



REGIONAL PLANNING COMMISSION

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

MINUTES
Regional Planning Commission (RPC)
REGULAR MEETING
WEDNESDAY, 6:30 P.M., November 9, 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 Lokken at approximately 6:35 p.m.

1. ROLL CALL

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

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

2. APPROVAL OF AGENDA

COMMISSIONER NEWBERG MADE A MOTION TO APPROVE THE NOVEMBER 9, 2005, RPC AGENDA, SECONDED BY COMMISSIONER MATTINA. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. PUBLIC COMMENT

None.

4. BUSINESS OF THE DAY

- A. PUBLIC HEARING - Regional Plan Conformance Review – City of Reno Master Plan Amendment, Mountain View Estates Phase II (CR05-032), changing the master plan land use designation from Industrial to Mixed Residential on a ±77.1 acre site located at the western terminus of Ferrari McLeod Boulevard south of Parr Boulevard, ±1,000 feet east of North Virginia Street.

Randy Baxley, Senior Planner, stated that there is a correction on the packet, on page 1. This is not a project of regional significance. It is a request for Conformance Review. After review of the factors as outlined in the packet, the TMRPA is recommending determination of conformance with the Regional Plan based on the findings in the Staff Report.

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

[The public hearing was closed.]

Commissioner Lokken expressed concerns regarding industrial capacity and inventory.

Mr. Baxley stated that staff will provide the Commission with information on the regional land supply and build-out potentials and trends. There are fairly significant slopes in this area.

COMMISSIONER NEWBERG MADE A MOTION TO FIND THE MOUNTAIN VIEW ESTATES PHASE II (CR05-032) 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. Discussion and possible action to propose a Regional Plan amendment requested by Sierra Pacific Power Company that would add the location of the proposed Fort Sage substation to Map 1 of the Regional Utility Corridor Report. The substation would serve the electrical needs of the proposed Fish Springs water supply project.

This agenda item has been withdrawn by the applicant at this time.

- C. Report on progress on conformance-related master plan amendments of local governments and affected entities

Mr. Baxley referred to the Staff Report, pages 23-34 in which the TMRPA presented the status of necessary amendments.

David Ziegler, Director of Regional Planning spoke on behalf of Rob Joiner. Mr. Ziegler referred to page 29, and reported that Mr. Joiner had met with the developer for the first phase and was confident that the boundaries would be defined soon. He also mentioned page 30 of the packet. Sparks has received and reviewed the industrial standards from the developer. No action is required at this time.

Commissioner Moss questioned whether or not this has to be done before the new update.

Mr. Ziegler stated that some things may still be under development, and require some rethinking, in the TOD corridors. There is also a desire from TMRPA to have some citizen involvement.

Chair Lokken stated that the legal issues during and after the approval of the last update exasperated the situation by consuming staff time.

Mr. Baxley stated that since the staff report was produced staff received a conformance review submittal from Washoe County for an element of their Comprehensive Plan, addressing Regional Plan Conformance issues and policies. The RPC will be reviewing this at their next meeting.

- D. Discussion and possible direction to staff on proposed changes to the Regional Planning Governing Board's *Regulations on Procedure* regarding conformance review procedures and provision of notice.

Mr. Ziegler stated that the local governments have asked the Regional Planning staff to join in on the discussions of conformance review projects that have not come to the TMRPA yet. Mr. Ziegler stated that the RPC is interested in the Board's reaction to this proposal. After everyone's chance for input this will go to the RPGB for action. Page 37 summarizes the three objectives of the RPC. One, the staff has been asked to be a part of the conformance review process. Legal has advised staff to have regulations clear on what the boundaries of this authority are. Two, when action is subject to an appeal, we need to clarify a Service of Notice. Usually this is thirty (30) days. When does this "thirty (30) day" timeframe begin? And three, a review of miscellaneous technical amendments.

Mr. Ziegler referred to page 45. The first amendment is a technical amendment to update the date of the resolution, second, the process of the conformance review prior to the submittal of a request, and also referred to pages 45-46, which were examples of Service notices. Mr. Ziegler stated that these comments are not binding and cannot be used to leverage a decision in the future. RPGB must receive proof of service and the notice before it can consider the appeal. Mr. Ziegler referred to page 49, and stated that most conformance reviews that include master plans, facility plans, and other similar plans, staff suggested that definitions would be appropriate to explain, what is an affected entity, what is a facilities plan, what is a master plan, and similar plans?

Commissioner Moss questioned page an item on page 48, which indicated that after a new master plan, facility plans, and other similar plans, an applicant has sixty (60) working days to reach conformance with the Regional Plan.

Mr. Ziegler responded that this was #8 on page 48 that Commissioner Moss was referring to. This was in conformance with NRS 278.028, which gives sixty (60) days for submittal. He agreed that sixty (60) days was problematic and not enough time for a public hearing, getting the conformance review agendaized, etc.

Commissioner Moss questioned as to whether a conditional approval could be made.

Mr. Ziegler stated that at the moment, it was preferred that a conditional acceptance was **not** done.

Norm Azevedo confirmed that a conditional approval had been done; however, it was his legal recommendation that the conditional approval was regulated because of possible complications.

Mr. Ziegler concluded this agenda item by stating that if the Board is comfortable with the RPC staff's involvement with conformance review prior to TMRPA review, please let them know.

- E. Discussion and possible direction to staff on letter from City of Reno (October 11, 2005) withdrawing the 2003-2009 Program of Annexation previously submitted to the RPC for certification

Mr. Ziegler discussed the withdrawal of 2003-2009 Program of Annexation. Basically, this will still have to be seen as conformance review and requested that this item be placed on the

December agenda for action. Mr. Ziegler stated that this was consistent, with the August 2005 settlement agreement. The Settlement agreement gives The City of Reno two options, it can either seek an extension of its previous annexation program, the 1999 to 2005 program, or they can pursue adoption of a new program of annexation. Either option will still be subject to the existing requirements of laws of procedure. Mr. Ziegler stated that the RPC should on a future agenda formally accept the withdrawal of the 2003-2009 annexation program, and vacate the previous certification of their annexation program, and provide Reno with direction, and remind them that the 2003-2009 program of annexation will expire on December 31, 2005.

Commissioner Newberg stated that the RPC needs to agendize this and have it ratified.

Commissioner Moss asked what this means for Reno. He questioned whether Reno could annex any land during the period of time they have no plan.

Mr. Ziegler commented that the statute as well as the settlement agreement are clear and the program of annexation applies to the long process of annexation. If Reno reverts to the old program of annexation any **involuntary** annexations or long process annexations would be limited to the area designated in the program. Any **voluntary** annexations would proceed as they have in the past.

Chair Lokken questioned that based on the discussion that this item would be agendized.

Mr. Ziegler replied that was correct.

Chair Lokken stated that this was the only notice they would have that the program of annexation was to expire, and this would not allow enough time to consider alternatives.

Mr. Ziegler stated that the City of Reno was not unaware of this situation, having signed the settlement agreement in August.

Chair Lokken questioned that if we agendized this for the December meeting giving Reno this notice, would there also be an agenda item with Reno bring to the RPC an annexation Plan, or a request to extend the current plan.

Mr. Ziegler stated that once the RPC has accepted the withdrawal of the 2003-2009 annexation program it would be Reno's responsibility to follow through.

Chair Lokken asked if the RPC needed to take action on this item.

Mr. Ziegler responded no. He stated staff was only asking for direction at this time. And also to give Sparks, Washoe County and Reno staffs the opportunity to respond.

Chair Lokken referred to page 67, point 2 and questioned "if we have found it in conformance, isn't it approved?"

Mr. Azevedo stated that the specific item was in litigation so technically it is not approved as of yet.

F. Status report on progress on 2007 update of the Regional Plan

Patricia Rogers stated that they have completed the pre-update and the update process for the 2007 update. Ms. Rogers stated that Regional Planning had conducted a kick off workshop to identify and prioritize the issues for discussion during the update process. Ms. Rogers stated the issues had been brought to the Technical Advisory Committee (TAC). Issue number one was the Truckee Meadows Service Area (TMSA), and the TAC was working on this issue. Ms. Rogers commented that once module one was complete the proposed amendments would be submitted to the RPC for consideration. Ms. Rogers stated that TMRPA had received three proposals for facilitation, she commented that Mr. Ziegler had established a selection committee comprised of five TAC members, three representatives from the local governments and two representatives from the affected entities.

5. ADMINISTRATIVE ITEMS

A. Progress report on the FY 2005-2006 strategic plan and program of work

Mr. Ziegler reviewed the Staff Report on page 73. Mr. Ziegler stated that TMRPA reports quarterly to the RPGB on the budget and work program. Mr. Ziegler commented that the budget is still in the black. He also stated that the work program is still good. Mr. Ziegler commented on the training and education initiative and guest speakers, Elaine Clegg and former Governor Glenn Denning.

B. Consideration and possible adoption of advance schedule of meeting dates for calendar year 2006

Mr. Ziegler stated that two meetings per month would be the schedule, except for the months of November and December.

COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE TENTATIVE SCHEDULE OF MEETINGS FOR CALENDAR YEAR 2006, SECONDED BY COMMISSIONER MATTINA. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

6. DIRECTOR, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

A. Director's reports

1. Report on actions and agendas of the Regional Planning Governing Board*
2. Report on Truckee Meadows Growth Task Force*

Mr. Ziegler reviewed the reports as presented in the packet of materials.

Chair Lokken inquired as to what happens with the recommendations of the Growth Task Force and what the scope and authority is of the Task Force.

Mr. Ziegler stated that the Task Force had no authority and the scope is self-defined as consisting of the following five topics: natural resources, affordable housing, transportation, downtown revitalization, and reinvestment funding.

The Task Force plan is to publish their recommendations for the RPC.

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 Service Areas (TMSA) pursuant to settlement agreement (August 23, 2005)

Mr. Azevedo reviewed the Status report staff report. A Status Report was filed jointly by the City of Reno and the City of Sparks. Mr. Azevedo stated that there seems to be a breakdown of the TMSA boundaries. RPC has reviewed the Status Report and believes that there will be subsequent map filings. He expressed that he was not aware of any court action at this time. On December 6, 2005, there is a status hearing set in regard to the filing by the City of Reno and the City of Sparks. He believed that the court could take action by either ruling that the Settlement Agreement is invalid or by possibly ordering the RPC Board to take action or some other possible action.

Commissioner Moss questioned that if there is no agreement, would the decision then come to the RPC Board.

Mr. Ziegler stated that the relationship between the Settlement Agreement and the update is difficult. He hoped that the three governments would jointly propose a map and that the TAC would propose a process with the map. Mr. Ziegler stated that he thought this was feasible without the map and that he agreed with the TAC discussions. He stated that if there is no map, the RPC would make the decision either via TAC or by some other process.

Mr. Azevedo confirmed that Judge Hardesty had ruled that yes, the RPC Board would have the decision.

Commissioner Frandsen inquired as to whether there would be a public process.

Mr. Azevedo stated that if there is a dispute, the RPC would resolve it and then an amendment would have to be done in the Regional Plan. He stated that updates usually get three public hearings. He would recommend three hearings.

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 stated that this item was also in the same situation as the preceding item. A petition was sent to Judge Hardesty and this was also in dispute.

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 RRGB actions

Mr. Ziegler referred to page 117 and requested two additional items to be agendized on either the December 14 or January 11 meetings.

8. WRITTEN CORRESPONDENCE

None

9. ADJOURNMENT

Chair Lokken adjourned the meeting at approximately 7:35 p.m.

Respectfully submitted by: Ann Russell

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.