



REGIONAL PLANNING COMMISSION

MEMBERS

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

MINUTES

Regional Planning Commission (RPC) REGULAR MEETING WEDNESDAY, 6:30 P.M., March 23, 2005

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 Frandsen at 6:30 p.m.

1. ROLL CALL

The clerk called the roll and the following Commissioners were present: Marge Frandsen, Fred Lokken, Terry Herman, Kendall Mattina, Marvin Moss, Jim Newberg, Steve Rogers, Oscar Sanders, and Robert Doxey for William Weber. Commissioners absent were: William Weber.

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

2. APPROVAL OF AGENDA

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE MARCH 23, 2005, RPC AGENDA, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. APPROVAL OF MINUTES

A. February 23, 2005, regular meeting

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE FEBRUARY 23, 2005, REGULAR RPC MEETING MINUTES, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND TWO (2) ABSTENTIONS BY COMMISSIONERS DOXEY AND SANDERS.

4. PUBLIC COMMENT

None

5. BUSINESS OF THE DAY

A. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, 341 University Terrace (CR05-009), amending the West University

Neighborhood Plan by changing the land use designation from Specific Plan District to Traditional Neighborhood on two parcels totaling ± 0.33 acres.

Chair Frandsen asked the commissioners if they had any questions or comments for Regional Planning Staff on this amendment. There were no comments.

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

[The public hearing was closed.]

COMMISSIONER SANDERS MADE A MOTION TO FIND THE 341 UNIVERSITY TERRACE AMENDMENT TO THE WEST UNIVERSITY NEIGHBORHOOD PLAN ELEMENT OF 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. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- B. PUBLIC HEARING - Regional Plan Conformance Review - Reno-Stead Corridor Joint Plan amendment, Sycamore Valley Ranch (CR05-010), amending the Reno-Stead Corridor Joint Plan by changing the land use designation from Medium Density Suburban/Suburban Residential to High Density Suburban/Low Density Residential for a ± 13.3 acre portion of a ± 25.5 acre parcel, located on the west side of Military Road, north of Tholl Road and south of Lear Boulevard.

Chair Frandsen asked the commissioners if they had any questions or comments for Regional Planning Staff on this amendment.

Commissioner Rogers asked for an explanation of the second priority listed in Table 1 under Policy 1.2.2 regarding TOD Corridors. Randy Baxley, Senior Planner, responded that this site is not located in a TOD Corridor. The list of priorities under Policy 1.2.2 are included for every conformance review.

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

[The public hearing was closed.]

COMMISSIONER MOSS MADE A MOTION TO FIND THE SYCAMORE VALLEY RANCH AMENDMENT TO THE RENO-STEAD CORRIDOR JOINT PLAN IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER HERMAN. THE MOTION CARRIED WITH EIGHT (8) IN FAVOR AND ONE (1) OPPOSITION BY COMMISSIONER ROGERS.

- C. PUBLIC HEARING - Regional Plan Conformance Review - update of the Regional Transportation Commission's 2030 Regional Transportation Plan (CR05-003) pursuant to NRS 278.0282 and Regional Plan Policy 3.1.5.

Dave Ziegler, Director of Regional Planning, thanked Derek Morse, Debra Goodwin and Jack Lorbeer from the Regional Transportation Commission (RTC) for working with Regional Planning staff. Since the workshop at last month's RPC meeting, Regional Planning staff has had a number of meetings with

them and have worked diligently to try to understand each other's points of view on this 2030 Regional Transportation Plan (RTP).

Mr. Baxley reviewed background information for this conformance review. Regional Planning staff concluded that the 2030 RTP conforms with the goals and policies of the Regional Plan with exceptions for two necessary amendments. Mr. Baxley reviewed the exceptions.

Commissioner Rogers stated that he and his wife work for the RTC and that some of his wife's writing is included in the 2030 RTP. Norm Azevedo, Legal Counsel, recommended that Commissioner Rogers abstain from voting on this conformance review if his wife's involvement with the 2030 RTP would materially affect his judgment.

Chair Frandsen called a one-minute recess at 6:49 p.m.

Chair Frandsen called the meeting back to order at 6:50 p.m.

[The public hearing was opened.]

Commissioner Moss asked how the RTC is accounting for what Storey County is going to do in the Truckee Canyon. Derek Morse, RTC, responded that when looking at what is happening in surrounding areas, the RTC works closely with the Nevada Department of Transportation (NDOT) to look at what they are forecasting for development. From that, the RTC generates the traffic that is coming into these areas along the main highways. The numbers used by the RTC are consistent with the NDOT numbers.

Commissioner Lokken commented that mass transit does not seem to be a very large element of the RTP and asked if that is because we are just not at the threshold yet to be able to more aggressively pursue mass transit solutions. Mr. Morse responded that one of the important issues discussed during this update of the RTP was the role of mass transit in the future in the community. The board directed us to take an extremely aggressive stance of going from a two percent load share to a six percent load share by the year 2030.

Chair Frandsen asked for an explanation of the differences in the financial information for the February 23 report and today's report included in the meeting packet. Mr. Morse explained the differences between the financial information in the two reports.

Commissioner Herman asked Mr. Morse if he is satisfied with the compliance oversight that came from Regional Planning staff. Mr. Morse responded yes. Mr. Morse stated that he believes that the RTP not only does not conflict but actively supports the goals of the Regional Plan. The major transit investments precisely align with the TOD Corridors and Emerging Employment Centers (EEC). Mr. Morse stated that he does not have any objection to the comments made tonight by Regional Planning staff. The RTC will continue to work on those issues.

[The public hearing was closed.]

Commissioner Lokken referred to the letters of communication included in the meeting packet and asked if Regional Planning staff feels that their concerns have been addressed in this exchange of letters. Mr. Ziegler responded that Regional Planning staff has had a lot of subsequent discussions with RTC

staff about the concerns and responses contained in the letters included in the meeting packet. Mr. Ziegler reviewed the status of each issue addressed and discussed with Mr. Morse and his staff.

Commissioner Lokken asked if we are now in a process where we will have better communication with the RTC or if something needs to be mandated. Mr. Ziegler responded that he places a very high priority on cordial, open, and energetic working relationships with the staff of all the agencies the Truckee Meadows Regional Planning Agency (TMRPA) works with. Mr. Ziegler stated that there has been good interaction with the RTC planning staff and he is comfortable with the current working relationship.

Commissioner Lokken referred to an earlier question regarding the synchronicity of plans and stated that one of the reasons we are not better coordinated is that we are on different time schedules. Commissioner Lokken stated that we are treated in the RTP process as a stakeholder and not as one of the two entities the RTC is mandated to be found in conformance with. There is no proposed language to address that. Commissioner Lokken stated that if Regional Planning staff has confidence that somehow that is being resolved through improved communication, he is okay with that, otherwise we need to consider language to address that once and for all. Chair Frandsen agreed with Commissioner Lokken's comments.

Mr. Azevedo stated that previously a question was asked regarding the legal parameters regarding conformance review on this particular type of plan. The standards for conformance review of this plan are set forth in NRS 278.0282. It is the same standard that is applicable to many other plans. There are exceptions to this particular conformance review. The question that came up previously was whether the conformance review is a condition precedent to the adoption of the plan. Mr. Azevedo stated that, pursuant to NRS 278.0282 subsection 1, the answer to that question is yes. The RTP is unique in that it serves two masters, the Regional Planning Governing Board (RPGGB) and the RPC as well as the Federal Government. The RPC conformance review standard as set forth in the statute is that the proposed plan is in conformance with the Comprehensive Regional Plan if it is not in conflict with the Comprehensive Regional Plan, and it promotes the goals and policies of the Comprehensive Regional Plan.

Mr. Ziegler responded to Commissioner Lokken's comment regarding synchronizing plans. The RTC is on a three-year cycle that has to do with the Federal Regulations. The Regional Water Planning Commission (RWPC) is also now on a three-year cycle. Mr. Ziegler made the observation that update schedules slip and that the development schedule for the RTP and the Regional Water Management Plan (RWMP) are quite long. The possibility of synchronizing the plan updates could be examined in more depth during the update of the Regional Plan under the implementation module.

Chair Frandsen stated that Mr. Morse reported last month that the Federal Government is looking at the possibility of changing to a five-year update cycle for the RTP. Chair Frandsen asked Mr. Morse if he knows when a decision might be made in that regard. Mr. Morse responded that there has been a proposal in the reauthorization bill that the RTP move to a five-year cycle. That would be at least every five years, if we chose to do it more frequently than that, we certainly could. It has a fair chance of coming through if we ever get a reauthorization bill.

Chair Frandsen stated that she is troubled that it takes from October of 2003 until March of 2005 to answer information that was provided to the RTC. It seems that the priority just is not there for communication or coordination with the TMRPA.

COMMISSIONER NEWBERG MADE A MOTION TO FIND THAT THE 2030 REGIONAL TRANSPORTATION PLAN CONFORMS WITH THE GOALS AND POLICIES OF THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDING CONTAINED IN THE STAFF REPORT, WITH THE TWO EXCEPTIONS NOTED, SECONDED BY COMMISSIONER MOSS.

Commissioner Lokken stated that he would like to including the following two additional requirements as a proposed amendment to the motion: 1) Working with Regional Planning staff, the RTC will strive to achieve greater communication, coordination and synchronicity with the Regional Plan, and 2) Working with Regional Planning staff, the RTC will more effectively represent relevant policies and elements of the Regional Plan in future drafts of the RTP.

Chair Frandsen stated that she would support those additions. Some sort of language is needed in the motion that will encourage communication and acceptance of the exceptions. Chair Frandsen asked if the maker of the motion agrees to include the proposed amendment.

Commissioner Moss stated that the proposed amendment should be a separate motion.

COMMISSIONER LOKKEN MADE A MOTION TO INCLUDE THE PROPOSED LANGUAGE AS AN AMENDMENT TO THE ORIGINAL MOTION, SECONDED BY COMMISSIONER MATTINA.

Commissioner Moss asked if the RPC is in a position to direct the RTC to do things. Mr. Azevedo responded that if the motion is in terms of directing Regional Planning staff, then the RPC does have authority to do that. The RPC does not have the authority to direct staff of the RTC.

COMMISSIONER LOKKEN CHANGED THE LANGUAGE OF THE PROPOSED AMENDMENT TO THE ORIGINAL MOTION TO DIRECT REGIONAL PLANNING STAFF TO WORK WITH THE RTC ON THE ADDITIONAL REQUIREMENTS, SECOND CONCURRED.

Commissioner Mattina stated that if there are exceptions to a plan in the future, the plan should be found not in conformance until the exceptions are actually addressed.

Chair Frandsen called for a vote on the proposed amendment to the original motion.

THE MOTION CARRIED WITH SIX (6) IN FAVOR, TWO (2) OPPOSITIONS BY COMMISSIONERS DOXEY AND HERMAN, AND ONE (1) ABSTENTION BY COMMISSIONER ROGERS.

Chair Frandsen called a question for the original motion as amended.

THE MOTION FAILED WITH FIVE (5) IN FAVOR, THREE (3) OPPOSITIONS BY COMMISSIONERS DOXEY, HERMAN AND NEWBERG, AND ONE (1) ABSTENTION BY COMMISSIONER ROGERS.

Mr. Azevedo stated that at this time, the RTP is deemed not to be in conformance. The options for the RPC at this point are to either make another motion and proceed forward or set forth the reasons why the RTP is not in conformance with the Regional Plan.

COMMISSIONER MOSS MADE A MOTION TO FIND THAT THE 2030 REGIONAL TRANSPORTATION PLAN CONFORMS WITH THE GOALS AND POLICIES OF THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS CONTAINED IN THE STAFF REPORT, WITH THE TWO EXCEPTIONS NOTED, SECONDED BY COMMISSIONER NEWBERG. THE MOTION CARRIED WITH SIX (6) IN FAVOR, ONE (1) OPPOSITION BY COMMISSIONER LOKKEN, AND TWO (2) ABSTENTIONS BY CHAIR FRANSDEN AND COMMISSIONER ROGERS.

- D. Discussion and possible action to request consideration of a Regional Plan amendment that would add the alignment of Sierra Pacific Power Company's proposed Tracy-to-Silver Lake power line to Map 1 of the Regional Utility Corridor Report.

Mr. Baxley stated that because the Regional Utility Corridor Report (RUCR) has been incorporated by reference as part of the Regional Plan, any amendment to the RUCR requires a Regional Plan amendment. Since the Tracy-to-Silver Lake power line crosses through all three jurisdictions and all of them have taken action on it, Regional Planning staff feels it would be most appropriate for the RPC to consider initiating the necessary Regional Plan amendment. Mr. Baxley clarified that tonight's vote will not be on the amendment to the RUCR but would simply get the process started to allow Regional Planning staff to evaluate the request and bring a recommendation to the RPC.

Commissioner Herman asked if any analysis has been done to determine if the new utility corridor will include the entire route of the proposed transmission line or only the overhead portions of the route. Mr. Baxley responded that is something that will be looked at in doing the evaluation of the amendment.

Commissioner Doxey asked about litigation regarding the aboveground and underground portions of the power line. Mr. Baxley and Mr. Azevedo stated that they are not aware of any current litigation on this issue.

Bill Bennett, Sierra Pacific Power Company (SPPCO), stated that SPPCO is not under litigation right now for any portion of the power line. SPPCO is following the instructions and orders of the Board of County Commissioners as laid out after the appeal.

Commissioner Herman asked if the maps have changed since the last copy the RPC received. Mr. Ziegler responded that the map in the meeting packet reflects the final action of the Board of County Commissioners.

PUBLIC COMMENT - John Frankovich, Centex Homes, stated that Centex does not oppose the establishment of a new utility corridor. Centex does have a concern that the corridor would be predetermined because the planning process has been a little backwards. The problem that has been created for property owners by Centex is that residential projects have been developed and approved without a corridor and in anticipation that there would be no corridor. Centex feels that as this policy is developed, it should be consistent with regional policy that requires that those lines be underground when they are adjacent to approved or existing residential homes.

COMMISSIONER MOSS MADE A MOTION TO INITIATE CONSIDERATION OF A REGIONAL PLAN AMENDMENT TO AMEND THE REGIONAL UTILITY CORRIDOR MAP OF THE RUCR TO IDENTIFY A NEW REGIONAL UTILITY CORRIDOR CORRESPONDING TO THE PROPOSED ROUTE OF THE OVERHEAD PORTIONS OF THE TRACY-TO-SILVER LAKE TRANSMISSION LINE, SECONDED BY COMMISSIONER HERMAN.

Commissioner Herman asked Regional Planning staff to look at all the communication measures that are inherent with issues of residential adjacency.

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

6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

A. Director's report:

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

Mr. Ziegler stated that the RPGB did not meet on March 10 due to the lack of a quorum. Mr. Ziegler reviewed agenda items for the April 14 RPGB meeting.

- 2) Informational presentation on the redesigned TMRPA website.

Rosanna Coombes, Senior Planner, gave a presentation on the redesigned TMRPA website.

Jarrod Lopiccob, Noble Studios, reviewed features related to the Americans with Disabilities Act (ADA) compliance of the website.

Commissioner Sanders asked who makes the determination whether a website is in compliance with ADA requirements. Ms. Coombes responded that there are on-line services providers that can perform evaluations to determine whether a website is in compliance with the provisions of the ADA.

Commissioner Newberg asked if the website will state that it is ADA certified. Ms. Coombes responded that a note is included at the bottom of each page stating that the website is ADA certified.

Chair Frandsen stated that she receives duplicate mailings of meeting agendas and asked if those on the mailing list can request agendas delivered by email. Mr. Ziegler responded that it is in the Work Program for next year to have electronic agendas available.

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

- 1) Washoe County's petition for judicial review of the certification of Reno's annexation program as conforming with the Regional Plan

Mr. Azevedo stated that the legal counsel from all the respective jurisdictions are in agreement on most of the legal principles associated with the settlement. There is a meeting set for tomorrow where Judge Hardesty will be presiding over the further settlement negotiations.

- 2) Washoe County's appeal of the Regional Planning Commission's determination of conformance with the provisions of the Regional Plan and the settlement agreement in District Court Case No. CV02-03469 for City of Reno zoning map amendments and Mortensen/Garson Development Standards Handbook (CR04-007)

Mr. Azevedo stated that there is a copy of the decision from Judge Hardesty included in the meeting packet.

- 3) Nevada Supreme Court Case No. 37947 (Bushey/Busi).

Mr. Azevedo stated that there has been no decision from the Supreme Court on this case.

- 4) City of Sparks appeal to the Regional Planning Governing Board regarding Washoe County's adoption of the updated Spanish Springs Area Plan.

Mr. Azevedo stated that this item has been stayed pending the conformance review of the Spanish Springs Area Plan.

- 5) Report on the Regional Transportation Commission's compliance with provisions of NRS 278.0282 and effect of a possible determination by the RPC that the Regional Transportation Plan does not conform with the Regional Plan.

Mr. Azevedo stated that this matter has already been addressed.

- C. Report on selected bills and resolutions of the 2005 session of Nevada's legislature.

Ms. Coombes provided an update on some of the bills and BDRs being monitored by Regional Planning staff.

[Commissioner Sanders left at 8:25 p.m.]

- D. Report on Truckee Meadows Growth Task Force.

Mr. Ziegler stated that the next Task Force meeting is scheduled for April 7.

7. REQUESTS FOR AND POSSIBLE ACTION ON FUTURE AGENDA ITEMS

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

Mr. Ziegler reviewed agenda items for the April RPC meetings. The next update of the 12-month calendar of projected RPC and RPGB actions will be included in the meeting packet for the April 13 RPC meeting.

Commissioner Rogers suggested writing a Letter of Appreciation for the services of Commissioner Sullivan. Chair Frandsen asked if Regional Planning staff will take care of that. Mr. Ziegler responded yes.

8. WRITTEN CORRESPONDENCE

Mr. Ziegler stated that there is a letter included in the meeting packet addressed to the RPC Chair regarding neighborhood casinos.

Chair Frandsen asked Mr. Ziegler to report on the Livable Communities Lecture Series. Mr. Ziegler reviewed the schedule for the remaining topics that will be addressed in the Lecture Series.

9. PUBLIC COMMENT

None

10. ADJOURNMENT

Chair Frandsen adjourned the meeting at 8:43 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

Dave Ziegler, Director

Truckee Meadows Regional Planning Agency

Florence 'Marge' Frandsen, Chair

Regional Planning Commission

**APPROVED BY THE REGIONAL PLANNING COMMISSION IN SESSION ON _____,
2005.**