



REGIONAL PLANNING GOVERNING BOARD

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Dave Ziegler, Director

MINUTES

REGIONAL PLANNING GOVERNING BOARD Regular Meeting Thursday, October 13, 2005

The Regional Planning Governing Board (RPGB) 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 Vice-Chair Robert Larkin at 2:00 p.m.

1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: Robert Larkin, Dave Aiazzi, Robert Cashell, Pierre Hascheff, Geno Martini, Judy Moss for Ron Schmitt, and Bonnie Weber. Member Sharon Zadra for Dwight Dortch arrived at 2:05 p.m. Member Jim Galloway arrived at 2:12 p.m. Members absent were: Dwight Dortch, Mike Carrigan, and Ron Schmitt.

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

2. APPROVAL OF AGENDA

MEMBER AIAZZI MADE A MOTION TO APPROVE THE OCTOBER 13, 2005, RPGB AGENDA, SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

3. SALUTE TO THE FLAG

Member Cashell led the salute to the flag and the Pledge of Allegiance.

4. APPROVAL OF MINUTES

- A. June 9, 2005
- B. August 11, 2005
- C. September 8, 2005

MEMBER HASCHEFF MADE A MOTION TO APPROVE THE MINUTES, SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

5. PUBLIC COMMENT

One East First Street, Suite 1100, Reno, NV 89501-1625
775-321-8385; Fax 775-321-8386
<http://www.tmrpa.org>

None

[Member Zadra arrived at 2:05 p.m.]

6. BUSINESS OF THE DAY

- A. Consideration of and possible decision on appeal filed by City of Reno pursuant to subsection 6 of NRS 278.0282 regarding the Regional Planning Commission's final determination of nonconformance for proposed amendment to City of Reno master plan, South Virginia Corridor Specific Plan (05-015), changing Table 1, "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 affected area is the west side of South Virginia Street from Foothill Road to Arrowcreek Parkway, a distance of ± 1.6 miles.

Dave Ziegler, Director of Regional Planning, reviewed the record in the meeting packet and the suggested process for the appeal.

[Member Galloway arrived at 2:12 p.m.]

John Hester, Community Development of the City of Reno, presented information on the City's appeal. Mr. Hester reviewed the actual area of impact and stated that any other similar requests in the area would require another master plan amendment that would have to conform with the Regional Plan. Per the Regional Planning Commission's schedule, the Transit-Oriented Development Corridor plan is due in March of 2006. That is currently scheduled to be before the City of Reno Planning Commission in January 2006. This proposal does not preclude Transit-Oriented Development on South Virginia in the future. Mr. Hester stated that he feels there is plenty of grounds to find this amendment in conformance.

Mr. Ziegler reviewed the options available to the RPGB on this item and what the consequences would be of taking those options. The first option is to affirm the RPC's decision, that is, to determine that the proposed amendment does not conform with the Regional Plan. If the RPGB upholds the action of the RPC, Reno would have a duty to revise the amendment, bring it into conformance and resubmit it for a new conformance review. This option would also reinforce the Regional Planning staff's ability to work with local governments and affected entities on the implementation of the Regional Plan. If the RPGB were to affirm the RPC's decision, it would reinforce the authority of the RPC to make conformance determinations based on the goals and policies of the Regional Plan. The other option is for the RPGB to reverse the RPC's decision and find that it conforms with the Regional Plan. This option would seem to create a new or different standard. The standards that we always use and that the RPC always uses is that a proposed amendment must promote and not conflict with the goals and policies of the Regional Plan. A consequence of reversing the RPC's determination would be more conflict and an increase in the number of appeals that would come to the RPGB. Another consequence of a reversal is that it seems to create a category of a class of master plan amendments that don't need to conform with the Regional Plan. A reversal could ultimately have the consequences of increasing travel times along that corridor, driving up the right-of-way of the capital costs for the BRT, and hindering ridership on BRT. Finally, there could be consequences in a reversal, not only for this stretch of the TOD corridor but for all the TOD corridors where the plans aren't yet

completed. Confirming the action of the RPC, asking Reno to make the necessary amendments and resubmit it the cleanest and easiest way to go.

[The public hearing was opened.]

Kerry Malone spoke of the efforts in the development of the South Virginia Corridor Specific Plan to balance the progress of reasonable development in the areas with the concept of preserving a unique way of life, property values and those types of homes.

Craig Paulsen discussed the Transit-Oriented or TOD requirements for this proposed amendment to conform with the Regional Plan. 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 Pearce project was rejected by five different entities for a reason. Please do not approve this appeal.

Ginger Paulsen stated that this property was purchased knowing that it was not zoned for the use that they had intended. The South Virginia Plan was very clear about what kind of uses were and are allowed on that piece of property and a car dealership is not one of them. This would be the only car dealership that we can find an example of within the State that would be adjacent to a school.

Tim Petersen stated that he is the President and Principal of Bishop Manogue Catholic High School and it is the official position of Bishop Manogue High School to support this project from Pearce Properties to establish a dealership on the property adjacent to our school.

Robert Cameron stated that this application was rejected by the local NAB, then by the local CAB, followed by the City of Reno Planning Commission and then, by the Truckee Meadows Regional Planning Agency, and again by the TMRPA when the applicant appealed the previous rejection. The only green light given was by the City of Reno.

Steve Cohen spoke about the participation of citizens in developing the South Virginia Plan. and asked that the appeal be denied.

Laurie Carpenter asked, as a business owner, that the RPGB reject this application for the proposed amendment to change this land use. This amendment needs to be rejected because many of us make just as strong a financial commitment and in fact, are making contributions to the County and to this area that I believe a car dealership just won't do.

Ike Eichbaum submitted his written comments for the record and read written comments from Ellen Steiner. Ms. Steiner's written comments were in opposition to the proposed amendment. The amendment violates the spirit and intent of the South Virginia Corridor Specific Plan and the Southwest Truckee Meadows area plan on which the Corridor Plan is a part. The Corridor plan does not just passively discourage the land use proposed. It actively and very specifically prohibits all commercial uses related to automobiles on the west side of South Virginia.

David Snelgrove stated that he is representing the applicants in this project. Mr. Snelgrove reviewed a map of the area and pointed out that the school is a buffer. Mr. Snelgrove stated that he does not believe that this has an impact to the residents out in the area. Mr. Snelgrove reviewed photos of the area currently. The South Virginia Corridor Specific Plan is set up more as a rural type of character development and plan. The Transit Corridor Plan is vastly different from that. The point he tried to make is that the Transit-Oriented Development Corridor and the

South Virginia Corridor Specific Plan cannot peacefully co-exist, if the Transit-Oriented goes forward, the South Virginia Corridor Specific Plan will change very, very drastically.

[The public hearing was closed.]

There was some discussion regarding preexisting allowed uses and the 1.5 FAR.

Member Galloway asked if Manogue High School went in because it was a conforming use. Mr. Ziegler responded that is correct.

Member Galloway asked if the 1.5 FAR applies because it was a temporary restriction put in place and was only intended to be there until the TOD plan was completed. Mr. Ziegler responded yes. Mr. Ziegler stated that any master plan amendment that comes in that does not meet the target FARs or the target residential densities must satisfy this requirement for alternative densities.

Member Galloway asked if the TOD plan would actually get completed, they can take away from the 1.5 rule. It could allow for exceptions. Mr. Ziegler responded yes.

Member Hascheff asked Mr. Ziegler if when the City directed its conformance reviews for its Master Plans and Regional found its master plan to be in conformance with the Regional Plan; it was a partial conformance. And in order to be completely in conformance with the Regional Plan, we agreed to Item 7, 8, and 10 and that touched on the TOD Corridors. Mr. Ziegler responded yes.

Member Hascheff asked if it is correct that when you look at 7, 8 and 10, it then talks about the policies that would have to be implemented when the City of Reno finally instituted its TOD Corridor Plan and those are outlined in 1.2.8 and 1.2.13 and 1.2.9. Mr. Ziegler responded yes.

Member Hascheff asked if Regional Planning staff's concern was that the City of Reno and its application has not made any affirmative showing that it meets the standards in the Regional Plan, in respect to the fact the TOD plan had not been adopted yet. Mr. Ziegler responded that was correct.

Member Hascheff asked if this particular use doesn't meet the required FARs in the policy, then there has to be some showing by the City under those two alternatives. The density is not compatible basically with the area or alternatively, analysis was done under 1.2.9 that basically says that the densities are sufficient to support some of those TOD elements or standards. Mr. Ziegler responded that is correct.

Member Hascheff asked if staff's concern is that affirmative showing has not been met. Mr. Ziegler responded yes. That is one of the concerns.

Member Hascheff asked Mr. Hester if the City of Reno's TOD Corridor framework by Clarion is still a framework document that we are going to rely on. Mr. Hester responded that is right.

Member Hascheff asked Mr. Hester to respond to Regional Planning staff's concern that when you look at the TOD and the elements, there's got to be at least some affirmative showing by the City that at least meets the elements or the exceptions. Mr. Hester responded that one possibility would be to identify the provisions you think need to be added to the special use permit and make a finding of conformance subject to those being added to the special use permit.

Member Hascheff stated that one of the concerns that Regional Planning staff has is you have to identify the nodes and basically distinguish between everything else in the corridor unless the applicant came forward and said we are going to do accommodations. We're going to show some pedestrian plans, street design scope. Those sorts of things that are consistent with this framework and potentially with this framework and potentially set aside the right-of-way for the BRT that basically promotes the transit along the corridor. Until those things are done, this is not a node that needs to be done by all properties along the corridor and that showing hasn't been made as part of this application. Mr. Hester responded that a lot of that shows up at the special use permit stage, which is not something that comes to Regional.

Member Hascheff asked if Mr. Hester would agree that they are at least in the policies. Mr. Hester responded that some of those things are in the code.

Member Aiazzi asked Mr. Ziegler if it is possible that the City could come in with a TOD Corridor and make this an allowable use on that site and be found in conformance if the entire TOD Corridor comes in and this would be an allowed use on that site. Mr. Ziegler responded yes, it is possible.

Member Aiazzi stated that it is not specific to this one site that it would not be allowed. The upsetting part to Regional Planning is that it was not part of the entire plan. Mr. Ziegler responded that the upsetting part to Regional Planning is that this is a proposed master plan amendment that didn't conform with the goals and policies of the Regional Plan.

Member Aiazzi asked if it is based on its own merits. Mr. Ziegler responded correct.

Member Aiazzi asked Mr. Ziegler why five other master plan changes in the TOD Corridor were found in conformance without a plan in place. Mr. Ziegler responded that they promoted and did not conflict with the goals and policies of the Regional Plan. They are evaluated on their own merits.

Chair Larkin asked Mr. Hester if this is allowed, what will be the impact on somebody else who wants to come in. Mr. Hester responded that this applies only to this particular site. If someone came in, they would have to make the findings for a master plan amendment as well. Mr. Hester stated that in the next five or six months we will have this plan done and it won't be an issue anymore.

Chair Larkin asked Mr. Hester if they are satisfied that this project would not affect any federal funding for the transit corridor. Mr. Hester responded that he does not know if we asked them specifically that question. We have got things in process that will demonstrate very clearly to the feds that we have a commitment to transit-supported land use on this corridor.

Chair Larkin asked Mr. Ziegler if he would like to comment on the potential impact that finding this proposal in conformance could have on the conformance process. Mr. Ziegler responded that the one thing that concerns him more than anything else is that no one has made any record that this master plan amendment conforms with the Regional Plan and that puts the Regional Planning staff and the RPC in a very difficult position. We would be in a position of telling the other local governments and affected entities and the RPC that we think we know what conformance with the Regional Plan means, but that decision may or may not be based on the goals and policies of the Regional Plan.

Member Hascheff stated that he agrees with Regional Planning staff that there needs to be a more affirmative showing to find this particular master plan in conformance with the Regional Plan. Member Hascheff asked Norm Azevedo if a conditional approval is possible if certain additional requirements are met. Mr. Azevedo responded that historically regional planning has not done that. There is no statutory prohibition for this body to do that so that option is available to you. Mr. Azevedo also suggested that the RPGB make a decision to a different direction on this conditional conformance. Mr. Azevedo stated that he does concur with Mr. Ziegler's previous statements that this process and conformance process must treat similarly situated property owners or applicants equally and so you are creating a new standard which is precluded by statute but one that has never been performed before. If the RPGB decides to do that, Mr. Azevedo recommended that RPGB regulate what a conditional finding of conformance means so the RPC will know, respective local governments will know as well as the property developers.

Member Hascheff asked Mr. Azevedo if he would be more comfortable basically saying to the applicant you know what the elements are that are missing, go incorporate that in the application and instead of sending it back to the RPC, they don't have to come back to this body to basically conform to the Regional Plan by adding the elements of the application.

Mr. Azevedo responded yes, that would be easier. Mr. Azevedo expressed concern that once this is permitted, the agency will see additional requests in this regard. Mr. Azevedo restated his suggestion to have a regulation on what a finding of conformance means so there will be a standard of which all can be governed.

Member Galloway asked Mr. Azevedo if it would be better to have the applicant submit a different application. Mr. Azevedo responded that would be up to the RPGB to decide.

Member Aiazzi asked Mr. Ziegler about the issue in the staff report regarding a pedestrian plan for the site and stated that it was addressed. Mr. Ziegler responded that it is not just a question of presence or absence of pedestrian elements in the applications. It has something to do with the quality of those elements.

Member Aiazzi stated that there is a difference of opinion on whether that meets that goal or not. Mr. Ziegler agreed.

Member Aiazzi asked about the property across the street from this site not being required to abide by any TOD Corridor. Mr. Ziegler responded that property is tribal lands and none of the local agencies have any jurisdiction over them.

Member Aiazzi stated that, as elected officials, consideration needs to be given to the fact that this would be allowed under all the plans to go across the street and the jurisdictions here would lose about \$5 million in tax revenue.

Member Zadra asked Mr. Ziegler if the TOD plan will take precedence over the corridor plan. Mr. Ziegler responded that the TOD plan will trump the existing plan.

Member Zadra asked Mr. Ziegler about the issue that potentially a car dealership is not a conducive use within a TOD. Mr. Ziegler responded that there is no policy in the Regional Plan that lists restricted or prohibitive uses in the TOD Corridor. The idea of the policy is that the corridor has to work as a corridor and support the mass transit. It has to have the appropriate

mix of residential and employment uses to basically get the mode to what we're looking for in the corridor. Regional Planning staff has never said that we have a problem with the use.

Member Weber disclosed that she has met with the applicant and asked Mr. Hester how long the applicant has been going through this process. Mr. Hester responded that the applicant came in 2004.

Member Weber asked Mr. Hester if there are other pending applications like this in that area. Mr. Hester responded no.

Member Weber asked if it is correct that working through this process the applicant, the City of Reno, Regional Planning and everyone will continue working to make this all in conformance in the plan for the TOD Corridor if that is the alternative that is actually chosen down the road. Mr. Hester responded absolutely.

Member Weber stated that she believes that the RPGB can find this project in conformance and there has to be a way that we can get through this today and move forward.

MEMBER CASHELL MADE A MOTION TO FIND THIS IN CONFORMANCE WITH THE PROVISIONS TO BE SENT BACK TO THE RENO CITY COUNCIL OR TO THIS GROUP, THAT THE LANE OF RIGHT-OF-WAYS FOR TRANSIT AND THE DESIGN OF THE TRANSIT WORK AND THE PEDESTRIAN PLAN AND THE STREETScape BE ADDED AS A CONDITION, SECONDED BY MEMBER WEBER.

Member Hascheff disclosed that he met with both Regional and Reno staff as well as the applicant about this project and expressed concerns. Member Hascheff stated that he does agree with Regional Planning staff and that it seems that this application needs to have more of an affirmative showing before it can be found in conformance. Member Hascheff stated that he also agrees that by reversing it, it could potentially set a difficult standard for us to deal with in the future. However, it can be found in conformance if those things that Mr. Ziegler identified would be part of the application and they would have some substance that can be reviewed before making the judgment call that it conforms. If the motion stated that this come back to the RPGB in thirty days with the elements required, he would be able to support the motion.

Member Galloway agreed with Member Hascheff. Member Aiazzi stated that the motion does say that but it is vague.

Member Cashell stated that he can take the "or" out of the motion to have it come back the RPGB provided it comes in thirty days and we take action.

Member Aiazzi stated that he would support that motion.

Member Weber asked that Member Cashell restate the motion for clarification.

Member Cashell stated that motion would be that we find this in conformance with the provision that it is sent back to this agency, that the lane right-of-way for transit be described, that the pedestrian plan be put into place and to the streetscape be put in the plan.

Member Weber asked Member Hascheff if there is any other wording he would like to include. Member Hascheff stated that as Mr. Ziegler indicated, if there was a pedestrian plan, the streetscape, as indicated in policy 1.2.9, street design standards and streetscape plans were provided that there is some indication that the BRT right-of-way to ensure the multi-mode transit

corridor. I think also indicated that there is some evidence in the record about RTC consultation. I think some of that has been done. I just don't think it's clear enough in the record. Identification of the nodes the alternative densities. Obviously it doesn't meet the FARs, but you're saying there's an escape clause that says that as long as the applicant demonstrates that it doesn't need it because of those two exceptions, it provides that information and Regional would feel more comfortable with it.

Member Cashell asked for input from Mr. Ziegler on anything in addition to the three requirements in the motion. Mr. Ziegler responded that in addition to the three, he would recommend evidence of consultation with the RTC, identification of the locations of the transit stations and justification alternative densities and intensities.

Chair Larkin asked if the second on the motion accepts that. Member Weber responded yes.

Member Martini stated that he would like to have Mr. Hester's question of clarification answered. Mr. Hester stated that the change to the special use permit conditions has to happen at the Reno City Council. Mr. Hester stated that he wanted to clarify that we go back to the Reno Council, they change the special use permit conditions and we come back here and show the RPGB because the RPGB does not have the authority to actually change the special use permit.

Chair Larkin asked for legal counsel's ruling on that. Mr. Azevedo stated that he concurs with the statements of Mr. Hester.

Member Martini asked if the applicant will be able to have all this done in thirty days. Mr. Snelgrove stated that he has concern about trying to get on the City Council agenda and making it back to this Board in that timeframe. Mr. Hester stated that it could be to the City Council at the first meeting in November and suggested thirty days or as soon as possible.

Member Galloway stated that his understanding is that the motion is basically an indication of approval and it becomes final when we see these things and yes, they did what they were supposed to do.

Member Moss asked if the motion addresses the issue as to why the RPC and the Citizen Advisory Boards (CABs) and the Neighborhood Advisory Boards (NABs) all said no. Mr. Ziegler stated that he can't speak for the CABs and the NABs but it would definitely go a long way toward a more positive Regional Planning staff recommendation.

There was some discussion regarding the type of motion being made.

Mr. Azevedo asked for a recess to review the statute.

[Chair Larkin called a one-minute recess.]

Mr. Azevedo stated that the statute in this regard is very specific and generally would lean towards the stipulation of continuance but given the language of statute, it would be my recommendation to this board to go with the motion as currently suggested and I would like to read into the record, your directive from the statute 378.028 subsection six requires that in forty-five days after it (referring to the RPGB) receives an appeal, the Governing Board shall consider the appeal as unique to the statute compared to the rest and (it says) issue its decision. It's a mandate to issue your decision in forty-five days. Mr. Azevedo recommended that the board go with the motion as currently suggested.

THE MOTION CARRIED WITH EIGHT (8) IN FAVOR AND ONE (1) OPPOSITION BY MEMBER MOSS.

[Members Moss and Cashell left at 4:22 p.m.]

B. 2007 update of the Truckee Meadows Regional Plan.

Rosanna Coombes, Senior Planner, reviewed the status of the update process. It is important to review the planning principles before getting to the stage of contemplating amendments.

[Member Cashell returned at 4:26 p.m.]

Mr. Ziegler spoke regarding the issues that were reviewed and prioritized at the joint workshop.

Member Aiazzi asked about identifying natural constraints. Mr. Ziegler stated that we are working on the natural resource constraints. Our hope is that as we go through the update process to be able to evaluate different scenarios and be able to compare how they stay within the constraints relative to one another.

Member Aiazzi asked if we are accepting that it is Regional Planning's job to define the constraints. Member Galloway that is an open question as to what dominates.

[Member Martini left at 4:30 p.m.]

Mr. Ziegler stated that we have to work with the other agencies and will rely heavily on them.

Member Aiazzi stated that which data will be used should be spelled out. Mr. Ziegler responded that qualifier will be added to the list.

Agenda Item 7 was not addressed.

7. REPORTS

A. Members' and Director's reports.

- 1) Status report on issuance of requests for proposals (RFPs) to support Regional Plan update process and analytical program
- 2) Report on Truckee Meadows Growth Task Force

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
- 2) Discussion and possible direction to staff in response to 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 (continued from August 11, 2005, meeting)

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.

Mr. Ziegler stated that there is a written report in the meeting packet at page 193.

Member Galloway requested that the tribal status issue be addressed at a future RPGB meeting.

9. WRITTEN CORRESPONDENCE

None

10. ADJOURNMENT

MEMBER AIAZZI MADE A MOTION TO ADJOURN AT 4:40 P.M., SECONDED BY MEMBER HASCHEFF. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

David S. Ziegler, Director
Truckee Meadows Regional Planning Agency

Dwight Dortch, Chair
Regional Planning Governing Board

**APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON
_____, 2005**