



REGIONAL PLANNING COMMISSION

MEMBERS

Florence 'Marge' Frandsen, Chair
Fred Lokken, Vice-Chair
Terry 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., November 10, 2004

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 Frandsen at 6:35 p.m.

1. ROLL CALL

The clerk called the roll and the following Commissioners were present: Marge Frandsen, Jackie Peterson for Fred Lokken, Terry Herman, Kendall Mattina, Marvin Moss, Jim Newberg, Steve Rogers, and Oscar Sanders. Commissioner Mark Sullivan arrived at 6:38 p.m. Commissioners absent were: Fred Lokken.

Also present were: Dave Ziegler, TMRPA Director; Norman Azevedo, Legal Counsel; Randy Baxley, TMRPA; Patricia Rogers, TMRPA; and Mary Kuechler, TMRPA.

2. APPROVAL OF AGENDA

COMMISSIONER HERMAN MADE A MOTION TO APPROVE THE NOVEMBER 10, 2004, AGENDA, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

3. PUBLIC COMMENTS

None

(Commissioner Sullivan arrived at 6:38 p.m.)

4. BUSINESS OF THE DAY

- A. PUBLIC HEARING - Regional Plan Conformance Review - Washoe County Comprehensive Plan amendment (South Valleys Area Plan), St. James' Resort (CR04-025), changing the land use designation from Tourist Commercial and General Rural to Medium Density Suburban, Medium Density Rural and General Rural, on a ±526 acre

site located at the southwest corner of US 395 and Pagni Lane in the southern portion of Pleasant Valley (continued from October 2004).

Randy Baxley, Senior Regional Planner, stated that according to Washoe County staff report, this change would result in a lower water demand and a lower sewer service demand. Regional Planning staff has not identified any issues involving this request and recommends a determination of conformance, based on the findings listed in the staff report.

[The public hearing was opened.]

Claudia Hansen, Senior Planner with the City of Reno, stated that a letter submitted to Washoe County regarding this case is included in the meeting packet.

John Frankovich, St. James' property owner representative, urged the RPC to move forward with this item. Mr. Frankovich noted a discrepancy in the staff report and stated that the number of units allowed is 995 and not 905.

[The public hearing was closed.]

Commissioner Sullivan stated that he will not support this amendment due to issues with policy requirements regarding meeting jobs/housing balance goals and cumulative and indirect effects.

Commissioner Moss asked Mr. Azevedo if the legal requirements are met with this amendment. Norm Azevedo, Legal Counsel, responded yes.

Commissioner Sanders asked for clarification on the recommendations made by the Citizens Advisory Board (CAB).

Mr. Loyd, Washoe County Community Development, stated that this item was heard by the CAB. The CAB is not happy with the idea of additional housing in the area. Mr. Loyd stated that given the situation, the CAB did recommended approval.

Commissioner Herman referred to a letter in the meeting packet from the City of Reno dated June 2 and asked Claudia Hansen, City of Reno, if she has any new information that would change the City of Reno's position as stated in that letter. Ms. Hansen responded that she is not aware of any changes to the City of Reno's position on this issue.

Commissioner Herman asked Mr. Azevedo for his thoughts on the letter from the City of Reno.

Mr. Azevedo requested a one-minute recess to review the letter.

Chair Frandsen called a recess at 6:46 p.m.

Chair Frandsen called the meeting back to order.

Mr. Azevedo reviewed the three reasons listed in the letter that the City of Reno believes this proposal is not consistent with the settlement agreement. Mr. Azevedo responded to Commissioner Herman's question stating that he believes that this project does meet the intent of the settlement agreement.

Chair Frandsen asked Mr. Baxley to clarify the project boundaries. Mr. Baxley reviewed the boundaries on a map provided by Mr. Loyd.

Commissioner Moss asked Mr. Baxley for confirmation that he did find that this proposal is in compliance with Policy 1.3.2 and 1.3.3. Mr. Baxley responded that the requested amendment is within the parameters of the settlement agreement.

Commissioner Herman asked Mr. Baxley for confirmation that this proposal was presented to the City of Reno Planning Commission. Mr. Baxley responded that is correct.

Commissioner Herman stated that he does not see anything in the staff report delineating what the City of Reno Planning Commission did. Mr. Baxley stated that the City of Reno Community Development staff did provide the letter to Washoe County that is provided in the meeting packet. Mr. Baxley stated that he does not believe that Reno staff provided minutes of the planning commission meeting to Washoe County.

COMMISSIONER MATTINA MADE A MOTION TO FIND THE ST. JAMES' RESORT AMENDMENT TO THE WASHOE COUNTY COMPREHENSIVE PLAN IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER NEWBERG.

Commissioner Herman stated that he does not believe the requirements of the settlement agreement were met and will not support the motion.

Commissioner Sanders asked for confirmation from Mr. Azevedo that this amendment meets the requirements of the settlement agreement. Mr. Azevedo responded that his opinion is that this amendment does comply with the settlement agreement. Mr. Azevedo also stated that through the expedited dispute resolution process, Judge Hardesty has indicated that matters of conformance with the settlement agreement are a question of law. Mr. Azevedo stated that this amendment is before the RPC for conformance review and suggested that adherence to the settlement agreement may not even be appropriately agendaized for tonight's discussion.

THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND TWO (2) OPPOSITIONS BY COMMISSIONERS HERMAN AND SULLIVAN.

- B. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, McCauley Ranch/Damonte (CR04-027), changing the land use designation from Unincorporated Transition to Single Family Residential, on a ±15.2 acre portion of a ±80 acre site east of Damonte Ranch High School.

Chair Frandsen asked the commissioners if they had any questions or concerns for Regional Planning staff to address on this item.

Commissioner Sullivan asked for clarification that the change in designation would allow 45 units more than is currently allowed. Mr. Baxley responded that 45 more units would be allowed but are not being requested.

Commissioner Moss asked for confirmation that the RPC is not being asked to approve the number of units. Mr. Baxley responded that is correct.

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

[The public hearing was closed.]

COMMISSIONER NEWBERG MADE A MOTION TO FIND THE MCCAULEY RANCH/DAMONTE AMENDMENT TO THE CITY OF RENO MASTER PLAN 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.

- C. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, Beck Street Assisted Living (CR04-027), changing the land use designation from Mixed Residential to Urban Residential/Commercial on a ± 1.9 acre site, located on the north side of the western terminus of Beck Street.

Chair Frandsen asked the commissioners if they had any questions or concerns for Regional Planning staff to address on this item.

[The public hearing was opened.]

Jamie Soche, HMC, stated that she agrees with the staff report and is available to answer questions.

[The public hearing was closed.]

COMMISSIONER ROGERS MADE A MOTION TO FIND THE BECK STREET ASSISTED LIVING AMENDMENT TO THE CITY OF RENO MASTER PLAN IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- D. PUBLIC HEARING - Regional Plan Conformance Review - Project of Regional Significance, Ormat Galena Geothermal Plant Expansion (CR04-043), a proposed expansion of a geothermal power plant generating in excess of 5 megawatts of electrical power. The ± 35 acre site is located approximately 2,500 feet east of US 395 and approximately 2,700 feet south of the Mt. Rose Highway.

Chair Frandsen asked the commissioners if they had any questions or concerns for Regional Planning staff to address on this item.

Commissioner Sullivan asked in what direction the expansion is going. Dave Ziegler, Director of Regional Planning, stated that there are representatives from Ormat here that can answer that question.

Charles Mquarie, Loomist Assoc., stated that the expansion will be south of the existing plant.

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

[The public hearing was closed.]

COMMISSIONER SULLIVAN MADE A MOTION TO FIND ORMAT GALENA GEOTHERMAL PLANT EXPANSION PROJECT OF REGIONAL SIGNIFICANCE IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- E. PUBLIC HEARING - Regional Plan Conformance Review - City of Sparks Master Plan amendment, City of Sparks Cooperative Planning Criteria (CR04-037), adopting cooperative planning criteria to apply to projects located within the cooperative planning areas.

Chair Frandsen asked the commissioners if they had any questions or concerns for Regional Planning staff to address on this item.

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

[The public hearing was closed.]

COMMISSIONER MOSS MADE A MOTION TO FIND THE PROPOSED AMENDMENT TO THE SPARKS MASTER PLAN IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE REGIONAL PLAN, AS SET FORTH IN THE STAFF FINDINGS, SECONDED BY COMMISSIONER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- F. PUBLIC HEARING - Regional Plan Conformance Review - City of Sparks Master Plan amendment - Sparks Master Plan Conformance amendments (CR04-038), adopting policies relating to private investment in infrastructure, prohibition of certain power generation units, sewer connections for new development, intensification and annexation within Sparks' sphere of influence, and replacement of public assets.

Chair Frandsen asked the commissioners if they had any questions or concerns for Regional Planning staff to address on this item.

Commissioner Sullivan asked about the language in the amendment requiring that the power generation units can not emit any pollutant whatsoever. Mr. Baxley stated that Sparks has gone beyond the requirement in the Regional Plan Policy.

Margaret Powell, City of Sparks, stated that staff did include the hazardous air pollution discussion to assist air quality. It does not say it can not emit any particulates or matters, it just says that hazardous air quality items are _____.

Commissioner Sullivan asked if there is an exclusion on this for emergency backup. Ms. Powell responded that there would be an exclusion on almost all of the Master Plan if there is an emergency.

Chair Frandsen referred to the policy that prohibits intensification development beyond what is permitted by existing translated zoning and the requirement to annex property prior to action taken on zoning. Chair Frandsen asked if the cooperative planning process is eliminated if that occurs. Ms. Powell responded that it would not eliminate the cooperative planning process. It does set in place that we would use cooperative planning standards and would involve the County in the process.

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

[The public hearing was closed.]

COMMISSIONER HERMAN MADE A MOTION TO FIND THE CITY OF SPARKS MASTER PLAN CONFORMANCE AMENDMENT IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS IN THE STAFF REPORT,

SECONDED BY COMMISSIONER MOSS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- G. Discussion and possible approval of revised Regional Plan conformance schedule, City of Sparks Master Plan.

Mr. Baxley stated that this is the last of the revised schedules for the three entities to be brought to the RPC for approval. Mr. Baxley provided an update for three items on the schedule.

Commissioner Herman asked Mr. Baxley if Regional Planning staff is happy with the schedule. Mr. Baxley responded yes.

COMMISSIONER HERMAN MADE A MOTION TO APPROVE THE SCHEDULE AS RECOMMENDED BY STAFF, SECONDED BY COMMISSIONER PETERSON. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- H. Discussion and possible direction to staff on the annual performance evaluation process for the Director of Regional Planning.

Mr. Ziegler reviewed three process options listed in the staff report for including RPC input in the annual performance evaluation of the Director of Regional Planning. Mr. Ziegler stated that the options were reviewed with a human resource consultant. The consultant felt that option three was the best option.

Commissioner Rogers stated that he prefers option three. Commissioners Sanders and Moss concurred.

Commissioner Herman stated that he likes option three with the addition of a written survey from option two. Commissioner Herman recommended that the prior RPC chair and current RPC chair participate in the evaluation with the Regional Planning Governing Board (RPGB).

Commissioner Sullivan stated that it would be helpful to be able to respond to a written survey.

Chair Frandsen stated that the use of surveys in past years has worked quite well. Chair Frandsen stated that she has no objection to sitting down with the RPGB to discuss this in a more formal form. A combination of options two and three would be fine.

Mr. Ziegler stated that if the RPC's desire is to combine options two and three, he will locate or develop a survey form and communicate to the RPGB the RPC's desire to have one or more representatives participate with them at the appropriate time.

Chair Frandsen stated that the last survey form she had came from the City of Reno. Commissioner Herman stated that it came from the Chief of Staff.

Commissioner Herman stated that it is fine to do a survey and tabulate the results statistically. It would also be nice to have representatives from the RPC that have dealt directly with the Executive Director and staff to represent the position of the RPC to the RPGB.

COMMISSIONER HERMAN MADE A MOTION THAT THE CURRENT AND PAST CHAIR REPRESENT THE RPC IN THE PERFORMANCE EVALUATION PERIOD AND THAT ROOM FOR WRITTEN COMMENTS IS INCLUDED IN A SURVEY, SECONDED BY

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

- I. Consideration and possible adoption of advance schedule of meeting dates for calendar year 2005.

Mr. Ziegler requested approval of the schedule provided in the meeting packet.

COMMISSIONER HERMAN MADE A MOTION TO APPROVE THE SCHEDULE, SECONDED BY COMMISSIONER MOSS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- J. Discussion and possible approval of amendments to the Regional Planning Commission bylaws regarding posting of agendas.

Mr. Ziegler stated that the bylaws of the RPC exceed the requirements of state law regarding the requirements to post agendas. It may be appropriate to amend the bylaws to mirror the requirements of the Open Meeting Law. This would streamline the record keeping and reduce the workload for Regional Planning staff. Mr. Ziegler recommended amending the bylaws to require agendas to be posted at the Truckee Meadows Regional Planning Agency (TMRPA) office, Reno City Hall, Sparks City Hall, and the Washoe County Complex with supplemental posting on the internet website.

COMMISSIONER MOSS MADE A MOTION TO CHANGE THE BYLAWS AS PRESENTED BY STAFF, WHICH DOES NOT INCLUDE THE LIBRARY AND THE COURTHOUSE, SECONDED BY COMMISSIONER ROGERS.

Commissioner Herman stated that the agenda should be posted in the courthouse and the library as well. Chair Frandsen agreed with Commissioner Herman.

Commissioner Sullivan stated that the bylaws should be changed to match what is required by law. More agendas can always be posted if needed.

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

Chair Frandsen stated that she supported the motion based on Commissioner Sullivan's comments.

5. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

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

Mr. Ziegler stated that the RPGB will meet again next week. Mr. Ziegler reviewed the agenda items for the November 18 RPGB meeting.

- 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

None

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

None

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 there has been a settlement conference set for December 3.

4. Washoe County's appeal of the Regional Planning Commission's determination of conformance with the provisions of the Regional Plan and the settlement agreement in District Court Case No. CV02-03469 for City of Reno zoning map amendments and Mortensen/Garson Development Standards Handbook (CR04-007)

Mr. Azevedo stated that he has faxed out the record on appeal. There is a notice to set forth a briefing schedule. A hearing is scheduled for later this month. Mr. Azevedo will report back to the RPC on the timeline for the briefs.

5. Nevada Supreme Court Order requiring either the filing of an updated status report describing the settlement of the underlying litigation or requesting an oral argument before the Nevada Supreme Court (Supreme Court Case No. 37947, Bushey/Busi).

Mr. Azevedo stated that he has been unable to reach consensus with the City of Reno and Washoe County on this issue. Mr. Azevedo stated that legal counsels from the City of Reno and Washoe County have both expressed a desire to go to the Supreme Court to argue this issue.

Commissioner Sullivan asked if any changes were made to the bylaws regarding the procedure for this case. Mr. Azevedo stated that all of the parties have previously agreed that if Judge Hardesty were to become a Supreme Court Justice, he would still retain jurisdiction over these matters. Now that Judge Hardesty is a Supreme Court Justice, these matters will be argued before him in Carson City instead of District Court 9.

Chair Frandsen asked if the December 3 settlement conference would be held in Reno. Mr. Azevedo responded yes. Judge Hardesty will remain in office in Reno until the first of the year.

- C. Report on legislative MOU and conceptual legislation for 2005 session.

Patricia Rogers, Community Outreach Assistant, stated that the City of Sparks has approved the legislative MOU.

- D. Reports on process for conducting the update of the Regional Plan and on Growth Management Task Force/Community Partnership.

Mr. Ziegler stated that Regional Planning staff has met with the interim subcommittee to review possible process options as discussed with staff members of local governments and other agencies. The interim subcommittee will meet again before the December RPC meeting.

Mr. Ziegler stated that the Community Partnership group is working on recruiting members to be part of the core group. A representative can be made available if the RPC would like a more detailed report on the work of the Community Partnership.

Commissioner Moss and Chair Frandsen stated that they would like to hear from the Community Partnership group.

Commissioner Sullivan asked Mr. Ziegler if he is planning to participate in the Community Partnership. Mr. Ziegler responded that the group that has been meeting is more of a formation committee. The governmental staff people involved will stay in a resource role. Mr. Ziegler stated that he does not intend to apply to be a member of the Community Partnership. Mr. Ziegler will ask for a representative to come to the next RPC meeting.

6. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

- A. Review of tentative agenda items for December 2004.
- B. Review of 12-month calendar of projected RPC actions.

Mr. Ziegler reviewed agenda items for the December RPC meeting.

7. WRITTEN CORRESPONDENCE

Mr. Ziegler stated that a letter regarding the Copper Canyon matter is included in the meeting packet. A withdrawal of an application for regional planning conformance review on the Washoe County Department of Parks and Recreation/Brien Walters matter is also included in the meeting packet.

8. PUBLIC COMMENT

None

9. ADJOURNMENT

Chair Frandsen adjourned the meeting at 7:50 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.**