



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., September 8, 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, Jim Newberg, Steve Rogers, Oscar Sanders, and Mark Sullivan.

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

2. APPROVAL OF AGENDA

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE SEPTEMBER 8, 2004, AGENDA, SECONDED BY COMMISSIONER NEWBERG. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. APPROVAL OF MINUTES

A. August 11, 2004, regular meeting

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE AUGUST 11, 2004, REGULAR MEETING MINUTES, SECONDED BY COMMISSIONER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

4. PUBLIC COMMENTS

None

5. BUSINESS OF THE DAY

A. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment (CR04-018) - adopting the Population Plan, a required element of the Reno Master Plan per Subsection 2 of NRS 278.170.

Chair Frandsen asked if any of the commissioners have any questions or concerns to address on this item. There were no comments.

[The public hearing was opened.]

John Hester, Community Development Director for the City of Reno, stated that he is available to answer questions.

[The public hearing was closed.]

COMMISSIONER MATTINA MADE A MOTION THAT THE RPC MAKE A DETERMINATION THAT THE POPULATION PLAN ELEMENT OF THE RENO MASTER PLAN CONFORMS WITH THE GOALS AND POLICIES OF THE TRUCKEE MEADOWS REGIONAL PLAN, BASED ON THE FINDINGS LISTED IN THE STAFF REPORT, SECONDED BY COMMISSIONER NEWBERG. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- B. PUBLIC HEARING - Regional Plan Conformance Review - Washoe County Comprehensive Plan amendment (South Valleys Area Plan), Washoe County Department of Parks and Recreation/Brien Walters (CR04-019) - changing the land use designation from General Rural to Parks and Recreation and Medium Density Rural on ± 26.92 acres located in Washoe County on the west side of Highway 395, approximately one mile south of the intersection of Highway 395 and East Lake Boulevard.

Dave Ziegler, Director of Regional Planning, stated that the Truckee Meadows Regional Planning Agency (TMRPA) received a letter dated September 3, 2004, signed by Adrian Freund, Director of the Department of Community Development for Washoe County. The letter states that the applicant for this matter has requested a continuance of this hearing to the meeting of October 13, 2004.

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

[The public hearing was closed.]

Commissioner Sullivan asked if the public hearing should be left open and continued. Mr. Ziegler stated that it will be a matter of record that the public hearing will be reopened at the October 13 meeting.

COMMISSIONER SULLIVAN MADE A MOTION TO CONTINUE THIS ITEM TO THE OCTOBER 13, 2004, RPC MEETING, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- C. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno Master Plan amendment, Huffaker Office Park (CR04-020) - changing the land use designation from Single Family Residential to Mixed Residential on a ± 6.4 acre site located north of Huffaker Lane between Menante Land and US 395.

Chair Frandsen asked if any of the commissioners have any questions or concerns to address on this item. There were no comments.

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

[The public hearing was closed.]

COMMISSIONER LOKKEN MADE A MOTION TO FIND THE HUFFAKER OFFICE PARK AMENDMENT TO THE 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.

- D. Status report and direction to staff on the special conformance review of the Washoe County Open Space Program, pursuant to Regional Plan policy 2.3.3.

Randy Baxley, Senior Regional Planner, stated that the Open Space Program is now approximately ten years old. Many of the maps and references contained in the Program have become dated. Washoe County is currently in the process of updating all twelve of their area plans and a variety of elements of the Comprehensive Plan. It is anticipated that these efforts will be completed by the summer of 2006. Mr. Baxley reviewed possible options which the RPC may wish to consider on page 53 of the meeting packet. Mr. Baxley stated that Regional Planning staff recommends that the RPC defer any action on the Open Space Program until it is revised by Washoe County.

Mr. Ziegler stated that this has been in the TMRPA program of work for a couple of years and the date keeps slipping. Mr. Ziegler stated that Regional Planning staff would like to get some resolution on this one way or the other.

Commissioner Newberg asked Mr. Baxley how far the Open Space Program is from being complete. Mr. Baxley responded that he can not answer that himself. Mr. Baxley has had discussions with Bill Whitney, Washoe County Community Development, who indicated that it is in their work program.

Commissioner Newberg asked Mr. Baxley when Washoe County would get started on the Open Space Program. Mr. Baxley responded that Mr. Whitney indicated that they would be looking at updating the Open Space Program when they are done updating some other elements. Their current work program has elements that are to be completed by the Summer of 2006. Mr. Baxley guessed that work on the Open Space Program would begin in about a year and a half to two years.

Commissioner Lokken stated that it is unfortunate that Washoe County staff is not here tonight to answer questions. Commissioner Lokken stated that he has expressed his disappointment before that we agreed to such a long period of time for Washoe County to find itself in conformance. The Summer of 2006 is almost to the stage of the next Regional Plan. Commissioner Lokken stated that he is disappointed that we are dealing with such delays from the entity that has the largest planning staff. In the age of GIS it seems that it would be very possible to have updated maps very quickly. Commissioner Lokken stated that he is not comfortable with deferring this along with everything else. At least the Open Space Program itself should come forward. Commissioner Lokken stated that it seems that the County was entertaining the quarter percent tax which would suggest that we should have all of this in place so that if they in fact get the funding for open space we would be prepared for it.

Commissioner Herman stated that he agrees with Commissioner Lokken and suggested that the RPC set a date for the Washoe County Open Space Program to come forward. This should also be on an outstanding compliance list for the County. Commissioner Herman suggested that Regional Planning staff track this.

Commissioner Rogers suggested that there be a time certain of 12 months set for the County to bring the Open Space Program to the RPC.

Commissioner Moss expressed concern regarding what would happen if a set deadline is not met.

Mr. Ziegler stated that he is not sure that the RPC has the authority to order the County to update their Open Space Program and submit it to the RPC by a date certain. If the RPC would like to set a date certain, it could be along the lines of stating that the RPC will review the situation again no later than a certain date. If the RPC is inclined to go that direction, Mr. Ziegler requested some time to check it out with legal staff and with the County.

Chair Frandsen asked Norm Azevedo, Legal Counsel, if he would like to comment on this issue. Mr. Azevedo stated that the RPC does not have the authority to mandate the County to prepare the Open Space Program by a time certain. The RPC has the option of addressing their own plan language where the adoption of the Open Space Program is contemplated and basically include it by reference.

Commissioner Moss asked if different requirements would apply if the County population is over 400,000 by the year 2006. Mr. Azevedo responded that he did not review what the different statutory requirements would be if the County population is over 400,000.

Mr. Baxley stated that every couple of years when Washoe County population gets close to that threshold, there is usually a bill that goes through legislature that changes those thresholds throughout the NRS and bumps them up by another hundred thousand.

Commissioner Lokken asked if the RPC could find the County not in conformance in the absence of the Open Space Program. Mr. Azevedo responded that there has to be a program in order to make a finding of conformance or non-conformance.

Commissioner Sullivan stated that of the four options listed in the staff report, the RPC should go with Option 1 (one) and negotiate a timetable for completion of the necessary amendments to the Open Space Program.

Chair Frandsen stated that she is not in favor of delaying this until the year 2006. Chair Frandsen stated that she is in favor of giving direction to Regional Planning staff to carry the RPC's concerns as expressed tonight to Washoe County and to do whatever can be done to get them on track. Mr. Ziegler stated that he would be happy to express the RPC's concerns to the County and try to get things moving, if that is the desire of the RPC.

Commissioner Lokken asked if a motion is needed or if Regional Planning staff feels there is adequate direction. Mr. Ziegler clarified the RPC's direction stating that the RPC would like Regional Planning staff to make contact with the County at a high level to express the RPC's concerns and to see if we can come to a mutually agreeable schedule for the update of the Open Space Program and report back to the RPC within 6 weeks. Mr. Ziegler stated that he would be happy to follow this direction.

Chair Frandsen stated that would be her request.

Commissioner Moss suggested being stronger than that and telling the County that the year 2006 is unacceptable.

Commissioner Sullivan suggested asking the County what they think a remedy is for this so that this does not happen again.

Commissioner Lokken suggested that if the County does not address this within 12 months, the RPC should consider amendments to the Regional Plan with Open Space Policies.

[Commissioner Sullivan left at 7:08 p.m.]

Chair Frandsen asked Mr. Ziegler if he is okay with the direction. Mr. Ziegler responded yes.

- E. Status report and direction to staff on schedule of necessary adjustments to master plans of local governments and affected entities, pursuant to the RPC's conformance review for:

- 1) City of Sparks
- 2) Washoe County

Mr. Baxley stated that Regional Planning staff has met with staff from the City of Sparks and Washoe County to develop updated timetables for actions to be taken to bring the Sparks Master Plan and the Washoe County Comprehensive Plan into full conformance with the 2002 Regional Plan. The timetables are included in the staff report.

Mr. Ziegler stated that if the RPC is okay with the work that has been done, it will be placed on a future RPC agenda for formal action.

Commissioner Herman asked if Regional Planning staff is comfortable with the schedule response. Mr. Baxley stated that in general, staff is comfortable with a majority of the scheduled items.

Commissioner Herman stated that one of the goals with the three entities' regional plan updates was to have them done concurrently. Commissioner Herman stated that he would favor directing Regional Planning staff to look to see if there is anything that looks like it is of a relevant priority and change the schedule as necessary so we do get that continuity in the conformance review.

[Commissioner Sullivan returned at 7:12 p.m.]

Commissioner Lokken stated that he hoped that the County would endorse in their Comprehensive Plan the notion of not changing the PMSA except during the Regional Plan update periods. The entity plans should all reaffirm the firmness of the service area and respect for that service area and understand that there is a scheduled time when adjustments are considered.

Mr. Ziegler summarized the Commissioners' comments. The RPC would like to see a side-by-side comparison among the three entities to see if there are any items that should be drawn to the RPC's attention. In those area where more clarity is needed, Regional Planning staff could have discussions with the local jurisdictions before returning this to the RPC for more formal action.

Chair Frandsen asked Mr. Baxley if he has all the information needed from the Commissioners. Mr. Baxley responded yes.

6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

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

Mr. Ziegler reviewed agenda items for the September 9, 2004, 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

Mr. Azevedo stated that there will be a status conference on September 23, 2004, in front of Judge Hardesty.

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 he has filed a draft responsive brief. Oral arguments have been set for September 22, 2004.

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 nothing has been filed at this time. Mr. Azevedo stated that the action letter came from the TMRPA setting forth the decision of the RPGB and the time periods upon which the appeal should come forward.

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

Patricia Rogers, Community Outreach Assistant, stated that a copy of the work session document from the Legislative Committee on Taxation is included in the staff report. Regional Planning staff is reviewing over 500 Bill Draft Requests (BDRs). Copies of an updated list on the local government BDRs was distributed to the Commissioners.

Commissioner Lokken asked if Washoe County has a total of ten BDRs. Ms. Rogers responded yes.

Commissioner Lokken asked if there is a timetable for Washoe County to identify their last three BDRs. Ms. Rogers responded that the BDRs were required to be submitted by September 1, 2004.

Chair Frandsen stated that the meeting will continue on with the agenda and then go back to the discussion on Open Space to hear a presentation from Bill Whitney.

D. Report on proposed Growth Management Task Force/Community Partnership.

Mr. Ziegler stated that the people interested in the growth management task force are continuing to meet. Mr. Ziegler reported that he attended a meeting of EDawn's state and local government

committee and two meetings of the community partnership. The tentative agenda for the next meeting, scheduled for September 9, 2004, includes discussion of a mission statement and possible members of a core group to oversee the work of the partnership.

7. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

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

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

- C. Review of schedule for Regional Plan update.

Mr. Ziegler suggested that Regional Planning staff put together an options paper on the process for the update. Staff would then distribute that paper to the planning staffs of the local governments. Staff would then work with the RPC Chair to call a meeting of the interim subcommittee in late September or early October.

- D. Review of schedule for the consideration of potential amendments to Regional Utility Corridor Report (RUCR).

Mr. Ziegler stated that the subcommittee established to consider certain comments of Sierra Pacific Power Company (SPPCO) and to make recommendations on possible additional amendments to the RUCR held its first meeting on July 22, 2004. Based on a suggestion by SPPCO, the subcommittee has not scheduled any additional meetings at this time. SPPCO desires to wait until the local governments and the RPC have considered the pending matter of the Tracy-to-Silver Lake transmission line.

Commissioner Lokken referred to the agenda item addressing the schedule for the Regional Plan update and suggested sending a note out to the people on the mailing list to find out if they want to stay on the mailing list. Mr. Ziegler stated that Regional Planning staff will consider two options. One option is to call the mailing list. The other option is to create a separate mailing list for the interim subcommittee.

5. BUSINESS OF THE DAY (cont.)

- D. Status report and direction to staff on the special conformance review of the Washoe County Open Space Program, pursuant to Regional Plan policy 2.3.3.

Bill Whitney, Washoe County Community Development, presented and update on the status of the Washoe County Open Space Program.

[Commissioner Sullivan left at 7:43 p.m.]

Chair Frandsen stated that the members of the RPC have expressed concerns regarding the time it will take to update the Open Space Program. Chair Frandsen asked Mr. Whitney where the County is in the process and why it may take until the year 2006 to be completed. Mr. Whitney responded that work has not started on updating the Open Space Program. Washoe County is not planning to begin work on the Program until after work on area plan updates and environmental impact statements is completed.

Chair Frandsen asked if there is an estimate of time as to when it will be on the work program. Mr. Whitney responded that he does not have a good estimate and he would need to confer with the Director of his department.

Chair Frandsen stated that there was also a question raised as to whether or not you can go forward with the bill draft for sales tax for open space related purposes if there is not an Open Space Program that is in conformance with the Regional Plan. Mr. Whitney responded that an adopted Open Space Program is needed in order to utilize that tax. If this ballot question is successful, Washoe County will be going back to the legislature to change that legislation. That tax is being looked at for a much broader purpose than just open space.

Mr. Ziegler asked Mr. Whitney if the Open Space Program is a mixture of goals and policies as well as maps. Mr. Whitney responded that is correct.

Mr. Ziegler asked if the update would involve only the maps. Mr. Whitney responded that the goals and policies are not outdated and that there are only minor language changes that need to be made.

Chair Frandsen asked for clarification that it is the maps that need the majority of the work. Mr. Whitney responded that is correct.

Commissioner Mattina stated that the Open Space Program from 1994 specifically addresses property rights of property owners stating that they have to be willing participants in the sale of their property or the conversion of their property to open space. Commissioner Mattina expressed concern that some of the elected officials have gone against that issue in moving forward to take over land that they feel they want as open space and taking away the property rights of those land owners. Mr. Whitney stated that the Balardini issue has gone beyond what this Open Space Program is and that it is a different community issue. The Open Space Program states that the resources map is a visual guide to the location of our area's significant natural resources that could become a part of the regional open space system. Designation of open space opportunities on this map does not affect land use or development potential.

Commissioner Mattina stated that the Balardini issue is a hostile take over of property and it is being taken over under the guise of open space. It does not seem to follow the guidelines of the Open Space Program as it is presented.

Commissioner Lokken stated that the County has had the ability for over 14 years to go to the voters and establish a tax structure that would fund open space acquisition. The Balardini issue has been a topic for 30 years and it does not seem to be anyone's priority. The current schedule not to get around to updating the Open Space Program until 2006, continues to confirm that it is not a priority. The issue discussed by the RPC earlier tonight is why the Open Space Program can not be updated within the next twelve months so that it can be found in conformance with the Regional Plan that was passed more than two years ago.

Commissioner Lokken made the observation that the standard for most of the open space map is areas that are too steep, unstable soils or flood prone areas. Mr. Whitney responded that might be something important to look at when updating the Open Space Program.

Chair Frandsen stated that direction given to Regional Planning staff earlier tonight on this topic still stands.

8. WRITTEN CORRESPONDENCE

Commissioner Herman asked for clarification of the letter from Truckee Meadows Regional Planning Agency submitted to the Bureau of Land Management on August 16, 2004, providing comments on the final environmental impact statement for the Tracy-to-Silver Lake transmission line project. Mr. Ziegler explained that to conform with the Regional Plan, local master plans must incorporate the provisions of the RUCR. The RUCR has been adopted into the Regional Plan by the RPGB and for a local government to take an action on the Tracy-to-Silver Lake Line, they should follow the RUCR.

Commissioner Herman asked for clarification that the three entities need to take a look at their master plans and determine if they are in conformance with the amendment of the RUCR. Mr. Ziegler stated that the local governments have a duty to make sure that their master plans are in conformance with the Regional Plan which now includes the goals and policies of the RUCR.

9. PUBLIC COMMENT

None

10. ADJOURNMENT

Chair Frandsen adjourned the meeting at 8:00 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.**