



REGIONAL PLANNING COMMISSION

MEMBERS

Terry K. Herman, Chair
Florence 'Marge' Frandsen, Vice-Chair
Fred Lokken
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., February 25, 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 Herman at 6:30 p.m.

1. ROLL CALL

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

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

2. APPROVAL OF AGENDA

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE FEBRUARY 25, 2004, AGENDA, SECONDED BY COMMISSIONER NEWBERG. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. APPROVAL OF MINUTES OF THE JANUARY 28, 2004, REGULAR MEETING

COMMISSIONER LOKKEN MADE A MOTION TO APPROVE THE JANUARY 28, 2004, MEETING MINUTES, SECONDED BY COMMISSIONER MATTINA. THE MOTION CARRIED WITH EIGHT (8) IN FAVOR AND ONE (1) ABSTENTION BY MEMBER GEORGESON.

4. PUBLIC COMMENTS

None

5. BUSINESS OF THE DAY

A. PUBLIC HEARING - Discussion and possible action on conformance review of the Regional Utility Corridor Report (RUCR) pursuant to Policy 3.2.3 of the Regional Plan.

Dave Ziegler, Director of Regional Planning, stated that Regional Planning staff's recommended process for complying with Policy 3.2.3 is to complete the conformance review step at this time and then to process a Regional Plan amendment incorporating the RUCR by reference. Mr. Ziegler reviewed proposed editorial changes to be made to the RUCR.

As directed by the RPC, Regional Planning staff met with representatives of Sierra Pacific Power Company (SPPC). The SPPC representatives also made comments in a letter dated February 4, 2004. Mr. Ziegler reviewed SPPC's comments.

Regional Planning staff recommends that the RPC complete the conformance review step at this time and form a subcommittee of RPC members to consider the SPPC's comments and make recommendations to the RPC on possible future revisions to the RUCR. The subcommittee should involve interested members of the public in its deliberations, to the maximum extent practicable, and should make its recommendations to the RPC prior to the incorporation of the RUCR into the Regional Plan by reference.

Mr. Ziegler stated that he has received phone calls from members of the public and from staff members of local governments saying that they think it is imperative that the conformance review step and the plan amendment step be taken now. If there will be studying of issues and comments presented by SPPC, it should not hold up the process contemplated in Policy 3.2.3. There is a power line corridor proposal working its way to the RPC. The concern being expressed is if the RUCR is not fully embedded in the Regional Plan by the time this proposal comes in, we could be spending a lot of time trying to figure out what applicable policies and guidelines apply. Mr. Ziegler agreed that both steps should be carried out promptly. If there is a desire to look at the comments by SPPC, it can be done without holding up the rest of the process.

Mr. Ziegler stated that Regional Planning staff has not identified any issues of concern regarding Regional Plan policies on regional form and pattern, development constraints, infill, public services, or infrastructure. Regional Planning staff has not identified any conflicts with applicable laws related to natural resource management and feels that a finding of conformance with the Regional Plan can be made tonight.

Mr. Ziegler stated that the RPC should be aware of the policy in the RUCR that states that the development of new utility corridors and facility sites shall be discouraged in those areas within Reno's or Sparks' sphere of influence (SOI). Since 1999, Sparks' and Reno's spheres have been expanded. If this policy is found in conformance with the Regional Plan, a presumption will be created that new utility corridors should be discouraged in the spheres, which would then push them into the unincorporated area outside the spheres and into the rural area. Mr. Ziegler suggested that if the RPC wants to take an action tonight, this particular policy can be windowed out for some additional study.

Mr. Ziegler stated that he received a letter today from Bill Whitney, Washoe County Department of Community Development. The letter states that Mr. Whitney supports the staff's recommendation that the RPC make a determination that the RUCR, as revised, conforms with the Regional Plan. Mr.

Whitney also urges the RPC to direct Regional Planning staff to proceed as rapidly as possible with the next step of incorporating the RUCR into the Regional Plan by reference.

Commissioner Frandsen asked why the language regarding corridors and facility sites being discouraged in rural and suburban communities was not included in the revised RUCR. Mr. Ziegler responded that the language recommended for deletion is obsolete language that refers back to the 1996 plan in which there actually were designated suburban and rural communities.

Commissioner Frandsen stated that removing that language would push the utility corridors into the rural and suburban areas. Mr. Ziegler stated that if the RPC is not comfortable with this policy, it can be addressed in the motion.

Commissioner Lokken stated that in the revised RUCR this policy does include language referring to another section identifying a number of very specific areas we do want to avoid.

Chair Herman stated that policy 3.2.3 says that if the RUCR is found in conformance, it is adopted by reference. Chair Herman asked for clarification on this procedure. Mr. Ziegler stated that the procedures for amending the Regional Plan are different than the procedures for a conformance review. Unless there is an appeal, the Regional Planning Governing Board (RPGB) does not get involved in conformance reviews. The RPGB is very much involved in amendments to the Regional Plan. Regional Planning staff felt that it did not seem proper to say that the RPC could amend the Regional Plan by finding this in conformance without any further review by the RPGB.

Chair Herman asked Norm Azevedo, Legal Counsel, to look into this and be prepared to comment during the discussion phase of the hearing.

Commissioner Rogers referred to one of SPPC's comments on page 15 of the meeting packet which states that the implementation of the "no net increase in EMF exposure" for existing corridors and sites is difficult and potentially costly in labor and materials for local governments. Commissioner Rogers stated that instead of having a no net increase, he would like to have some kind of a best operating practice. Commissioner Rogers also felt that the issue regarding utility corridors in rural and suburban areas should be further discussed.

Mr. Ziegler stated that the reason for suggesting that the language regarding rural and suburban communities be deleted is that it is obsolete language. Mr. Ziegler stated that SPPC's concern regarding EMF levels is that they are variable and can change from minute to minute in any one area. Mr. Ziegler stated that implementing a policy of no net increase in EMF exposure would take some technical interpretation.

Commissioner Lokken stated that if the language regarding corridors and facility sites being discouraged in rural and suburban communities is included in the revised RUCR, we are in essence discouraging power lines everywhere. Mr. Ziegler responded that this is a policy question that would appropriately be addressed by this commission.

Commissioner Moss asked if the issues being discussed regarding the revision of the RUCR would be handled by a subcommittee, as suggested by Regional Planning staff, and would not have to be resolved tonight. Mr. Ziegler responded that if the RPC agrees that it is a good idea to set up a subcommittee,

Regional Planning staff's recommendation would be to keep the mission of the subcommittee to the four issues raised by SPPC and not open up the whole document again.

Commissioner Lokken stated that there really is no need for a subcommittee to address the issue of the language regarding rural and suburban communities being removed. That revision is just cleaning up the language, not changing policy. Mr. Ziegler agreed.

[The public hearing was opened.]

Lois Avery stated that there will be a power line going through Spanish Springs and Stead. The RUCR will need to be used for developing this power line when it comes before the county governments. Ms. Avery stated that if there is a subcommittee, it should include local people and technical people other than SPPC representatives.

Lori Burke stated that the intent of the RUCR regarding new facilities is to have them put in existing areas by virtue of using existing corridors. Secondly, the intent was to try to preserve rural areas that had existing residential development. Ms. Burke also mentioned the SPPC's comment on page 15 of the meeting packet regarding the National Electric Safety Code (NESC). Ms. Burke stated that the NESC is already part of the RUCR. The committee that created the RUCR was looking at something different than the minimum standards for separation distances from overhead lines.

Chair Herman disclosed that he is the brother of Dan Herman who will be the next member of the public to comment. Chair Herman stated that he did not speak with Dan Herman about any of the details of this issue.

Dan Herman stated that it is going on four years since the RUCR was issued and it should be adopted by reference tonight. Mr. Herman stated that the issues raised by SPPC were raised as a delay tactic.

[The public hearing was closed.]

COMMISSIONER MOSS MADE A MOTION TO FIND THE RUCR IN CONFORMANCE WITH THE REGIONAL PLAN, USING THE UPDATED FEBRUARY 2004 DOCUMENT, SECONDED BY COMMISSIONER LOKKEN.

Commissioner Mattina asked if the motion includes further evaluation of the policy on utility corridors and facility sites as recommended by Regional Planning staff. Commissioner Moss stated that Regional Planning staff's recommendations are included in the revised RUCR. Mr. Ziegler stated that Regional Planning staff's recommendation is that this policy be found in conformance, along with the rest of the RUCR. Mr. Ziegler stated that he addressed that policy specifically so that the RPC would be aware that it is in the RUCR.

Chair Herman asked if the motion anticipates the issue that the RPC is adopting the RUCR as part of the 2002 Regional Plan by reference. Commissioner Moss responded that the motion does include adoption of the RUCR into the Regional Plan because it is in conformance.

Chair Herman asked Mr. Azevedo to comment on his earlier question on this issue. Mr. Azevedo stated that he has reviewed the respective Regional Plan provision and the statutes and asked for a two-minute recess to confer with the Director on this issue.

[Chair Herman called a two-minute recess at 7:18 p.m.]

Chair Herman called the meeting back to order at 7:22 p.m.]

Mr. Azevedo stated that this topic is only agendized for a conformance review under section 5.A of the meeting agenda. If the RPC wishes to adopt the RUCR to the Regional Plan by reference, Mr. Azevedo recommended that it be re-agendized for another meeting.

Mr. Azevedo stated that the Regional Plan does talk about adoption by reference. The RPC is also governed by NRS 278.0272 in the amendment of the Regional Plan. This would constitute an amendment to the plan. Based on the reading of the applicable statute, Mr. Azevedo stated that the RPC can make a finding of conformance and recommended following the amendment process contained in the statute.

Chair Herman asked Commissioner Moss if he would amend the motion to include the subsequent steps of amending the Regional Plan with the proper notice. Commissioner Moss stated that he would amend the motion for conformance only.

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

Chair Herman asked for discussion on going forward with an amendment process to incorporate the RUCR into the 2002 Regional Plan.

Mr. Ziegler asked if the RPC wishes to expedite this amendment.

Commissioner Moss asked about the status of the RUCR now that it is in conformance and not yet part of the Regional Plan. Mr. Azevedo responded that the status of the RUCR is in limbo. Policy 3.2.3 contemplates that if a finding of conformance is made, it will be incorporated pursuant to state law. It would be in limbo subject to further processes contemplated in the statute.

Chair Herman asked if the RPC wants to give direction to Regional Planning staff to take the next steps to move the RUCR through the amendment process.

Commissioner Newberg stated that this amendment to the Regional Plan needs to be in place before work begins on the planned new power line.

Chair Herman asked Regional Planning staff to proceed with the amendment process as quickly as possible. Chair Herman also asked Regional Planning staff to survey the members of the RPC to see who would be interested in being a part of a committee to review this potential amendment.

- B. Discussion and possible direction to staff on status of necessary amendments to City of Reno master plan, pursuant to the RPC's conformance determination of April 9, 2003.

Randy Baxley, Senior Regional Planner, stated that this is the first in a series of status reports which present an update on actions taken by the local governments to bring their respective master plans/comprehensive plans into conformance with the Regional Plan. Regional Planning staff asked the City of Reno to present a status report on actions that have been taken and work program items intended to address the necessary amendments identified in the RPC conformance review of the Reno master plan.

John Hester, City of Reno Community Development, gave a presentation on the status of the required amendments to the City of Reno master plan.

Chair Herman asked about the schedule for completion of the numbered list of outstanding items. Mr. Ziegler stated that Regional Planning staff's operating premise has been to work together with each of the jurisdictions to determine what amendments are needed and when they can be accomplished. Mr. Ziegler stated that he would like to re-open that negotiation with Mr. Hester and come back to the RPC with an updated version of the numbered list with completion dates.

Commissioner Lokken stated that it is clear that the City of Reno is earnest in its effort to comply and that it supports Regional Planning staff's recommendation to have a negotiated timetable.

COMMISSIONER LOKKEN MADE A MOTION TO ACCEPT THE STAFF RECOMMENDATION TO NEGOTIATE THE COMPLETION DATES, SECONDED BY COMMISSIONER FRANSDEN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- C. WORKSHOP - Discussion and possible direction to staff on possible revisions to the RPC's Resolution 00-01, adopting guidelines for the definition of projects of regional significance.

Mr. Baxley reviewed areas of Resolution 00-01 which need further discussion. Mr. Baxley also reviewed sections of NRS 278.026 identifying types of projects which are to be further defined in the guidelines of the RPC.

Commissioner Frandsen stated that it would be premature to remove the language that pertains to wetlands and suggested waiting until the joint meeting with the Regional Water Planning Commission (RWPC) to discuss this.

Commissioner Lokken asked how the 1/2 mile rule in section 4 of Resolution 00-01 is handled when a facility is within the boundaries of this rule in its own jurisdiction but it is adjacent to another jurisdiction. Mr. Baxley responded that there are standards for certain types of uses that can not be within a specified distance from other certain types of uses. Jurisdictional boundaries do not matter.

Chair Herman suggested addressing the items listed in the table beginning on page 97 of the meeting packet. This table is a comparison of RPC Resolution 00-01 and NRS 278.026 for projects of regional significance.

Chair Herman asked Regional Planning staff to look into section 2 (f) of Resolution 00-01 to see if 750 seats is an appropriate standard, given the size of our metropolitan area. Chair Herman asked Regional Planning staff to look into section 2 (g) of Resolution 00-01 to see if convention facilities of 80,000 square feet or more is an appropriate standard.

Mr. Baxley stated that if the RPC desires to retain these two items, it may wish to consider expanding the definitions to possibly include projects such as events centers and/or sports stadiums with a specific seating threshold. Chair Herman asked Regional Planning staff to come back with a recommendation on that.

Commissioner Newberg commented on section 3 of Resolution 00-01 and asked about the sand, gravel and aggregate pits. Is there a standard to find out how much sand or gravel is to be removed, so it could be determined how large the mine would be? Chair Herman asked Regional Planning staff to look at a standard for a regional threshold and bring recommendations back to the Commission.

Chair Herman stated that he would rely upon master plan zoning and use within the jurisdictions for guidance on section 4 of Resolution 00-01.

Commissioner Moss stated that it seems that they are asking if this section should even be in the plan. Chair Herman stated that he does not think it should be and that the master plans should provide the definition as appropriate. Commissioner Moss agreed.

Mr. Ziegler stated that Commissioner Frandsen commented earlier on section 5 of Resolution 00-01 stating that this could be discussed with the RWPC next month. Regional Planning staff feels that it is appropriate to have something like this in the resolution, it is just a matter of finding the proper map to cross reference it too.

Commissioner Frandsen suggested that Regional Planning staff might want to communicate with the RWPC to find out where they are with their water plan. Chair Herman stated that there are other potential resources in the entities as well. Mr. Baxley stated that there is at least one city ordinance on the wetlands stream environment that references this map.

Chair Herman stated that it is fine if it is appropriate to have a map relative to a project of regional significance. Chair Herman asked that a standard be set as to what would trigger the significance.

Chair Herman stated that section 6 of Resolution 00-01 is not needed because a slope definition is already in the Regional Plan.

Chair Herman asked for comments on section 7 of Resolution 00-01. Mr. Ziegler stated that there is a feature of the statute that governs the Regional Planning Agency (RPA) in that it does not call out historic, archeological and cultural resources as something that the Regional Plan is supposed to address. The statute does allow the RPC to identify those resources in the guidelines as being a project of regional significance. If the RPC were to say some of these things are of regional significance and it came in for conformance review, we might find ourselves with no policies to evaluate against. If the RPC wants to keep something like this in the guidelines as being a project of regional significance, it would need to be backed up with some criteria as to how it will be evaluated. Mr. Ziegler stated that Regional Planning staff would be happy to study this further and provide a stronger write up. Chair Herman stated that he would like to see something come back on this.

Chair Herman stated that regarding section 8 of Resolution 00-01, the only thing he would recognize as a project of regional significance in the school district would be a campus in a high school category in terms of size.

Mr. Baxley stated that a large high school would probably trip one of the thresholds in section 1 of Resolution 00-01. Chair Herman asked staff to look into possibly highlighting the fact that it will be looked at as a project of regional significance.

Commissioner Moss stated that it should be removed if it is redundant. Chair Herman stated that it will be removed if it is redundant.

Chair Herman stated that a good definition of a regional solid or hazardous waste management project is needed to be included in section 9 of Resolution 00-01. We need to know what the standards are that trigger the size of the project to be regional.

Mr. Ziegler suggested that Regional Planning staff bring a rough draft of a new resolution for review by the RPC. After feedback from the RPC on the draft resolution, Regional Planning staff would bring a final resolution to the RPC for adoption. Chair Herman stated that sounds good.

Mr. Baxley stated that the intent of the last item in the table on page 100 of the meeting packet is to prevent the ability to avoid termination of a project of regional significance by breaking the project up into segments or phases. Mr. Baxley expressed concern with the language regarding the development of adjoining vacant land available for development and controlled by one developer or owner.

Chair Herman stated that standards have to be set. A developer or owner can be asked to provide a tentative status but often will not know what will be done with adjoining parcels of land at that time. Chair Herman asked Regional Planning staff to refine this and get some planning standards defined.

- D. Discussion and possible adoption of RPC Resolution 04-02, adopting procedures and a schedule for consideration of proposed 2004 amendments to the Regional Plan.

Rosanna Coombes, Long-Range Community Relations Planner, highlighted a few provisions in the resolution. Ms. Coombes stated that this is an annual procedural step that is required to schedule proposed amendments to the Regional Plan for consideration.

COMMISSIONER MOSS MADE A MOTION TO ADOPT RPC RESOLUTION 04-02, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- E. Discussion and possible direction to staff on 2005 legislative strategy.

Patricia Rogers, Community Outreach Assistant, stated that a meeting schedule for legislation of current interest from the 2003 session is included in the meeting packet. Ms. Rogers stated that the RPGB has continued to their March meeting decisions on possible amendments to the legislative memorandum of legislative cooperation and the possible need for an outside legislative consultant for the 2005 session.

6. 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 met on February 12, 2004. Mr. Ziegler reviewed the action taken at the February RPGB meeting. The RPGB will meet again on March 11, 2004. Mr. Ziegler reviewed the tentative agenda for the March RPGB meeting.

Chair Herman asked if any attention was given to the recommendation that the RPGB receive input from the RPC Chair regarding the Director's performance evaluation. Mr. Ziegler responded that the RPGB is very supportive of that idea.

B. Legal counsel's report - Status report and possible direction to staff on:

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

Mr. Azevedo stated that Washoe County's brief was due this week. Washoe County requested a one week extension to file that brief.

- 2) Orders of and appearances before the District Court regarding the Regional Plan Settlement Agreement (October 17, 2002) and related agreements; and

Mr. Azevedo stated that there have been no significant developments specifically impacting the RPA. The parties are in the process of litigating the water purveyor issue.

- 3) Petition for judicial review of the certification of Reno's annexation program as conforming with the Regional Plan.

Mr. Azevedo stated that he will be filing a responsive pleading on behalf of the RPA tomorrow. The next step is to stipulate a briefing schedule. Because this litigation was filed in a courtroom that is not Judge Hardesty's, Mr. Azevedo filed a motion to consolidate. The City of Reno has joined that motion. The District Attorney's office will be filing a non-opposition to that motion.

7. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

Chair Herman asked if ethics training will be scheduled for the RPC. Mr. Ziegler responded that the specific topic he is trying to line up training on is the ethical considerations that a local planning commissioner has to keep in mind when serving on a regional body. Mr. Ziegler stated that he has located a likely candidate that is qualified to address that subject.

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

Mr. Ziegler reviewed the tentative agenda items for the March RPC meetings.

8. WRITTEN CORRESPONDENCE

None

9. PUBLIC COMMENT

None

10. ADJOURNMENT

Chair Herman adjourned the meeting at 8:53 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

Dave Ziegler, Director

Truckee Meadows Regional Planning Agency

Terry K. Herman, Chair

Regional Planning Commission

**APPROVED BY THE REGIONAL PLANNING COMMISSION IN SESSION ON _____,
2004.**