



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., August 10, 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 6:30 p.m.

1. ROLL CALL

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

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

2. APPROVAL OF AGENDA

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE AUGUST 10, 2005, RPC AGENDA, SECONDED BY COMMISSIONER NEWBERG. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. APPROVAL OF MINUTES

A. June 22, 2005, regular meeting

COMMISSIONER FRANDSEN MADE A MOTION TO APPROVE THE JUNE 22, 2005, RPC MEETING MINUTES, SECONDED BY COMMISSIONER MOSS. THE MOTION CARRIED WITH EIGHT (8) IN FAVOR AND ONE (1) ABSTENTION BY COMMISSIONER GEORGESON.

B. July 13, 2005, regular meeting

COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE JULY 13, 2005, RPC MEETING MINUTES, SECONDED BY COMMISSIONER FRANDSEN. THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND TWO (2) ABSTENTIONS BY COMMISSIONERS GEORGESON AND LOKKEN.

4. PUBLIC COMMENT

None

5. BUSINESS OF THE DAY

A. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, South Virginia Corridor Specific Plan (05-015), changing Table One, "Table of Allowed Uses," to permit automotive repair, sales and rentals on the west side of South Virginia Street subject to issuance of a special use permit. The area affected by this proposed amendment is the west side of South Virginia Street from Foothill Road to Arrowcreek Parkway, a distance of ± 1.6 miles.

- 1) Possible consideration of an objection filed on this matter by the City of Reno pursuant to NRS 278.0282(5)

John Hester, City of Reno Community Development Director, reviewed the following three points of Reno's objection: 1) The South Virginia Street Corridor Specific Plan (SVSCSP) is the appropriate plan for this area at this point in time and it is the appropriate plan to amend; 2) The RPC determination of non-conformance is inconsistent with previous determinations and if applied consistently results in a de facto moratorium on City and County master plan amendments and conformance reviews; in TOD corridors until a TOD corridor plan is completed and 3) The City of Reno Master Plan amendment does not preclude successful completion and implementation of the TOD corridor plan for South Virginia Street.

Dave Ziegler, Director of Regional Planning, reviewed the record of the June 22 meeting, Reno's objections to the RPC's determination, and the Regional Planning staff response to those objections. Mr. Ziegler stated that Regional Planning staff does not recommend a finding of conformance.

[The public hearing was opened.]

Elaine Steiner spoke in opposition of the proposed amendment. The proposed amendment violates the spirit and intent of the South Virginia Corridor Specific Plan and the Southwest Truckee Meadows Area Plan. The corridor plan actively and specifically prohibits all commercial uses related to automobiles on the west side of South Virginia. We could find no other instance in which an auto dealership at all has been permitted adjacent to any school, public or private, anywhere in the Truckee Meadows. The cumulative and indirect effects of this proposal would be devastating to our community and the way in which we hoped it would develop.

Craig Paulsen stated that the proposed amendment is in non-conformance to the Regional Plan due to the fact that no TOD plan has ever been developed for this area by the city. The Bill Pierce project was rejected by five different entities for a reason. Please do not approve this amendment.

Ike Eichbaum stated that all auto uses are not permitted on the west side of South Virginia Street. At the time of approval of the South Virginia Corridor Specific Plan, the Reno City Council stated that they had no wish to revise these plans. Bill Pierce Motors bought this property knowing that their use was not allowed according to this plan. Four or five reviewing agencies have denied the amendment. The proposal will have adverse affects on the surrounding uses and

is not harmonious to the present facility and structure of the west side of South Virginia in that immediate area. This proposal should be denied as other planning agencies have denied.

Ginger Paulsen stated that approval of this amendment would go against the goals of the South Virginia Street Specific Plan vision statement. This project has been rejected by numerous governmental entities because it is not allowed. Bill Pierce Motors purchased this property knowing that an auto dealership was not allowed on this piece of property. Please remain consistent with those before you who voted against amending the master plan.

Robbin Palmer reviewed a timeline of the hearings for this proposal. The residents' time in opposing this proposal is not reimbursed. We speak from the heart. The City of Reno agreed to implement the components of the Washoe County Specific Plans in areas of the county within the city's sphere of influence. If a master plan amendment is approved to allow the Bill Pierce Motor development, the city, county, and or the Regional Planning Commission, risk legal liability for facilitating competition to the auto dealership on the east side of South Virginia which was built in compliance with the plan.

Dave Snelgrove stated that this proposal was looked at in many site specific and buffering specific ways. Mr. Snelgrove requested that the RPC strongly consider overturning their past decision on this project.

Chair Lokken read written comments in opposition to the proposed amendment submitted by Linda Erger, Ellen Shaw, and Cathy Milazzo.

Linda Erger stated that St. Rose Church and Bishop Manogue High School are beautiful buildings. Putting a car dealership in front of them would be a disservice to the neighborhood.

[The public hearing was closed.]

Mr. Hester responded to comments made and reiterated points made in the objection. Mr. Hester stated that the policies quoted in the Regional Planning staff recommendation of a finding of non-conformance, 1.2.9, .12, and .13, referred to what should be the transit oriented development corridor plan. Mr. Hester stated that he fully expects the RPC to weigh the transit oriented development corridor plan that comes by March 2006 against those policies. This plan amendment does not preclude transit oriented development. Mr. Hester asked that the RPC uphold Reno's objection and reverse the RPC's previous decision.

Commissioner Weber asked Mr. Hester what uses would be legal for this parcel under the current code. Mr. Hester read the list of uses.

Commissioner Moss asked if the 1.6 mile linear space would all be zoned the same. Mr. Hester responded that all they are doing is changing what is allowed on the parcels listed on page 39 of the meeting packet.

Commissioner Moss asked what portion of that area is included in those parcels. Mr. Ziegler responded that the area of the parcels that front west Virginia Street in this 1.6 miles is about 105 acres.

Commissioner Moss asked what someone would have to do if they wanted another auto dealership. Mr. Hester responded that they would have to go through a master plan amendment and come back before the RPC.

Mr. Ziegler asked if the City of Reno conditions master plan amendments. Mr. Hester responded No.

Chair Lokken asked if the specific area plan in question was initially approved in 1998. Mr. Hester responded that it was approved by both Reno and the county in 1998.

Commissioner Moss asked if the requirements in the cooperative planning portion of this have been met. Mr. Ziegler responded that the City of Reno did consider the cooperative planning findings and made those findings and that is in the file and in the record.

Commissioner Frandsen stated that she did some research and read ten principles involved with transit oriented development corridors.

Chair Lokken asked if there are any approved TOD plans for any of the corridors from either Reno or Sparks at this time. Mr. Ziegler responded that Sparks' plan for the East Fourth Street at Prater corridor was found in conformance in 2003. The Plumb Lane Crossing Plan and the other plans that are mentioned in the chronology have been found in conformance with the Regional Plan.

Chair Lokken stated that the specific area plan is clearly at the heart of this. It established what could be permitted on the west side of South Virginia and represents a tremendous community effort and joint effort between Reno and Washoe County. Chair Lokken expressed concern that it was concluded in 1998, before the Regional Plan update and the TODs, which were never really discussed in that whole public dialogue. The specific area plan has been submitted as an amendment and embraced as part of the Reno Master Plan which is consistent with the sphere extension. Chair Lokken stated that the Regional Plan and the specific area plan are not static or etched in stone. There are amendment procedures established both within Reno's jurisdiction and within the Regional Plan. Chair Lokken stated that the RPC has extended the City of Reno's deadline for TOD plans twice and he is not aware of any conditions or warnings or consequences that were identified by the RPC in those extensions. Chair Lokken stated that another question he has is why this is a TOD corridor. That TOD corridor is going to take a very long time to develop. Chair Lokken stated that the question tonight is a question of conformance and whether the land use is, as proposed, consistent with the Regional Plan.

COMMISSIONER MOSS MADE A MOTION TO UPHOLD THE RPC'S DETERMINATION OF JUNE 22, 2005, AND FIND THAT THE PROPOSED AMENDMENT TO THE SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN ELEMENT OF THE RENO MASTER PLAN, DOES NOT CONFORM WITH THE GOALS AND POLICIES OF THE REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER FRANSEN.

Commissioner Sanders stated that he was not present at the June 22 meeting but that he has reviewed all of the literature from the original staff report as well as all the amendments and the verbatim minutes and feels qualified to vote on this matter.

Commissioner Georgeson stated that he was not at the last meeting either but has read the entire staff report and is qualified to vote.

Chair Lokken asked for clarification on the requirements for a vote on this item.

Norm Azevedo, Legal Counsel, requested a one-minute recess.

[Chair Lokken called a recess at 7:40 p.m.]

Chair Lokken called the meeting to order at 7:41 p.m.

Mr. Azevedo asked for clarification of the motion on the floor.

Chair Lokken stated that the motion is to sustain the action of June 22 of the Regional Planning Commission, which would be to make a finding of non-conformance.

Mr. Azevedo stated that to make a finding of non-conformance requires a simple majority of this body. There is a super majority requirement under 278.0282 subsection 7 requiring two thirds vote to make a finding of conformance.

Chair Lokken asked what would happen if the commission were to vote by a simple majority to uphold the action of June 22. Mr. Azevedo responded that it would uphold the previous action of a finding of non-conformance. The applicant would then have to make a determination whether they wish to proceed forward in the statutory process which contemplates an appeal from this body to the Regional Planning Governing Board (RPGB) to consider your two previous decisions based on the record.

Chair Lokken asked if there was a vote that did not sustain the action of June 22, would a subsequent motion require a super majority to find it in conformance. Mr. Azevedo responded yes. If there is not a simple majority to the motion that is on the floor, the RPC could certainly entertain additional motions. To have a motion to find the project in conformance would require two thirds. Failure to make that two thirds vote would be tantamount to a finding of non-conformance.

THE MOTION CARRIED WITH SIX (6) IN FAVOR AND THREE (3) OPPOSITIONS BY COMMISSIONERS GEORGESON, NEWBERG, AND WEBER.

- B. Status report on progress to update the Regional Plan, including consideration and possible action to appoint additional members to the technical advisory committee for the 2007 update.

Rosanna Coombes, Senior Planner, stated that Regional Planning staff has spent the past few months compiling a comprehensive list of possible stakeholders for the 2007 update of the Regional Plan. Ms. Coombes reviewed the different categories of stakeholders. Ms. Coombes stated that there will be a public open house in late August or early September to inform the community about the update. Ms. Coombes stated that Regional Planning staff recommend that the additional people that have been nominated by participating entities be appointed to the Technical Advisory Committee (TAC).

Commissioner Frandsen asked that the Hidden Valley Association of Homeowners and the South Hills Property Owners Association be added to the list of stakeholders.

Chair Lokken asked about GIDs. Ms. Coombes stated that it is as it relates to the affected entity status of the organizations with the addition of water. Where some of those entities have responsibility for water, those were added.

Chair Lokken stated that he would assume that Washoe County has the land use jurisdiction even over a GID. Chair Lokken expressed curiosity about why any GIDs would be included. Mr. Ziegler responded that any entity that meets the definition of an affected entity has a

significant stake in the plan. That definition of an affected entity does not include entities that are there strictly to provide facilities and services related to water, wastewater, storm water, and flood. It is only GIDs that provide other things, such as roads or garbage service, that fall under the definition of affected entity.

Commissioner Rogers asked that the Golden Valley Property Owners Association be added to the list of stakeholders.

Chair Lokken asked what the deadline is for conformance of the update of the Regional Plan. Ms. Coombes responded that May 9, 2007, would be the deadline for updating the Regional Plan. The process we are working on would have the Regional Plan adopted by the Regional Planning Governing Board by Christmas 2006, which gives us about a five month buffer.

Chair Lokken stated that at this point in time we are looking at a more simplistic update of the existing plan. Ms. Coombes responded that the process adopted by the RPC in February is to examine the existing Regional Plan module by module to make adjustments.

COMMISSIONER MOSS MADE A MOTION TO APPOINT THE ADDITIONAL MEMBERS LISTED IN THE STAFF REPORT, AS AMENDED, TO THE 2007 REGIONAL PLAN TECHNICAL ADVISORY COMMITTEE, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

A. Director's report:

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

Mr. Ziegler reviewed agenda items for the August 11, 2005, RPGB meeting.

Public Comment - Cathy Brandhorst expressed concerns regarding governments.

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

Mr. Azevedo stated that the County expressed some reservations on some of the terms of the settlement agreement that resulted in a postponement of that process. Mr. Azevedo stated that he has an email regarding action taken by the Washoe County Commission on August 9 approving that particular settlement agreement. Final approval should be obtained tomorrow and then it can be returned to Judge Hardesty and that litigation will terminate.

Commissioner Moss asked if it will have to go back to Reno and Sparks if the agreement is changed. Mr. Azevedo responded yes. If there is any substantive change to the agreement, that would require each of the respective cities to re-approve that.

Public Comment - Cathy Brandhorst expressed concern regarding the annexation program.

C. Report on Truckee Meadows Growth Task Force.

Mr. Ziegler stated that the Task Force workshop sessions to develop an action plan are scheduled for next week.

Chair Lokken asked Mr. Ziegler if he is finding that it is worth his time to attend the Task Force meetings. Mr. Ziegler responded yes. Mr. Ziegler stated that the individuals on the Task Force are well qualified and they are taking the task seriously.

7. REQUESTS FOR AND POSSIBLE ACTION ON FUTURE AGENDA ITEMS

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

Mr. Ziegler reviewed future agenda items for the RPC.

Commissioner Sanders requested that a future agenda item be included to discuss the possibility of changing the RPC meetings to once a month.

8. WRITTEN CORRESPONDENCE

None

9. PUBLIC COMMENT

Cathy Brandhorst expressed concern regarding various issues.

10. ADJOURNMENT

Chair Lokken adjourned the meeting at 8:15 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
_____, 2005.**