



# 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, 6:45 P.M., March 8, 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 6:55 p.m.

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

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

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

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

COMMISSIONER FRANDSEN MADE A MOTION TO APPROVE THE MARCH 8, 2006, RPC AGENDA, SECONDED BY COMMISSIONER NEWBERG. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

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

Gary Bowen distributed copies of a press release and stated that the American Institute of Architects has just awarded this region a sustainable design assessment team project which will look at smart growth, growth issues, rapid development, and resource management.

Dan Herman expressed concern regarding a rancher in Palamino Valley that is releasing cows on private property. Mr. Herman also stated that a subcontractor for Sierra Pacific Power Company put an illegal construction yard near his property while working on an underground power line across Spanish Springs.

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

- A. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, Panther Village (CR06-006), changing the Panther Valley Neighborhood Plan land use designation from Manufacturing to Single Family Residential on a  $\pm$ 21.7 acre site located east of US 395, at the terminus of Western Road.

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE CONSENT AGENDA, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

**5. BUSINESS OF THE DAY**

- A. PUBLIC HEARING - Regional Plan Conformance Review pursuant to NRS 540A.200 - Regional Water Management Plan amendment, Stead/Lemmon Valley Wastewater Disposal Plan (CR06-004), amendment to the Regional Water Management Plan to include the Stead/Lemmon Valley Wastewater Disposal Plan.

Randy Baxley, Senior Planner, stated that on March 9, 2005, the RPC found the RWMP in conformance with the 2002 Regional Plan, with exceptions. Mr. Baxley stated that Regional Planning staff is recommending that the RPC find the proposed amendment in conformance with the Regional Plan, based on the findings listed in the staff report. The findings include a statement that the addition of this proposed amendment does not fully satisfy Exception #3 from the March 9, 2005, conformance determination.

*[The public hearing was opened.]*

Jim Smitherman stated that he is prepared to give a presentation on the amendment if desired.

Chair Lokken asked if the Commissioners had the information they needed. It was determined that the presentation was not needed. Mr. Smitherman stated that the kind of detail Regional Planning staff is looking for would probably come at the final design stage for the selected alternative.

*[The public hearing was closed.]*

COMMISSIONER FRANSEN MADE A MOTION TO FIND THE STEAD/LEMMON VALLEY WASTEWATER DISPOSAL PLAN AMENDMENT TO THE REGIONAL WATER MANAGEMENT PLAN 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 EIGHT (8) MEMBERS PRESENT.

- B. PUBLIC HEARING - Regional Plan Conformance Review - Washoe County Comprehensive Plan amendment, Reynan & Bardis Communities Specific Plan (CR06-007), changing the Forest Area Plan and South Valleys Area Plan land use designations from Medium Density Rural, High Density Rural, and Low Density Suburban to Specific Plan, on a ±394 acre site located at the terminus of Callahan Ranch Road.

Mr. Baxley stated that Regional Planning staff did not identify any concerns and is recommending a determination of conformance with the Regional Plan, based on the findings listed in the staff report.

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

*[The public hearing was closed.]*

COMMISSIONER FRANDBEN MADE A MOTION TO FIND THE REYNAN AND BARDIS COMMUNITIES SPECIFIC PLAN AMENDMENT TO THE FOREST AREA PLAN AND SOUTH VALLEYS AREA PLAN ELEMENTS OF THE WASHOE COUNTY COMPREHENSIVE 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.

- C. PUBLIC HEARING - Regional Plan Conformance Review - City of Sparks Master Plan amendment and Project of Regional Significance, Stonebrook (CR06-005), 1) changing the master plan land use designation from Open Space, 1 dwelling unit per acre, 2 dwelling units per acre, 4 dwelling units per acre, 10 dwelling units per acre, 15 dwelling units per acre, General Commercial, and School/Park to 4 dwelling units per acre, 8 dwelling units per acre, 15 dwelling units per acre, General Commercial, Business Park, School, Park, and Open Space; and 2) a Project of Regional Significance for a) a project of more than 625 housing units; b) water demand in excess of 625 acre-feet per year; c) sewage generation of more than 187,500 gallons per day; d) traffic in excess of 6,250 average daily trips; and e) student population increase of more than 325 students. The ±610.4 acre site is generally located south of La Posada Drive, west of Cimarron, north of the Pioneer Meadows Planned Development, and east of Pyramid Highway.

Connie Anderson, Regional Planner, stated that Regional Planning staff has no significant issues with this proposed amendment and recommends a finding of conformance, based on the findings listed in the staff report.

*[The public hearing was opened.]*

John Howe stated that there is a Cimarron Street in this subdivision and a Cimarron Street in Silver Knolls and expressed concern regarding possible confusion with emergency response.

*[The public hearing was closed.]*

Margaret Powell, City of Sparks, stated that the road names are coordinated with the Regional Street Naming Committee and they will determine if there is a conflict. The road names have not been approved by that agency at this point and are tentative.

COMMISSIONER MATTINA MADE A MOTION TO FIND THE STONEBROOK 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 NEWBERG. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

COMMISSIONER MOSS MADE A MOTION TO FIND THE STONEBROOK PROJECT OF REGIONAL SIGNIFICANCE 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 EIGHT (8) MEMBERS PRESENT.

- D. Review of testimony received, discussion, and possible direction to staff on process for and substance of proposed amendments to the 2002 Truckee Meadows Regional Plan, including amendments proposed jointly by Reno, Sparks, and Washoe County pursuant to the settlement agreement in the Reno annexation matter (August 23, 2005), and additional amendments, as follows:
1. Amendments to all Regional Plan maps, revising the boundaries of the Truckee Meadows Service Areas (TMSA), the Development Constraints Area (DCA), joint planning areas, cooperative planning areas, spheres of influence of the cities of Reno and Sparks, and adding future service areas;
  2. Policy amendments regarding the management of the TMSA;
  3. Policy amendments to provide additional flexibility in the size, location, and intensity of residential and non-residential uses in unincorporated areas within the TMSA; and
  4. Technical amendments including, without limitation, correction of typographical errors, formatting changes to text and maps, and map amendments based on updated data sets.

Rosanna Coombes, Senior Planner, stated that the staff report provides an overall summary of testimony and submissions received by the RPC. The testimony has been broken down into categories from local governments, individuals or groups providing comment on the proposed amendments, and individuals or groups seeking support for specific Regional Plan amendments. The staff report also provides an inventory of Regional Plan amendments in three groups. Regional Planning staff is looking for direction regarding whether the RPC is ready to proceed to have staff prepare draft language and maps for any or all of the proposed amendments.

Dave Ziegler, Director of Regional Planning, stated that copies of all correspondence received are included in a binder available for review by the public and the RPC. Mr. Ziegler stated that he sent a memo to the three Planning Directors regarding the RPC's request for information on the standards or criteria that Reno, Sparks, and Washoe County used to delineate the areas for additions or subtractions to the TMSA. Copies of that memo and the Planning Directors' response were provided for the RPC members. Mr. Ziegler stated that he received a letter from Adrian Freund saying that Washoe County believes it is essential for the RPC to provide individual written notice, and an opportunity to be heard, to certain property owners who are potentially affected by adjustments to the TMSA. Mr. Ziegler sent a response to the Planning Directors asking them to be prepared this evening to address whether or not there is a need to provide individual written notice, and an opportunity to be heard, to property owners potentially affected by the amendments to the TMSA. Mr. Ziegler stated that Norm Azevedo, Legal Counsel, will address the notice question in more depth.

Mr. Azevedo stated that the RPC has the ability to do the following: approve and direct Regional Planning staff to go forward and draft detailed amendments as requested by each of the respective local jurisdictions; modify the request as you deem appropriate; deny the request; or take no action. Mr. Azevedo stated that the settlement agreement did not predetermine the RPC's conduct in this hearing. Mr. Azevedo stated that in Adrian Freund's letter, Washoe County has indicated in areas where the existing TMSA could potentially be rolled-back by the RPC that the RPC has a legal duty to afford individual property owners specific notice before taking final action. Mr. Azevedo stated that he has done preliminary legal research and

submitted to the RPC that before final action is taken, if it is this bodies pleasure to roll-back any portion of the existing TMSA a particular property that is in currently will come out, that notice be afforded to that property owner prior to the RPC taking such action. The RPC has an option to request assistance from the governing body of the County or the governing body of a city as required to perform its duties. The Washoe County Commission has made an offer to facilitate that notice for the RPC. Mr. Azevedo stated that the statutory charge for this plan is that the RPC shall develop a comprehensive Regional Plan for the physical development and orderly management of the growth of the region for the next 20 years. Mr. Azevedo stated that his recommendation is that a dialogue between the RPC and the respective Planning Departments be engaged to see what the intent is regarding the portions of the proposed amendments that go beyond the 20 year threshold.

Commissioner Moss asked a procedural question regarding having the full text developed for some of the amendments. Mr. Ziegler responded that directing staff to develop specific policy language for amendments would not be binding on the RPC to approve or deny them.

Commissioner Weber asked about how the notice issue will impact future meetings and if it would require another public meeting. Mr. Azevedo responded that they would be entitled to notice for a hearing to present their concerns or comments to the RPC.

Commissioner Moss asked for clarification that it would only be for property owners that are having property taken out of the TMSA and not the group that wants property added to the TMSA. Mr. Azevedo responded that is correct.

Commissioner Mattina asked if a specific amount of property is determined to be in the future TMSA as proposed by the Cities and we are looking to allow additional property owners to request that their properties be put into this area, do we have to keep an equal balance of acreage in the TMSA. Mr. Ziegler responded that the settlement agreement includes a formula that can be used to calculate the allowable size of the service area. As things stand now, Reno and Sparks have not proposed to use all the acreage that the formula would allow so additional lands could be designated and still be within the envelope that the formula contemplates.

Commissioner Mattina asked if the RPC could legally consider including property that is now in part of the rolled-back area. Mr. Ziegler responded that the RPC has ultimate discretion to change, approve, reject, or deny what has been proposed.

Commissioner Frandsen suggested engaging in discussion with the representatives of the local governments regarding the 20 year plan horizon issue, in accordance with Mr. Azevedo's recommendation.

John Hester, City of Reno, stated that Reno has identified 72% of what it needs to be in the TMSA, based on the population projection. Reno is not asking for all that the formula in the settlement agreement would allow. The reason Reno has asked for the concept of identifying the Future Service Area (FSA) is twofold. One is that ultimately it makes sense, if we are going to plan for Winnemucca Ranch, to talk about how will we grow there ultimately. The second reason is that we have seen developments that are not in the TMSA, but we know what will ultimately happen where they have shown up and said we are going to be developing and we would like to have a roadway wider. Mr. Hester stated that his Planning Commission and City Council said that we need to plan beyond the 20 years even if it is not adopted in the Regional

Plan. Mr. Hester stated that Reno thought it would be good to mesh that planning with what the RPC is doing even though the Regional Plan does not state we have to do that.

Ms. Powell stated that infrastructure lasts for more than a 20 year horizon. As stewards of the community infrastructure, it would behoove us to look beyond the 20 year horizon we currently have. This allows us an opportunity to have a better grasp using better planning principles to plan into the future.

Commissioner Mattina asked if the policies and requirements for bringing forth an annexation are staying the same. Ms. Powell responded that the current annexation laws and requirements are staying the same.

Chair Lokken asked what planning tools are not currently available that are needed in these proposed amendments to the Regional Plan. Ms. Powell responded that this allows Sparks to put resources towards that planning activity. It provides a focus that we currently do not have.

Adrian Freund, Washoe County, stated that the court ordered settlement agreement looked out to the year 2030 and that is somewhat beyond the 20 year horizon. The projections which we based our service area sizing on were based on a 2030 projection. It is important for us looking ahead to a growing region to plan for those longer term periods. Mr. Freund stated that there are other infrastructure providers that are projecting based on significantly longer periods. The multi-county region and economic development planning essential to that multi-county region needs to look out substantially further than 30 years.

Chair Lokken asked if there is anything that currently prevents the County from planning beyond the 20 year horizon. Mr. Freund responded that there is not specifically anything that prevents the County from doing that. The difficulty is that if we are to look beyond that 20 year time horizon, we need to be able to project a new regional form, pattern and shape in the region and to do that we need some of the Regional Plan amendments that we have proposed.

Chair Lokken stated that there seems to be an inconsistency in talking about adding 30,000 acres of land and yet at the same time talking about compact development. Mr. Freund responded stating that as we looked at all of the growth and development needs of all three jurisdictions we realized that we were getting out towards the edges of the Truckee Meadows and that a lot of the readily accessible developable adjacent land was taken. As we all looked at the private land holdings adjacent to the Truckee Meadows we realized that the land was not assembled in the right fashion, into large enough parcels, and lastly that we were bumping up against large parcels of public lands. It was important for us to look outward from there as to where growth could be accommodated. With the County's remaining 15,000 acres of undeveloped services area, some of that happens to be significantly closer in to the developed Truckee Meadows than is the case with some of the territory that the Cities have in their services area. That led the County to the conclusion that it needed to assist in more compact growth and development. Mr. Freund stated that is a central goal of the Regional Plan that we all believe in. That is balanced off with the issue of private property rights for a developer, like Winnemucca Ranch, that is ready and willing to develop and to do that will all of the costs and difficulty associated with providing a free-standing, self-supporting community. Those are the kinds of things that we had to balance in this settlement agreement.

Commissioner Frandsen stated that the staff report indicates that there is sufficient capacity for multi-family development to meet most or all of the regions needs for 50 years within the current TMSA. Commissioner Frandsen expressed concern regarding balancing those facts with why we are expanding out into areas that would be called sprawl. Mr. Hester responded stating that they proposed natural resource planning, public service facility planning, use of best practices, and using a monitoring mechanism that would identify whether any of that land is needed before ever getting into the FSA. We took data we could find across the County that was consistent and that is persons per square mile as generated every ten years in the census. We are suggesting keeping the four people per acre until we need more land. That is where those numbers came from and we are not proposing expanding beyond the TMSA proposal until we meet or exceed those density standards.

Commissioner Frandsen asked each of the representatives from the three jurisdictions for their interpretation of concurrency.

Mr. Hester responded that concurrency would be that the public service and facilities are there concurrent with the impacts.

Commissioner Frandsen stated that she does not see that as language that will be put into the Regional Plan. Mr. Hester stated that it was put into the settlement agreement. Mr. Hester stated that the management of the TMSA and conversion of FSA in the TMSA, those planning thresholds and public service facility thresholds, are something that the Regional Plan Update Technical Advisory Committee (TAC) should be working on.

Ms. Powell stated that she concurs with what Mr. Hester has said and added that concurrency truly is one of the concerns of the local jurisdiction to make sure that they have the facilities to provide the services. While concurrency might be a regional issue and addressed broadly in the Regional Plan, the concurrency standard in Sparks might be different than the concurrency standard for Reno, so there needs to be some latitude for a local jurisdiction to actually identify what their concurrency standard for a specific thing may be.

Mr. Freund stated that concurrency means that you have a plan in place and funded to provide adequate public facilities and services of all types at the time that you grant final entitlements for new development. Mr. Freund also concurred with Mr. Hester that as we are discussing the upcoming modules in the Regional Plan update, one of the upcoming modules is infrastructure and timing of infrastructure relative to development. It has been the intent to address that in the Regional Plan. We did not bring it forward at this time because we thought it should go through the update process with the TAC as part of the 2007 Regional Plan update.

Commissioner Mattina stated that one of the complaints has always been that it would seem that regional services always seem to be on a reactive basis and asked if having a more defined area of growth for the future of the TMSA that we will get more cooperation from folks like the Regional Transportation Commission (RTC) and the school system in planning and having those facilities available at the time that we are ready to grow into a new area. Mr. Hester responded yes.

Commissioner Rogers stated that the existing TMSA is less than 80% built out and asked why we don't keep filling in this existing TMSA and then look at the future. Mr. Hester stated that we are not asking for land above and beyond what our projection shows. We are asking for only

72% of what the settlement agreement would give us. In terms of how to assure that Winnemucca Ranch has adequate infrastructure, a mix of housing, and is fiscally sound, those are all the things we told them we need to see happen before we are going to permit them to get development approval in the City of Reno.

Commissioner Rogers expressed concern that infrastructure lags so far behind development. Mr. Hester stated that the concept that is proposed is not first or after but concurrent with development.

Commissioner Moss commented on schools and where to locate them and asked if we are supposed to build in the un-built/built areas before the population shows up. Mr. Hester stated that they have been talking with the school district about alternatives to having to project where the schools will go and do a bond issue. Mr. Hester stated that what they have been talking about is as the process of developments much like parks, when a park comes in and goes into an area that is a service area for a school, we say we are going to have a school here. That is something that developers don't have to pay for but some of them have stepped up and said they need to figure out a mechanism to make that happen.

Commissioner Barton asked why for these major proposed amendments are we not waiting for the Regional Plan update in order to really take a look and put all the specificity in there. Commissioner Barton also asked if this amendment is going to change anything in the current planning over the next six or seven months. Mr. Hester responded there are a number of conformance reviews that can not move forward unless the TMSA is addressed. Annexation programs can not be addressed because we don't know what the boundaries are. It would continue to leave the growth pressures in the St. James roll-back issues up in the air. We can't move forward with public service and facilities planning because we don't know where the boundaries are. Concurrency is delayed. Mr. Hester also stated that it was assumed in the Regional Plan update process that the boundary issues were being resolved through this amendment. If it goes back to the TAC, it will be a lot longer than seven months before the rest of it comes along. There will also be continuing court involvement.

Commissioner Mattina stated that this can and will be amended but it gives us a focus that is important to have. We need to have an idea of what we are going to do. Commissioner Mattina asked what would happen to the service area if in 10 years we find that there is a significant reduction in growth. It will not all be annexed. Mr. Hester stated that the proposed amendments do not annex anything. If 10 years from now we look out at 2030 and see that what was projected will not happen until 2040, then you leave the TMSA the way it is. The FSA is just planning, it does not say what the land use is going to be.

Commissioner Newberg asked if the TMSA is expanded, what is going to prevent spot growth. Mr. Hester responded that they will have to come here for conformance review.

Commissioner Newberg asked what happens when we run out of water. Mr. Hester responded that if we don't have water, we don't grow.

Commissioner Frandsen stated that right now we are importing water. The worst case scenario that is projected for growth would leave a deficit for water. Commissioner Frandsen referred to Mr. Hester's comment that if there is no water, we can't build. But, what we are seeing now says something different and that is the importation of water right now. Mr. Hester stated that he

is not projecting the same numbers that are in the Regional Planning staff report and that he does not have any land use assumptions for the FSA. Mr. Hester stated that we also export water, we also could be more efficient about it, we also can say we can't go beyond a certain point because we don't have the water and we stop. Mr. Hester stated that he has not set any growth numbers.

Commissioner Rogers asked if the Winnemucca Ranch develops and we have to provide infrastructure, what would prevent people from infilling toward north valleys and wanting facilities. Mr. Freund responded that it is hard to predict the market forces. One of the things that we agree on is that we don't really want a proliferation of large lot development out into the areas that might be available for future urban expansion. The FSAs are areas that we would hope ultimately would infill back from Winnemucca Ranch toward the existing City over the very long term.

Commissioner Rogers stated that in state law you have to provide for private wells if you draw down for community wells. Commissioner Rogers asked what would prevent another waste of natural resources if development on the Winnemucca Ranch is going to have their own septic tanks and wells. Mr. Freund responded that there is not a lot right now that would prevent that from happening. Part of the answer is, should Winnemucca Ranch develop in a fashion where the TMSA is not needed, the County has to take a hard look at its own development policies. Mr. Freund stated that he does not think that we should allow an area that far out to develop in 5 acre parcels, yet we don't have anything in our development code that allows 20 acre lots to build. Our experience has been that when there is that kind of large lot development on private wells and on septics, we end up getting undesirable draw down effects and sooner or later we end up with a septic tank pollution problem. We should avoid trying to develop in that fashion.

Commissioner Rogers asked who would be paying for the infrastructure. Mr. Freund responded that there is an impact fee system in place for roadways. Mr. Freund stated that in the long term there needs to be a discussion about the very structure of the organizations that provide infrastructure in the Truckee Meadows.

Commissioner Moss stated that we have to review the Regional Plan every year to see if changes are necessary. Every five years we have to do a complete revision and changes can be made as we go along. Commissioner Moss stated that he appreciates looking deep into the future for planning but is not sure that having the FSA is a necessary component of that. Nothing that has been said tonight would prevent you from planning in that area.

*[Chair Lokken called a recess at 8:50 p.m.]* The meeting was called back to order at 9:05 p.m.

Chair Lokken stated that the RPC members are not paid professionals in a planning department or elected political officials but are citizen planners. The RPC's role is to bring the citizen's perspective from a lay perspective. Chair Lokken stated that he is concerned about the process. Being told from the outset that the governments have already endorsed the settlement agreement and knowing that the governments are what comprise the Regional Planning Governing Board (RPGB) puts us as citizen planners in a very odd position of why do we matter in this process because ultimately this issue will move on in its politicized form to the next level. Chair Lokken stated that a second issue is what he finds to be a rather arbitrary compressed timeframe. Staff has said that they have been working on this for months and months but in listening to public testimony, what we have heard is why was that done either in a court room or in conference rooms and not done as a public process. Chair Lokken stated that he is concerned about the

synchronicity with the Regional Plan update. We have heard the question of why not make this part of the current Regional Plan update. If there is such a level of agreement among the jurisdictions working on the proposed amendments, why wouldn't the timeframe that exists for the current update be adequate. Chair Lokken expressed concern that there are inconsistencies with the principles that were agreed to in the Regional Plan for 2002. We talked about concentrating to the core and about infill development. It is one or two projects that seem to be driving this settlement agreement and in fact what we need to be looking at is the planning principles that were embraced just a few short years ago that talked about intensification and recognized sprawl as a bad thing. Chair Lokken stated that natural resources, wildlife, open space, and water issues that have been raised are all addressed in nothing more than a conceptual nature in the current draft. Chair Lokken stated that he is disappointed in the vagueness of the language. There will be a tremendous amount of work that will be required to put specificity in the agreement. Chair Lokken stated that he is perplexed in a sense that he does not believe that this is a mandate of Justice Hardesty. Chair Lokken stated that he is concerned that the distrust that has been heard in public hearings will not be addressed in this process. Chair Lokken stated that he is wondering if as a Planning Commission it is logical for us to get involved in this. If the RPGB wants to do what the RPGB can do that is its prerogative. Chair Lokken stated that he struggles with the appropriate role and whether there is a legitimate role for the RPC in this at this point in time.

Commissioner Frandsen stated that she agrees with Chair Lokken and that she does not believe that we should proceed as a Planning Commission.

Commissioner Rogers stated that he agrees with Chair Lokken. Commissioner Rogers expressed concern that there have been meetings from May 2003 to February 2006 that have not involved the public and that the RPGB has basically said they are supporting this.

Commissioner Weber stated that he also agrees with Chair Lokken. Commissioner Weber stated that the federal lands bill issue will have a huge impact on these amendments and we should take a wait and see attitude and see where the Feds go with that.

Commissioner Mattina stated that she disagrees with some of the previous comments. This is a planning tool to look to the future. Nothing is written in stone. We look at the issues as projects and developments come forward. We need to look to see where we want to be in 20 years and not stumble along until we get to where we are in 20 years.

Commissioner Moss stated that he agrees with Commissioner Mattina but does not see anything that we are talking about that would limit planning taking place. TMSA boundaries have been suggested. The RPC is also being asked to look at 15 different areas that were excluded from the TMSA and if we were to include one or more of those as an amendment to the Regional Plan now, what would it do to the plan that has been submitted. There would have to be adjustments made. Commissioner Moss stated that we should not rush headlong into getting this fixed now because it is not going to fix it. It just raises more issues.

Commissioner Mattina stated that she is not saying it will fix everything but that it is not something that is going to take over the future. It is looking beyond the next couple of years and if it helps our elected officials take that future view as far as planning goes, that is a good idea. We do not have to approve it tonight but it is not as dire as what is being said here so far.

Commissioner Moss stated that he does not see it as something that is going to be thrown out but something that is going to be considered to become part of the 2007 Regional Plan update.

Commissioner Frandsen stated that what she heard in public testimony was that there is no trust from the public in what government will do. That came about because of the way this process went forward. The appearance in the general public is that this all happened behind closed doors and the public was left out of the process.

COMMISSIONER MOSS MADE A MOTION TO ASK STAFF TO PREPARE THE TECHNICAL AMENDMENTS THAT ARE UNDER GROUP TWO IN THE STAFF REPORT, SECONDED BY COMMISSIONER MATTINA. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

COMMISSIONER MATTINA MADE A MOTION TO DIRECT STAFF TO PROCEED WITH THE NOTIFICATION THAT WAS RECOMMENDED BY LEGAL COUNSEL PRIOR TO TAKING ANY FINAL ACTION, SECONDED BY COMMISSIONER WEBER.

Mr. Ziegler clarified that Legal Counsel's recommendation was that we request the assistance of Washoe County in notifying those people who might potentially be affected by roll-backs of the TMSA.

Chair Lokken asked if these notices would still have relevance if we do not look at discussing the proposed amendments that have been brought forward by the entities. Mr. Azevedo stated that the notification is only necessary if the RPC is going to take final action to roll it back.

Commissioner Barton asked if it would be in our best interest to give notification at this point. Mr. Azevedo responded that the RPC could do a protective notification of these parties and that the notification will not lapse. If the TAC is going to address these topics, the notification would have to be done in such a manner when they know they are actually going to address the topic.

Commissioner Moss stated that only the people who are in the TMSA and would be removed would need to be notified. Mr. Ziegler stated that there are at least two property owners that fall into the category of being in the TMSA today that have been proposed to be removed.

Chair Lokken stated that in the absence of final action it would be what the TAC decides to do. Mr. Azevedo stated that his recommendation to the RPC is that if the RPC was going to take action that would propose an amendment to roll those parcels back, notification would be required.

Commissioner Mattina asked if the motion should be amended. Mr. Azevedo responded that would be his recommendation.

Chair Lokken stated that perhaps this motion could be withdrawn so that we can move on to the next question.

COMMISSIONER WEBER WITHDREW HIS SECOND TO THE MOTION.

COMMISSIONER ROGERS MADE A MOTION TO TAKE NO ACTION WITH RESPECT TO THE PROPOSAL IN GROUP ONE AT THIS TIME AND WAIT FOR THE 2007 UPDATE, SECONDED BY COMMISSIONER FRANSEN.

Commissioner Barton asked if it would be worthwhile to direct staff to have some workshops with some of the stakeholders to see if some of the issues can be resolved.

Chair Lokken stated that the issues he sees relate to process. One is the absence of the public in this process and the other is in doing this we are circumventing the TAC. Remanding it to the TAC and letting them decide whether it is relevant within their discussions seems reasonable.

Commissioner Mattina stated that the planning staffs were directed by Judge Hardesty to take these steps. There are certain things in the settlement agreement that they were required to do and they did. The RPC is not required to take a specific action on it but to say that it is wrong that this was not put totally out to a public process, that was not part of Judge Hardesty's direction to them in the settlement agreement.

Chair Lokken asked for clarification from Mr. Azevedo regarding what they were actually directed to do. Mr. Azevedo stated that he has put the court on notice based on the original workshop that there may be some issues with the RPC consideration of the amendments. Mr. Azevedo stated that Judge Hardesty has always been a supporter of the public process and he did not want any settlement agreement or other action to constitute a predetermination of this process before the RPC tonight. Each of the respective local governments did discharge their obligations under the settlement agreement but now this is before this body and you have the discretion to discharge your statutory duties and obligations as you deem appropriate consistent with State law.

Commissioner Mattina stated that she just does not want to demonize our staffs because we are looking at this and saying that the public process was not followed. Commissioner Mattina stated that they followed what they felt Judge Hardesty directed them to do. Mr. Azevedo responded that he does not disagree with that. Mr. Azevedo stated that he did make Judge Hardesty aware that there was concern being expressed by the public and the RPC. Mr. Azevedo stated that the Judge responded saying that depending on what the outcome was, come back and talk to him if necessary.

Chair Lokken stated that it is not his intent to demonize the staffs. Chair Lokken stated that he is concerned about what we might be asking Regional Planning staff to do. Regional Planning staff is simultaneously supporting the TAC which is charged with the same task. The RPC approved the TAC and they are the ones that were charged with developing updates to the Regional Plan this time around.

Commissioner Frandsen stated that she does not understand why sending this to the TAC for their deliberation and public process would cause the 2007 Regional Plan update to be elongated. Mr. Ziegler stated that the TAC contemplated that the exact boundaries of the TMSA would be determined through the settlement process. If the issue of the exact boundaries of the TMSA is still on the table, the TAC would then need to reopen that and work on it some more. That would not be impossible but would not be easy and would require the TAC to work harder and open up the process to some different avenues of input. Another thing that the TAC would have to deal with is what is called the Goal 1.3 Policies which are the policies of the Regional Plan that limit residential density and non-residential intensity in the unincorporated areas. The TAC had assumed that those policies also would be resolved through the settlement process.

Commissioner Mattina asked how the direction would be put to the TAC. Mr. Ziegler responded that the TAC is advisory to the RPC and they would be happy to do whatever the RPC requests them to do. Mr. Ziegler stated that his sense of it is that he would tell the TAC that we need to

make time in our calendars to reopen one issue that we had worked on previously and to put back on our calendar an issue that we thought we might take off.

Chair Lokken stated that if the TAC feels that it is overwhelmed or not able to come to conclusion, the RPC had been honest when it created the TAC in saying that we expected to stay to the State law. If the TAC can't find a way to find solutions then we have resolution in this because it would then just be taken up by the RPC to stay on time.

Commissioner Frandsen asked for the wording of the current motion. Mr. Ziegler stated that Commissioner Rogers moved no action on group one and refer the matters to the Regional Plan update process.

THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND ONE (1) OPPOSITION BY COMMISSIONER MATTINA.

- E. PUBLIC HEARING - Proposed amendments to the 2002 Truckee Meadows Regional Plan, as listed in agenda item 5.D.

*[The public hearing was opened.]*

Rob Dunbar, Ryder Homes, requested that 2,000 acres in northeast Sparks be included in the future TMSA when this item is reconsidered.

John Domina asked why his property near Golden Valley was selected to be removed from the TMSA, why he was not advised of this proposed removal action, why did the inclusion of property owned by others take precedence over his property remaining in the TMSA, and what can be done to retain his property within the TMSA.

Bob Marshall thanked Mr. Ziegler for considering and listing his property in the report and complimented his staff on the clarity with which they presented his request.

Josh Wilson stated opposition to the proposal of the Hungry Valley area being included as potential growth.

Bob Johnston stated that he will appear at the TAC meetings on this issue, which is a much better forum for people exchanging views. Mr. Johnston suggested that the Regional Planning staff may want to consider doing a service cost analysis to supply to the TAC. The staff may also wish to ask the RTC to do a traffic congestion analysis of the annexation proposal to see what happens when you spread the money out over twice the land area. Mr. Johnston stated that the regional transportation model is not capable of evaluating the 2002 Regional Plan correctly. It does not take into account land use density correctly or mixed used and it does not have transit walk and bike modes represented in the model. Mr. Johnston stated that allowing remote development will probably cause 14th amendment headaches forever. That is the equal protection amendment that is interpreted as similarly situated properties must be treated similarly.

Monika Frank stated support for the TMSA roll-back in Pleasant Valley and against the amendment request to include north Washoe Valley in the TMSA.

David Bjorkman stated that he would like his 200 acres of land to be included in the TMSA.

Louise Thomas requested that the proposal to include Washoe Valley in the TMSA be denied.

Carol Christensen expressed concern regarding the requested amendment to include Washoe Valley property in the TMSA.

Ann York expressed opposition to including Washoe Valley in the TMSA.

Pat McAlinden stated that Golden Valley needs to be out of the TMSA.

Tony Midmore expressed concern regarding the rush to get this done instead of waiting for the Regional Plan update.

Roger Edwards stated that there is a north valleys area plan that specifies what we would like to see happen in Golden Valley. Mr. Edwards commented on the proposed amendment to eliminate the requirement that TMSA amendments must include contiguous lands and stated that the Winnemucca Ranch property needs to be dealt with as a single item and not change the language in the settlement agreement.

Barbara Scott stated opposition to the inclusion of the property in Washoe Valley in the TMSA.

Tim Lambdin stated that notification is very important. Mr. Lambdin stated that he is for development if it is done right.

Trevor Lloyd, Wood Rogers, requested on behalf of Sage Communities for consideration for inclusion of the property directly east of Winnemucca Ranch.

Gary Schmidt expressed concern regarding intrusive government regulations regarding property.

Chair Lokken stated that 22 written comments submitted will be included in the public record.

Jim McGill spoke about preserving the area where he lives.

*[The public hearing was closed.]*

- F. Status report on 2007 update of the Regional Plan, including possible action to amend the membership of the technical advisory committee.

Ms. Coombes requested action to appoint her as an alternate representative for the TMRPA to the TAC.

COMMISSIONER FRANSEN MADE A MOTION TO APPOINT ROSANNA COOMBES AS THE ALTERNATE MEMBER ON THE TAC REPRESENTING THE TMRPA, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) 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

Mr. Ziegler reviewed agenda items for the RPGB meeting tomorrow.

- 2) Report on Truckee Meadows Growth Task Force

Mr. Ziegler stated that the Task Force is wrapping up their subcommittee work and will prepare a final report to present by the end of March.

### **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 his report as written.

**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.

**8. WRITTEN CORRESPONDENCE**

Mr. Ziegler stated that the flow of correspondence has been regular and unpredictable. The correspondence is being kept in binders and made available to the RPC.

**9. ADJOURNMENT**

Chair Lokken adjourned the meeting at 10:35 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.**