



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
Mark Sullivan
Dave Ziegler, Director

MINUTES

Regional Planning Commission (RPC) REGULAR MEETING WEDNESDAY, 6:30 P.M., August 11, 2004

The Regional Planning Commission met in regular session in the Washoe County Commission Chambers, 1001 E. Ninth Street, Reno, Nevada and conducted the following business:

The meeting was called to order by Chair 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, Randy Barton for Jim Newberg, Steve Rogers, Oscar Sanders, and Mark Sullivan. Commissioners absent were: Jim Newberg.

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

2. APPROVAL OF AGENDA

COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE AUGUST 11, 2004, AGENDA, SECONDED BY COMMISSIONER LOKKEN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. APPROVAL OF MINUTES

A. July 14, 2004, regular meeting

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE JULY 14, 2004, REGULAR MEETING MINUTES, SECONDED BY COMMISSIONER HERMAN. THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND TWO (2) ABSTENTIONS BY COMMISSIONERS BARTON AND LOKKEN.

4. PUBLIC COMMENTS

None

5. BUSINESS OF THE DAY

- A. PUBLIC HEARING - Regional Plan Conformance Review - Washoe County Comprehensive Plan amendment (Sun Valley Area Plan), Chocolate Drive (CR04-015) - changing the land use designation from General Rural to Medium Density Suburban on ±45.5 acres, located on the west side of Chocolate Drive, between 2nd Street and West 5th Street.

Chair Frandsen asked if any of the commissioners have any questions or concerns to address on items 5.A or 5.B. There were no comments.

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

[The public hearing was closed.]

- B. PUBLIC HEARING - Regional Plan Conformance Review - City of Sparks, Project of Regional Significance, Sparks Galleria (CR04-014) - a Project of Regional Significance for a community shopping center and ±175-lot residential subdivision generating traffic in excess of 6,250 average daily trips. The ±133 acre site is located east of Pyramid Highway, west of Sparks Boulevard, both north and south of the proposed extension of Disc Drive.

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

[The public hearing was closed.]

Chair Frandsen asked for a summary motion on items 5.A and 5.B.

COMMISSIONER MATTINA MADE A SUMMARY MOTION TO FIND ITEMS 5.A AND 5.B IN CONFORMANCE WITH THE REGIONAL PLAN, SECONDED BY COMMISSIONER LOKKEN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- C. Discussion and possible action on formation of interim sub-committee for the 2007 Regional Plan Update.

Rosanna Coombes, Long-Range and Community Relations Planner, stated that this interim sub-committee would have an oversight role of the process for the 2007 update of the Regional Plan. Ms. Coombes reviewed a recommended schedule for the 2007 update process.

Chair Frandsen asked if the Planning Commissions from each of the entities are ready to make recommendations or to volunteer to serve on the sub-committee.

Commissioners Rogers, Sanders and Moss stated that they will serve on the sub-committee.

Commissioner Mattina asked if alternates should be selected. Chair Frandsen stated that it would be good to have alternates.

Commissioner Mattina asked if the alternates need to be designated. Norm Azevedo, Legal Counsel, stated that his preference is to have designated alternates.

Commissioner Mattina volunteered to be an alternate for Sparks.

Commissioner Sullivan stated that if the sub-committee is to be composed of one commissioner from each entity, Commissioner Rogers should be the alternate for Washoe County.

Chair Frandsen asked Commissioner Rogers if he would be the alternate for Washoe County. Commissioner Rogers stated that he would like to be involved in the process.

Commissioner Herman stated that the by-laws state that the Chair is an ad hoc member of all committees. Commissioner Herman also suggested appointing one more person to have an odd number of committee members.

Chair Frandsen stated that this sub-committee will not get into the language of the update. Regional Planning staff will be working with the staffs of the three entities and will come back to the sub-committee with a process. The sub-committee and Regional Planning staff will then come back to the full RPC with the options available. The full RPC will then decide on the process.

Commissioner Lokken stated that one of the questions the sub-committee will answer is whether there should be a sub-committee steering the update or whether the entire RPC should be involved. Commissioner Lokken stated that for ease of the staff in organizing the sub-committee meetings, it would be wise to keep it to three members. Then those who are interested in being involved in the content phase should be welcome to do so.

Chair Frandsen agreed with Commissioner Lokken.

Commissioner Rogers agreed to be an alternate for Washoe County.

COMMISSIONER LOKKEN MADE A MOTION TO APPOINT COMMISSIONERS FRANSEN, MOSS AND SANDERS TO THE SUB-COMMITTEE WITH COMMISSIONERS HERMAN, MATTINA AND ROGERS APPOINTED AS ALTERNATES, AND TO UNDERSTAND THAT THIS SUB-COMMITTEE SERVES AT THE DISCRETION OF THE CHAIR AND THE TIME TO DISSOLVE THE COMMITTEE IS TO BE DETERMINED BY THE CHAIR, SECONDED BY COMMISSIONER ROGERS.

Commissioner Sullivan asked if the sub-committee meetings will be public meetings. Chair Frandsen responded that they are published meetings under the open meeting law. Chair Frandsen suggested that any of the alternates that have time available should attend the meetings.

Mr. Azevedo stated that if there are too many members of the RPC at a sub-committee meeting, you need to be cautious about those members participating in deliberations.

Chair Frandsen stated that the invitation for the alternates to attend is not for them to actively participate. Mr. Azevedo stated that is fine. If they participate and discuss, it could be construed to be a problem under the open meeting law.

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

6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

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

Dave Ziegler, Director of Regional Planning, stated that the Regional Planning Governing Board (RPGB) met on June 10, 2004, and their next meeting will be August 12, 2004. Mr. Ziegler reviewed the agenda items for the next RPGB meeting.

Commissioner Lokken stated that it is critical that the proposed Regional Task Force be somehow integrated with the agency. Commissioner Lokken expressed concern that the roles be clearly defined regarding reporting on regional growth issues.

Mr. Ziegler stated that the proposed Regional Task Force on growth management is what some people have been calling a community partnership. A group of interested members of the community have been meeting. Mr. Ziegler stated that reporting arrangements, make-up and mission of the task force, and timing of the output are all things that are still on the table. Mr. Ziegler indicated to that group and will indicate to the RPGB at their meeting tomorrow that regional planning is very interested in any task force that might be formed. Mr. Ziegler indicated that Regional Planning staff is interested and willing to take part as appropriate.

Commissioner Moss asked Mr. Ziegler if this is just a group meeting with no official standing. Mr. Ziegler responded that all that is officially in place right now is authority for the staffs of the three entities to work with those people who have started to form the task force.

Commissioner Sullivan stated that the suggestion for the task force came from people in the community that felt we are not growing correctly. Commissioner Sullivan stated that he has had discussions with people who feel that the RPC needs to focus more on some quality growth.

Chair Frandsen stated that keeping our finger on the pulse of what the community is thinking is part of what we should be doing. Chair Frandsen encouraged Regional Planning staff to continue to be involved in that process.

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

1. District Court orders and appearances regarding the Regional Plan settlement agreement (October 17, 2002) and related issues, including but not limited to the water purveyor issues in the Verdi area

Mr. Azevedo stated that nothing has happened on this issue since the last RPC meeting.

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

Mr. Azevedo stated that there is a potential settlement looming on this dispute resolution case. The city attorneys and respective staff members have agreed to modify the cooperative planning criteria that is applicable to the cities. Washoe County would have their own criteria. There is an agreement where each respective local government would use its own criteria and not try to impose their criteria on another local government. The dispute resolution process contemplates some regulatory changes that will be going to the RPGB tomorrow. Mr. Azevedo stated that he is looking for a recommendation from the RPC tonight to make those regulatory changes. Mr. Azevedo stated that given the nature of the changes contemplated in the regulations, it is highly unlikely the RPC will ever see a dispute resolution case again.

COMMISSIONER LOKKEN MADE A MOTION TO NOTE THE PROPOSED CHANGES TO THE COOPERATIVE PLANNING CRITERIA, FOR ADOPTION BY THE CITY OF RENO AND THE CITY OF SPARKS, AND RECOMMEND TO THE RRGB ADOPTION OF THE REVISED REGULATIONS ON PROCEDURE FOR COOPERATIVE PLANNING DISPUTE RESOLUTION AS DESCRIBED IN ATTACHMENT NUMBER FOUR TO THE STAFF REPORT, SECONDED BY COMMISSIONER MATTINA.

Commissioner Sullivan asked about Judge Hardesty and his role in this case. Mr. Azevedo stated until the election, Judge Hardesty and Department 9 will be referenced.

Commissioner Moss asked if an appeal will ever come back through to the RPC. Mr. Azevedo responded that it will be highly unlikely.

Commissioner Herman stated that he will vote against the motion because it should be a planning process. The RPC should see dispute resolution cases and make decisions.

Commissioner Lokken stated that he agrees philosophically with Commissioner Herman's observations. Commissioner Lokken stated that he does not see attorneys as good land use planners.

Commissioner Moss asked if the RPC is saying that the decision on these criteria is not ours, we are just saying we have read them and are passing them on. Mr. Azevedo responded that is correct.

Chair Frandsen stated that she is also in sympathy with Commissioners Herman and Lokken.

THE MOTION CARRIED WITH FIVE (5) IN FAVOR AND FOUR (4) OPPOSITIONS BY COMMISSIONERS FRANSDEN, HERMAN, MOSS AND ROGERS.

3. 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 responsive brief is due August 27, 2004, and he will have a draft for review at the August 25 RPC meeting.

Commissioner Herman asked Regional Planning staff to present both sides of the argument for the last motion to the RRGB.

- C. Report on meetings of interim legislative committees, legislative MOU, and conceptual legislation for 2005 session.

Patricia Rogers, Community Outreach Assistant, stated that the BDR list being tracked by Regional Planning staff is included on pages 91-94 of the meeting packet. Ms. Rogers also reported that the Truckee Meadows Water Authority (TMWA) did approve the amended MOU to include their agency.

7. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

- A. Review of tentative agenda items for August and September 2004.

Mr. Ziegler reviewed the tentative agendas for the August and September RPC meetings.

Chair Frandsen asked that there be a standing item on the agenda for an update on the growth task force activity.

Commissioner Herman asked about the status on the request for ethics training for the RPC. Mr. Ziegler responded that he has spoken with Greg Salter about preparing a training program on ethics.

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

Mr. Ziegler stated that at the end of June, the Regional Water Planning Commission (RWPC) approved the Regional Water Management Plan update to go up to the Board of County Commissioners. Mr. Ziegler stated that he had anticipated getting the update for the RPC conformance review in August. Mr. Ziegler reported that the RWPC is tentatively planning to have the update to the Board of County Commissioners by September 14, 2004. Presuming that the Board of County Commissioners acts on September 14, the RPC will then have 40 days to conduct the conformance review.

8. WRITTEN CORRESPONDENCE

Mr. Ziegler stated that there is a copy of a letter submitted to the RWPC on page 111 of the meeting packet. The memorandum was written by Mr. Ziegler at the request of the RWPC. The subject of this correspondence is the process for updating the region's Water Quality Management Plan, also known as the "208 plan."

9. PUBLIC COMMENT

None

10. ADJOURNMENT

Chair Frandsen adjourned the meeting at 7:15 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

Dave Ziegler, Director

Florence 'Marge' Frandsen, Chair

Truckee Meadows Regional Planning Agency

Regional Planning Commission

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