Trent Averett spoke about his request for property to be included in the TMSA.

Public Comment - Gary Schmidt stated that the RPC has the same legal counsel as the RPGB and advised that other independent counsel be sought. Mr. Schmidt suggested that the RPC reaffirm their original action.

Public Comment - Juanita Cox commented on the different interpretations by different attorneys regarding whether the appeal heard by the RPGB was appropriate at that time.

Public Comment - Chair Lokken read written comments submitted by David Churchill regarding a request for property to be included in the TMSA.

Commissioner Frandsen asked if the update can be completed in the time frame suggested by Chair Lokken. Mr. Ziegler responded that anything is possible.

Chair Lokken stated that his concern is that these amendments move forward and are approved and concurrency and timing have not been fixed.

B. Legal counsel's report:

- 1) Status report and possible direction to staff on Washoe County's petition for judicial review of the certification of Reno's annexation program as conforming with the Regional Plan including, without limitation, schedule for considering possible Regional Plan amendments affecting the Truckee Meadows Services Areas (TMSA) pursuant to settlement agreement (August 23, 2005)
- 2) Status report on Washoe County's request to initiate a possible amendment of the Truckee Meadows Regional Plan pursuant to paragraph A.1 of the settlement agreement (October 17, 2002) to roll back Reno's sphere of influence in the vicinity of St. James's resort and Pleasant Valley

Mr. Azevedo submitted the report as written.

Chair Lokken asked Mr. Azevedo if he feels that he is in a conflicted position currently. Mr. Azevedo stated that his advice to the RPC is in the RPC's best interest and that he has no conflict.

Commissioner Frandsen asked Mr. Ziegler if he had anything to report under agenda item 6.A.2.

**6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS - (continued)**

A. Director's reports:

- 2) Report on Truckee Meadows Growth Task Force

Mr. Ziegler stated that the Task Force is ready to come out with a preliminary set of recommendations.

**7. REQUESTS FOR AND POSSIBLE ACTION ON FUTURE AGENDA ITEMS**

- A. Review of tentative calendar of agenda items
- B. Review of 12-month calendar of projected RPC and RPGB actions

Mr. Ziegler reviewed future agenda items for the RPC.

Chair Lokken asked if transcripts of the last RPGB meeting will be available for the April 12 RPC meeting. Mr. Ziegler responded that it will be available well in advance of April 12.

**8. WRITTEN CORRESPONDENCE**

Mr. Ziegler stated that an email was given to the RPC members tonight.

Commissioner Rogers stated that he resigned from the Washoe County Planning Commission and that tonight will probably be his last RPC meeting. Chair Lokken stated that he will be missed.

**9. ADJOURNMENT**

Chair Lokken adjourned the meeting at 8:15 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

\_\_\_\_\_  
Dave Ziegler, Director  
Truckee Meadows Regional Planning Agency

\_\_\_\_\_  
Fred Lokken, Chair  
Regional Planning Commission

**APPROVED BY THE REGIONAL PLANNING COMMISSION IN SESSION ON \_\_\_\_\_, 2006.**