



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., July 14, 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 6:35 p.m.

1. ROLL CALL

The clerk called the roll and the following Commissioners were present: Terry Herman, Marge Frandsen, Kendall Mattina, Darrin Georgeson for Jim Newberg, Steve Rogers, Oscar Sanders, and Mark Sullivan. Commissioner Marvin Moss arrived at 6:37 p.m. Commissioners absent were: Fred Lokken and Jim Newberg.

Also present were: Rosanna Coombes, TMRPA; Norman Azevedo, Legal Counsel; Randy Baxley, TMRPA; Connie Anderson, TMRPA; Patricia Rogers, TMRPA; and Lora Richards, TMRPA.

2. APPROVAL OF AGENDA

COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE JULY 14, 2004, AGENDA, SECONDED BY COMMISSIONER MATTINA. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

3. APPROVAL OF MINUTES

A. June 9, 2004, regular meeting

Rosanna Coombes, Long-Range and Community Relations Planner, and Chair Herman noted corrections to be made on pages 11 and 14 of the minutes.

COMMISSIONER MATTINA MADE A MOTION TO APPROVE THE JUNE 9, 2004, REGULAR MEETING MINUTES, AS CORRECTED, SECONDED BY COMMISSIONER FRANDSEN. THE MOTION CARRIED WITH SIX (6) IN FAVOR AND ONE (1) ABSTENTION BY COMMISSIONER GEORGESON.

4. ELECTION OF OFFICERS

- A. Election of Chair (Washoe County member)

COMMISSIONER ROGERS NOMINATED COMMISSIONER FRANDBSEN AS CHAIR OF THE RPC, SECONDED BY COMMISSIONER SULLIVAN. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

[Commissioner Moss arrived at 6:37 p.m.]

- B. Election of Vice-chair (Sparks member)

COMMISSIONER MATTINA NOMINATED COMMISSIONER LOKKEN AS VICE-CHAIR OF THE RPC, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

5. PUBLIC COMMENTS

Cathy Brandhorst expressed concern regarding various topics.

6. BUSINESS OF THE DAY

- A. PUBLIC HEARING - Regional Plan Conformance Review - City of Reno master plan amendment and Project of Regional Significance, Longley Town Centre (CR04-011) - 1) A Project of Regional Significance for a $\pm 119,000$ sq. ft. retail commercial development generating more than 6,250 average daily trips, and 2) a master plan amendment from Industrial to Urban Residential/Commercial. The ± 20.6 acre site is located at the southeast corner of Longley Lane and McCarran Boulevard.

Randy Baxley, Senior Regional Planner, stated that the Regional Transportation Commission (RTC) reviewed this proposal and indicated no significant concerns having to do with traffic on regional streets. Mr. Baxley stated that the Airport Authority reviewed this proposal and noted that a portion of the site is located within the critical zone of the Reno-Tahoe International Airport. An agreement was reached between the developer and the Airport Authority to deed restrict the areas of the property within the critical zone to prohibit certain high-occupancy uses. With that issue addressed, Mr. Baxley stated that Regional Planning staff has not identified any other significant concerns and is recommending a determination of conformance, based on the findings in the staff report.

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

[The public hearing was closed.]

COMMISSIONER MOSS MADE A MOTION TO FIND THE LONGLEY TOWN CENTRE 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 EIGHT (8) MEMBERS PRESENT.

COMMISSIONER MOSS MADE A MOTION TO FIND THE LONGLEY TOWN CENTRE 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 EIGHT (8) MEMBERS PRESENT.

- B. Status review of necessary amendments to City of Sparks master plan, Washoe County's master plan and the Regional Transportation Plan, pursuant to the RPC's 2003 conformance determinations.

Mr. Baxley stated that Regional Planning staff is in the process of setting up a meeting with staff from the City of Sparks to discuss the updated timetable. Mr. Baxley stated that the RTC is in the process of updating the 2030 Regional Transportation Plan and is anticipating that it will be completed and submitted for conformance review sometime in late summer or early fall of 2004. Mr. Baxley stated that Regional Planning staff has met with Washoe County staff regarding a conformance schedule. Mr. Baxley requested that the RPC provide direction to Regional Planning staff to continue to meet with staff from Washoe County to develop a schedule for remaining conformance review items.

Chair Herman directed staff to continue meeting with Washoe County staff on this item.

- C. Summary report on Capital Improvements Programs (CIP):
1. local governments
 2. Regional Water Planning Commission
 3. Regional Transportation Commission
 4. Washoe County School District

Connie Anderson, Regional Planner, stated that if the RPC and the Regional Planning Governing Board (RPGB) approve this report, it will be included as a Regional Plan amendment which will replace the report currently in the Regional Plan. Ms. Anderson stated that this report takes information from the CIPs from Reno, Sparks, Washoe County, RTC, Washoe County School District, and Truckee Meadows Water Authority and aggregates the cost from each of those entities into the nine project categories listed in the table beginning on page 64 of the meeting packet. Regional Planning staff has not done any specialized analysis on the data in the CIPs received. Additional reports can be done in the future, if requested. Ms. Anderson stated that the Regional Planning Agency (RPA) is currently in the process of collecting the newly approved CIPs from entities for the next summary report.

Commissioner Mattina asked what the logic is behind requiring that the CIP be prepared by each local government but may be required by the RWPC, RTC, and Washoe County School District. Ms. Anderson responded that she does not know why the legislature said that they may instead of shall.

Commissioner Mattina stated that computers and software should be an operating expense rather than a capital improvement. Ms. Anderson responded that the CIP reports can be changed if the RPC decides to have vehicle replacement and technology eliminated and just concentrate on the major fixed assets.

Commissioner Sullivan stated that vehicle replacement and technology would not need to be included for consideration by this body with regard to land use.

Commissioner Moss stated that he raised the same question when the report was presented to the Sparks Planning Commission. Commissioner Moss stated that the auditors seem to accept software

being included as a capital improvement. Ms. Anderson stated that all of the CIPs included vehicle replacement and technology.

Public Comment - Ms. Brandhorst spoke about obeying state laws.

[Commissioner Sullivan left at 6:55 p.m. and returned at 6:57 p.m.]

COMMISSIONER MATTINA MADE A MOTION TO ACKNOWLEDGE THE CIP SUMMARY REPORT AND DIRECT STAFF TO BRING FORWARD AN AMENDMENT TO INCORPORATE THIS REPORT INTO APPENDIX 1 OF THE 2002 REGIONAL PLAN AT SUCH TIME OTHER REGIONAL PLAN AMENDMENTS ARE BROUGHT FORWARD, AND, IN THE INTERIM, TO DISTRIBUTE COPIES OF THIS REPORT TO THE REGIONAL PLANNING GOVERNING BOARD, LOCAL AND AFFECTED ENTITIES AND OTHER INTERESTED PARTIES, SECONDED BY COMMISSIONER MOSS. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- D. Discussion and possible direction to staff on procedures for initiating next update of the Truckee Meadows Regional Plan.

Ms. Coombes stated that the next update should be complete in less than three years. Regional Planning staff would like to take a strategic approach to the update of the plan where we would go through a process of identifying what needs to be done. Once those needs and issues are sorted out, we can start doing some technical work to come up with solutions to the issues.

Ms. Coombes stated that Regional Planning staff recommends that the RPC form an RPC subcommittee to oversee the initiation of the update process. That subcommittee would be subject to the Open Meeting Law. Regional Planning staff also recommends having the Regional Planning Director form a staff-level working group to advise Regional Planning staff on the update process and Plan content. The working group could include staff representatives from the local governments, affected entities, and other key stakeholders.

Commissioner Sullivan suggested backing up a little bit and trying to look at things a little more informally first. Commissioner Sullivan stated that the key is getting the right people involved in the process that will approach this from a regional perspective.

Commissioner Rogers agreed that a subcommittee should have a regional approach.

Commissioner Frandsen asked Mr. Azevedo if, from a legal standpoint, an informal group can meet to discuss this topic. Norm Azevedo, Legal Counsel, responded that if the body is appointed as an official subcommittee, it is subject to the Open Meeting Law.

Commissioner Frandsen asked if that applies if the informal group is made up of citizens and does not include planning commissioners. Commissioner Georgeson asked about a think tank type of meeting. Mr. Azevedo responded that if the subcommittee is created by this body with the intent that it reports back to this body, it is acting on behalf of this body and is subject to the Open Meeting Law. Mr. Azevedo requested a recess to confirm this information.

[Chair Herman called a recess at 7:10 p.m.]

Chair Herman called the meeting back to order at 7:12 p.m.

Mr. Azevedo stated that there is a statute that dictates when the RPGB and the RPC may create a subcommittee. It also sets forth the criteria of who can be part of a subcommittee. It does not appear that it would allow a subcommittee to be made of just the general public.

Commissioner Frandsen stated that it appears that the best avenue to take is the same avenue taken last time. People from the outside can always be called in to talk with the subcommittee.

Mr. Azevedo stated that there are some options that can be considered under Sub-Section 3 of the statute.

Commissioner Moss stated that a subcommittee meeting should be carefully agendized.

Commissioner Sullivan asked Mr. Azevedo if a simple majority constitutes a quorum. Mr. Azevedo responded yes.

Commissioner Sullivan asked if the law would be violated if there is no subcommittee and four members of the RPC meet together. Mr. Azevedo stated that the statute that delineates subcommittees does not delineate the size of subcommittees.

Commissioner Sullivan asked if the law would be violated if there is no subcommittee and four members of the RPC get together and talk about planning issues. Mr. Azevedo responded that there would be a risk in that situation of being considered a serial meeting.

Commissioner Frandsen stated that things should be done as legitimately and legally as possible. Commissioner Frandsen asked Mr. Azevedo if he would like to research further and continue this discussion at the next RPC meeting. Mr. Azevedo responded that he would like to look into the enabling statute on subcommittees and agendize this topic for the next RPC meeting.

Chair Herman stated that a formal update committee should be established at this time. Chair Herman stated that he would also like to see staff begin working with the community development planners from each of the entities and the affected entities to get the initial information as to what needs to be done to improve the Regional Plan.

Commissioner Sullivan stated that he would like to have this discussion regarding a subcommittee with his planning commission as a whole. Chair Herman responded that it is fine if an entity wants to wait to have a volunteer serve on the subcommittee.

Commissioner Sullivan stated that in order to be successful, time should be taken to consider who would be best to serve on this particular subcommittee before accepting volunteers.

Chair Herman stated that he would leave the option open for Washoe County to volunteer a person tonight.

Commissioner Mattina stated that she would like to have the opportunity to discuss this with the Regional Planning Commissioner not in attendance tonight.

Commissioner Frandsen stated that we all need to think about this and decide who would be the best mix of people to get involved in this next update.

Chair Herman stated that it is each entities position to nominate their volunteer.

Commissioner Rogers agreed that the best mix possible is needed to work on this update. Commissioner Rogers also agreed to postpone this until after talking to each of the respective planning commissions.

Commissioner Sullivan asked if there is a time crunch on this. Ms. Coombes responded that we have three years.

Chair Herman stated that his thoughts were to get a process started.

Commissioner Frandsen stated that this discussion can be continued to the next RPC meeting.

Commissioner Mattina agreed to continuing this item.

Mr. Azevedo asked if anything further is needed for the next RPC meeting regarding the statutory reference. Commissioner Frandsen responded that would depend on Commissioner Sullivan.

Commissioner Sullivan stated that his only question was regarding the quorum and understanding what the rules are for an informal committee.

Mr. Azevedo stated that there are two options for committees. One option is a subcommittee which is limited to members of the RPGB and the RPC. Commissioner Sullivan asked if that is independent or joint. Mr. Azevedo responded that it can be done jointly or independently.

Mr. Azevedo stated that there is also a provision for an advisory committee. The advisory committee allows persons to be appointed from outside the County or the State. Commissioner Sullivan asked if the sunshine law is the same for the advisory committee. Mr. Azevedo responded yes.

7. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

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

Ms. Coombes stated that there was no RPGB meeting in July. Ms. Coombes reviewed agenda items for the August 12, 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

Mr. Azevedo stated that there has been no decision rendered in this case. Mr. Azevedo stated that one of the local governments decided not to participate in a mediated settlement process. Mr. Azevedo stated that he will still convey to the court this body's desire to participate in a mediated settlement, if all parties agree.

Mr. Azevedo stated that he would skip to item number three.

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 a stipulation that was circulated among the attorneys. Mr. Azevedo will be filing a responsive brief by August 27, 2004.

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

Mr. Azevedo stated that the court asked if it would be acceptable to the RPC to participate in a mediated settlement to address the issues regarding the differences in the respective cooperative planning criteria. Mr. Azevedo recommended going that direction. The alternative is that the court will have each of the specific differences litigated.

COMMISSIONER MOSS MADE A MOTION TO PARTICIPATE IN A MEDIATION PROCESS, SECONDED BY COMMISSIONER SULLIVAN.

Commissioner Sullivan asked what this will involve. Mr. Azevedo responded that it would take it out of the contested case process. The attorneys will get together to work out the differences.

THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

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

Patricia Rogers, Community Outreach Assistant, stated that there is still one interim legislative committee meeting. Ms. Rogers stated that Regional Planning staff is currently monitoring over 200 BDRs which have been submitted to the legislature. Ms. Rogers stated that Regional Planning staff monitored a Washoe County Board of County Commissioners meeting last night. Three potential advisory ballot questions were discussed. Regional Planning staff will continue to monitor that discussion. Ms. Rogers stated that the Washoe County District Health Department requested that it be included as a party in the MOU. Regional Planning staff has amended the MOU to include the Washoe County District Health Department.

8. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

Commissioner Frandsen stated that the fiscal working group has requested that an item be put on the next RPC agenda to discuss the idea of the RPC recommending to the RPGB that they host or initiate a growth seminar.

Commissioner Sullivan stated that a lot of the challenges we face are issues of lack of education. Anything we can do to better educate the public would help them understand the decisions we are making.

Commissioner Sullivan stated that there should be a presentation to the RPC in the future regarding the Vidler water plans.

- A. Review of tentative agenda items for July and August 2004.

Ms. Coombes reviewed future RPC meeting agenda items.

Commissioner Frandsen asked when a discussion on a growth seminar can be scheduled. Ms. Coombes responded that is up to the Chair.

Chair Herman asked to have that scheduled for the next RPC meeting.

- B. Review of 12-month calendar of projected RPC actions.

Ms. Coombes stated that there is an updated calendar in the meeting packet.

9. WRITTEN CORRESPONDENCE

None

10. PUBLIC COMMENT

Cathy Brandhorst expressed concerns regarding various topics.

11. ADJOURNMENT

Chair Herman adjourned the meeting at 7:55 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

Dave Ziegler, Director

Truckee Meadows Regional Planning Agency

Florence 'Marge' Frandsen, Chair

Regional Planning Commission

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