



REGIONAL PLANNING GOVERNING BOARD

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Dave Aiazzi, Chair
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Mike Carrigan
Robert A. Cashell
Dwight Dortch
Jim Galloway
Pierre Hascheff
Robert Larkin
Geno Martini
Ron Schmitt
Rosanna Coombes, Director

MINUTES
REGIONAL PLANNING GOVERNING BOARD (RPGGB)
Regular Meeting
Thursday, October 9, 2008, 2:00 p.m.

The Regional Planning Governing Board 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 Dave Aiazzi at 2:06 p.m.

1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: David Aiazzi, Bonnie Weber, Dwight Dortch, Jim Galloway, Geno Martini, and Ron Schmitt. Members absent: Mike Carrigan, Robert Cashell, and Pierre Hascheff. Member Robert Larkin arrived at 2:09 p.m.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Rosanna Coombes, Director of Regional Planning; Norman Azevedo, Legal Counsel; Patricia Rogers; Kristine Bunnell; Sienna Reid; Andy Simpson; Peter Gower; Gretchen Eykelbosh; and, Paige Menicucci.

2. APPROVAL OF AGENDA

MEMBER MARTINI MADE A MOTION TO APPROVE THE AGENDA, SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

3. SALUTE TO THE FLAG

Member Martini led the Pledge of Allegiance.

4. APPROVAL OF MINUTES

A. September 11, 2008

MEMBER WEBER MADE A MOTION TO APPROVE THE MINUTES, SECONDED BY MEMBER DORTCH. THE MOTION CARRIED WITH FIVE (5) IN FAVOR AND ONE (1) ABSTENSION BY MEMBER GALLOWAY.

5. PUBLIC COMMENT

Gary Schmidt spoke regarding running for County Commission in District 4

[Member Larkin arrived at 2:09 p.m.]

Chair Aiazzi asked if the Regional Transportation Commission (RTC) presentation could be taken off the agenda since they will be making the same presentation to each of the jurisdictions individually. It was decided not to have the RTC presentation at this meeting.

6. BUSINESS OF THE DAY

- A. PUBLIC HEARING – Consideration and possible adoption of RPGB Resolution 08-07, a private property owner request to revise the boundaries of the Truckee Meadows Service Areas (TMSA) based on an application submitted by Mt. Rose Properties LLC (TMSA 07-008) *[continued from September 11, 2008]*.

Andy Simpson, Planning and GIS Analyst II, reviewed information included in the staff report on this application and stated that Regional Planning staff has found that the subject property would increase the overall footprint of the TMSA, increase wildland urban interface, and create a service island.

Member Larkin stated that he had asked for an opinion from the District Attorney for Washoe County regarding his participation in this agenda item. Member Larkin stated that he would read the response and submit a copy of the entire brief for the record. Following the submittal of this application the land developer filed suit against the County in Federal District Court claiming that the County is in violation of a contract between the developer and the County. The lawsuit charges that the County breached its obligation not to oppose language from the settlement agreement. The developers representatives have stated that the Washoe County appointees to the RPGB must abstain from voting on the developer's application because of the lawsuit. Member Larkin stated that he would also read two comments pertaining to the lawsuit; one related to the role of the RPGB members and one related to the actual recommendation from the District Attorney in relationship to any vote that Member Larkin may participate in. Member Larkin disclosed that he is a member of the Board of County Commissioners and did participate in a settlement agreement. Member Larkin also read that it is the opinion of the District Attorney's office of Washoe County that neither the provisions of the settlement agreement nor the pending federal court lawsuit against Washoe County, alleging violation of the settlement agreement and the violations of constitutional rights, require Washoe County Commissioners to abstain from voting as appointees to the RPGB and there is no conflict of interest under the Nevada ethics in government law. Member Larkin stated that he does not have any interest in Evans Creek, other than his participation in the settlement agreement, and that he has no other conflicts of interest that would preclude him from actively engaging in dialogue on this matter.

Member Galloway disclosed that he did participate with discussions and a vote regarding the Evans Creek settlement. Member Galloway stated that he has no personal conflict of interest in this matter and that he will be participating strictly as a member of the RPGB. Member Galloway stated that he will be judging, conversing, and voting on this matter strictly on the regional merits of this application.

Member Weber stated that she has no personal conflicts of interest and believes that, as a member of the RPGB, she can go forward and make a sound judgement.

There was discussion regarding the number of people per acre requirement. Member Larkin stated that this project fails to meet the policy requirement for this region of an average of four persons per acre. Mr. Simpson responded that is correct.

Chair Aiazzi asked Mr. Simpson for information regarding the purpose and intention of Policy 1.1.13. Mr. Simpson stated that Policy 1.1.13 refers to resort service areas and that it was set up to help plan

for the Mt. Rose Ski Resort, which is outside the current TMSA boundary. It was not intended for people along the route to hook up to the sewer line or for future development that could happen outside the ski resort.

[The public hearing was opened.]

Brian McMahon stated that he did not have a chance to read and respond to the information Member Larkin read into the record and stated that it would be nice to get that in advance. Mr. McMahon spoke in favor of the application and stated that the Regional Planning Commission (RPC) has approved it and that he is asking the RPGB to approve it as well.

[Member Larkin left at 2:32 p.m.]

Chair Aiazzi asked Mr. McMahon clarification on his comment that the RPC approved this. Mr. McMahon responded that the RPC vote was 5-4 and it was not an approval but a recommendation.

Chair Aiazzi clarified for the record that the RPC required 6 votes to recommend the application. The RPC action was a technical denial of the recommendation.

Gary Schmidt stated that the letter read by Member Larkin was not made available to anyone in advance of the meeting and that it is on the fringe of being an open meeting law violation. Mr. Schmidt spoke regarding the history and intent of this special assessment district and stated that he opposes the expansion of the special assessment district.

[The public hearing was closed.]

[Member Larkin returned at 2:37 p.m.]

Member Galloway asked if there would be enough sewer capacity if every other buildable lot in the area hooked up. Mr. Simpson responded that the preliminary analysis of the sewer capacity in that area from the Washoe County Department of Water Resources took into account the existing land uses and not the increased density.

Member Galloway stated that we do not know what the number of units will be from a TMSA application. Mr. Simpson responded that is true.

Chair Aiazzi asked if it is usually an RPGB decision to look at capacity based on future uses. Mr. Simpson responded that it is typically not.

Chair Aiazzi stated that they just ask for a letter from the entity that has control if there is capacity. Mr. Simpson responded yes, sometimes. In this situation we are just looking at the regional level at the capacity to be able to provide service in this area.

Chair Aiazzi stated that the last time this came to the RPGB, Mr. McMahon did not agree with Regional Planning staff's recommendation as to the number score the application received. Mr. McMahon responded that it was not the overall number score but it is more the sewer capacity and accessibility to water. Mr. McMahon stated that the recommendation from the managing engineer on the project was that there is sufficient, reasonable presence to accommodate the development of 84 units. It is close enough to access and there is enough capacity.

Chair Aiazzi stated that Policy 1.1.13 is designed to only allow current uses and the resort. Mr. McMahon stated that this is an existing use. It is not a new and different use, it is the density that would be different. Chair Aiazzi stated that the purpose of Policy 1.1.13 is to not promote expansion in

surrounding developments. Mr. McMahon stated that it is not an expansion of existing development, it has not been developed but it is on the books. It does further policy to increase density. If there is going to be the use of at least 50 units, we are increasing the density to get better use of those same services. We are just talking about a change from 50 units to 84 units.

Chair Aiazzi asked Mr. Schmidt for his opinion on this since he was involved in Policy 1.1.13. Mr. Schmidt responded that it was the intent of the policy to preclude density increases and that he opposes density increases on the basis of preserving the Mt. Rose corridor.

Member Larkin asked Mr. Simpson if it is still staff's recommendation that the score on this application is 805 out of a possible 2,600. Mr. Simpson responded that is correct.

Member Larkin stated that the score for this application is below Peavine Pines, which was rejected. Mr. Simpson responded that is correct.

Member Dortch asked if the Policy 1.1.7 requirement for a density of four people per acre is for this application or for the overall TMSA. Mr. Simpson responded that is for the overall TMSA.

Rosanna Coombes, Director of Regional Planning, stated that Washoe County's portion of the TMSA is over-allocated, which means they are well below the four people per acre in their current portion of the TMSA. Any time TMSA is added at any level lower than four people per acre, it can only continue to diminish the current average density for the County.

Member Galloway stated that this application has a very low score; is in a scenic corridor; is in a corridor in which the plan says don't increase density; creates an island of TMSA; and would create densities that might further the incompatibility with surrounding property development.

MEMBER GALLOWAY MADE A MOTION TO DENY RESOLUTION 08-07, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- B. Discussion and possible direction to staff regarding the current and future designation of the Regional Planning Governing Board as the 208 Water Quality Planning agency for Washoe County.

Gretchen Eykelbosh, Policy Analyst, reviewed two options outlined in the staff report and stated that Regional Planning staff recommends that the RPGB provide direction regarding the preferred approach to future 208 Planning.

Member Galloway favored option 2, which would involve redesignating the Western Regional Water Commission (WRWC) as the 208 Planning agency.

Chair Aiazzi asked how much time and money is spent on being that entity. Ms. Coombes responded that the funding basically came from many of the same pots that we have already. The fact that it shifts over to the WRWC may or may not change that. Ms. Coombes spoke about the amount of staff time that was involved and stated that they did hire a consultant for a big part of the process. The Regional Water Planning Commission (RWPC) and other water planning staff were also involved.

Member Schmitt asked if this is the RPGB's decision or if the Governor will be asked to move it over. Ms. Eykelbosh responded that if the RPGB suggests redesignation, Regional Planning staff can work with Nevada Division of Environmental Protection (NDEP) and submit a request to the Governor to redesignate a 208 agency.

Member Schmitt asked what the process would involve. Ms. Eykelbosh responded that the NRS spells out that the Governor will designate a 208 agency or redesignate a 208 agency.

Chair Aiazzi asked if the WRWC will be asked first. Ms. Eykelbosh responded that the WRWC has not yet considered this item. The technical steering committee that was created to develop the 208, as well as NDEP, believe that redesignation of the 208 agency makes sense.

Chair Aiazzi stated that he wants to make sure it goes to the WRWC first to see if they agree.

MEMBER LARKIN MADE A MOTION TO APPROVE OPTION 2, AS OUTLINED IN THE STAFF REPORT AND DIRECT STAFF TO INITIATE A DIALOGUE WITH THE WRWC, SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- C. Consideration and possible ratification of an amendment to the intergovernmental agreement renewing the Washoe County HOME Consortium.

Ms. Eykelbosh stated that the Housing and Urban Development Department (HUD) is requiring the addition of one word to the Washoe County HOME Consortium agreement. Ms. Eykelbosh reviewed the addition, which is included in the staff report. In addition, when the RPGB ratified the agreement on June 12, 2008, the motion included a request to add a sentence to the agreement, as suggested by legal counsel. That sentence has now been added and is also included in the staff report.

MEMBER MARTINI MADE A MOTION TO RATIFY THE AMENDMENT TO THE HOME CONSORTIUM AGREEMENT AS OUTLINED IN THE STAFF REPORT AND PROVIDED IN ATTACHMENT 1, SECONDED BY MEMBER LARKIN. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- D. Discussion and possible direction to staff regarding the development of regional standards for undergrounding of power lines.

Peter Gower, Senior Planner, stated that the staff report provides a preliminary look at the staff time requirements and potential implications to the budget that would be involved for developing such standards. Due to its financial implications and postponement of currently adopted work program goals, Regional Planning staff does recommend that the RPGB revisit the issue of undergrounding power line standards as part of the fiscal year 2009-2010 work program.

MEMBER LARKIN MADE A MOTION TO AUTHORIZE THE CREATION OF THE POLICY LANGUAGE TO BE PLACED IN THE REGIONAL PLAN ENABLING LOCAL GOVERNMENTS AND AFFECTED ENTITIES TO DEVELOP STANDARDS FOR UNDERGROUNDING POWER LINES, AND REQUEST THAT THE DIRECTOR INCORPORATE IN THE 2009-2010 BUDGET FORMATION OF A TECHNICAL WORKING GROUP OR SIMILAR BODY TO ASSIST STAFF IN DEVELOPING A RANGE OF MORE DETAILED REGIONAL STANDARDS FROM WHICH EACH LOCAL JURISDICTION AND APPLICABLE AFFECTED ENTITY MAY SELECT THE MOST DESIRABLE STANDARD, SECONDED BY MEMBER GALLOWAY.

Member Galloway stated that if this motion passes, one of the things that should be on the table to consider is that designated parks are being increasingly targeted for corridors for utilities partly because it is the cheapest available land on which to buy an easement.

Member Schmitt spoke about what the scope of work is for the RPGB and whether this should be a local jurisdiction item. Chair Aiazzi stated that the purpose of this was to help us regionally when we wanted to keep our local jurisdiction from the PUC. The original intent was to see if there are safety standards that we should promote regionally.

Member Schmitt stated that it should be left up to local governments to decide their policies. Chair Aiazzi stated that what is being proposed is not to limit local jurisdictions. Any local jurisdiction can mandate something be undergrounded but what we are trying to get to is who actually pays for that undergrounding, the rate payers or the jurisdiction.

Member Schmitt stated that it is fine if we are going to narrow the scope down to that, but that is not the scope he is hearing. Member Schmitt also stated that it is odd that all the local governments are cutting back their resources and staffs, but the RPGB is expanding their services.

Chair Aiazzi stated that he thought the County was going to do some of these studies and bring them back to the RPGB so that it would not be a burden on Regional Planning staff and the RPGB. Member Larkin stated that is correct and that the Director placed this into a twofold issue. First is creation of the policy language. Member Larkin stated that it would be his intent that this is authorizing Regional Planning staff to begin that dialogue. The burden would be with the County staff to provide whatever is required, but it is not appropriate for County staff to develop regional policy. The second portion is the actual technical working groups and so forth. That does need to be put into the budget. We can not go forward with that until we figure out which budget it needs to go into. Member Larkin stated that he thought it would be appropriate to ask the Director to bring a staff budget as part of a regular budgetary item and that he would be asking the Community Development folks to do the same thing.

Chair Aiazzi asked Member Larkin for clarification that he is just saying this is what it would cost and then we decide who is going to pay for it. Member Larkin responded yes.

Member Larkin stated that perhaps he did not use the correct term in the motion and then stated that the Director should bring forward the project work plans that are necessary and identify the necessary costs. Member Larkin stated that he will be asking the Board of County Commissioners to look at that as a budgetary item. Member Galloway stated that he, as the second, would accept the clarification of the motion.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- E. Consideration of and possible action on the 2009 legislative session strategy, including but not limited to:
- 1) receipt of a report on the currently available Bill Draft Requests (BDRs) related to the program of regional planning;
 - 2) consideration of local government external lobbyist information and maximization of lobbyist representation; and
 - 3) possible approval of an addendum to the legislative Memorandum of Understanding (MOU)

Patricia Rogers, Government Relations-Community Outreach Representative, stated that a list of the BDRs that are currently being monitored by TMRPA staff is included in the meeting packet. Ms. Rogers reported that Regional Planning staff will be meeting with the City of Sparks staff and the City of Reno staff regarding possible contract lobbyist partnerships for the upcoming session. Ms. Rogers

reported that the Reno-Tahoe Airport Authority has declined the invitation to participate in the legislative MOU, the RSCVA has accepted the invitation. Ms. Rogers stated that she has not yet heard from IVGID.

MEMBER LARKIN MADE A MOTION TO ACCEPT THE STAFF REPORT AND AUTHORIZE THE CHAIR TO SIGN THE ADDENDUM TO THE 2008-2009 LEGISLATIVE MOU, SECONDED BY MEMBER MARTINI.

Chair Aiazzi asked to clarify the motion to say that anyone who wants to join the MOU in the future would be okay. Member Larkin responded yes.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- F. Informational presentation by the Regional Transportation Commission (RTC) regarding Washoe County Ballot Questions RTC-2 for Public Transportation and RTC-5 for Streets and Highways.

None

- G. Discussion and possible acceptance of the Regional Plan annual report summarizing individual 2007 reports submitted by local governments and affected entities pursuant to subsection 1 of NRS 278.028.

Ms. Rogers provided information included in the staff report.

MEMBER DORTCH MADE A MOTION TO ACCEPT THE REPORT, SECONDED BY MEMBER GALLOWAY. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- H. Local government status report regarding detailed recommendations for the implementation of concurrency.

Jim Rundle, City of Sparks, presented a status report for the City of Sparks.

Member Larkin asked if the concurrency requirements will apply to the West Pyramid corridor. Mr. Rundle responded yes.

Member Galloway reminded the RPGB that the idea of concurrency was stronger when the original settlement agreement was negotiated. The idea was that the concurrency requirements come in before planners are given intensified zoning.

Adrian Freund, Washoe County, presented a status report for Washoe County.

John Hester, City of Reno, presented a status report for the City of Reno.

MEMBER DORTCH MADE A MOTION TO ACCEPT THE REPORT, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

7. REPORTS

- A. Members' and Director's reports
 - 1) Status report on the RPGB and RTC Subcommittees on Collaboration and Governance

Member Larkin reported that the subcommittees would like to propose that the RPGB and the Regional Transportation Commission (RTC) engage in alternate joint meetings commencing in February with common agenda items relative to both the RPGB and the RTC. Member Larkin stated that this is to start the collaborative effort with the idea that we would still continue to study whether consolidation of the two entities is warranted, what directional changes would need to be made, and what changes to legislation would be required.

Member Galloway stated that this would not be limited to some of the options presented so far and requested that the option of a fully elected RPGB also be considered.

Member Weber asked if that would be an additional meeting every other month. Member Larkin responded no. Member Larkin also stated that staff would be enabled to start working out the schedule for the joint meetings.

MEMBER LARKIN MADE A MOTION THAT THE RPGB HAVE JOINT MEETINGS WITH THE RTC EVERY OTHER MONTH BEGINING IN FEBRUARY, SECONDED BY MEMBER GALLOWAY. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

B. Legal counsel's report

- 1) Status report on action regarding a petition for writ of mandate or judicial review regarding the Regional Planning Commission's determination of conformance (February 13, 2008) of the City of Reno's Master Plan (CR07-035) filed in the Second Judicial District Court on March 10, 2008

Norm Azevedo, Legal Counsel, stated that the motion to dismiss will be heard by the Court in December.

- 2) Status report and direction to staff regarding an initiative petition that would require the Truckee Meadows Regional Plan be amended to reflect and to include a policy or policies requiring that local government land use plans be based upon and in balance with identified and sustainable water resources available within Washoe County

Ms. Coombes stated that she received a response from the proponents of the initiative and that they do not wish to enter into any dialogue prior to the elections.

Chair Aiazzi asked if there is a section in planning that could be fleshed out a little bit on water issues to explain what we do and what we don't do. Ms. Coombes responded that there is some very limited policy that relates to water planning that could be fleshed out further to articulate the relationship between land use planning and water planning.

Chair Aiazzi asked Ms. Coombes to bring an item back to the RPGB to discuss fleshing that section out so that when people read the Regional Plan they will understand how it works.

8. REQUESTS FOR FUTURE AGENDA ITEMS

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

None

9. WRITTEN CORRESPONDENCE

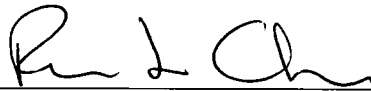
None

10. ADJOURNMENT

MEMBER DORTCH MADE A MOTION TO ADJOURN AT 3:32 P.M., SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

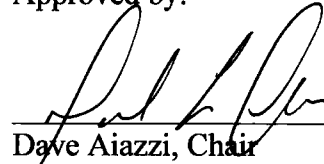
Respectfully submitted by Christine Birmingham.

Reviewed by:



Rosanna Coombes, Director
Truckee Meadows Regional Planning Agency

Approved by:



Dave Aiazzi, Chair
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON
11/13, 2008.