



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 22, 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; Patricia Rogers, TMRPA; and Paige Menicucci, TMRPA.

2. APPROVAL OF AGENDA

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE SEPTEMBER 22, 2004, AGENDA, SECONDED BY COMMISSIONER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

3. APPROVAL OF MINUTES

A. August 25, 2004, regular meeting

COMMISSIONER MOSS MADE A MOTION TO APPROVE THE AUGUST 25, 2004, REGULAR MEETING MINUTES, SECONDED BY COMMISSIONER ROGERS. THE MOTION CARRIED WITH SIX (6) IN FAVOR AND THREE (3) ABSTENTIONS BY COMMISSIONERS HERMAN, MATTINA AND SANDERS.

4. PUBLIC COMMENTS

None

5. BUSINESS OF THE DAY

A. WORKSHOP - Discussion and direction to staff on the pending special conformance review of the updated Regional Water Management Plan, pursuant to NRS 540A.200.

Randy Baxley, Senior Regional Planner, stated that on June 30, 2004, the Regional Water Planning Commission (RWPC) held a public hearing and approved the updated Regional Water Management Plan (RWMP). At the public hearing the Director of Regional Planning submitted a comment letter to the RWPC, which outlined several comments regarding conformance of portions of the RWMP with the 2002 Regional Plan.

On September 14, 2004, the Board of Washoe County Commissioners held a public hearing and returned the updated RWMP to the RWPC for consideration of changes to policies regarding the drought reserve standard, water resources and land use, and water resource commitments. Mr. Baxley reviewed four additional issues that the Board asked the RWPC to further consider.

Dave Ziegler, Director of Regional Planning, stated that he attended many of the RWPC workshops and regular meetings during the development of the draft RWMP. Mr. Ziegler stated that he provided written comments and concerns regarding the RWMP to the RWPC on June 30, 2004. Mr. Ziegler stated that he submitted the same written comments to the Board of Washoe County Commissioners in advance of their hearing on September 14, 2004. Mr. Ziegler stated that the Board did not instruct the RWPC to address any of the comments he submitted in writing.

Mr. Ziegler reviewed the comments that were submitted to the RWPC and the Board of Washoe County Commissioners.

Commissioner Sullivan asked what would happen if the RWMP and the Regional Plan are in conflict with each other. Mr. Ziegler responded that we will have to wait to see the final product when it comes to the RPC and then determine whether there are conformance problems between the two plans.

Commissioner Lokken asked if the RWPC received Mr. Ziegler's written comments before taking final action on the RWMP and forwarding it to the Board of Washoe County Commissioners. Mr. Ziegler responded that the written comments were delivered on the day of the public hearing.

Commissioner Lokken asked Mr. Ziegler if he has had any interaction from the RWPC staff reacting to the comments. Mr. Ziegler responded that the RWPC did discuss his comments in one of their regularly scheduled meetings. Their attorney also gave some opinions as to the merit of some of the comments.

Commissioner Lokken asked Mr. Ziegler if the RWMP represents greater restraints, fewer restraints, or about the same as before the plan was drafted. Mr. Ziegler stated that the RWMP has been updated and does go farther than the previous plan.

Commissioner Lokken asked if any policies other than Policy 1.3.D have been deleted. Mr. Ziegler reviewed three policies that were objected to by the Board of Washoe County Commissioners.

Commissioner Lokken asked if those were the only significant changes by the Board of Washoe County Commissioners. Mr. Ziegler stated that there were seven comments overall. The first three regarding these policies were directed to the RWPC as changes to be made. The other four were for consideration by the RWPC.

Commissioner Lokken asked if this plan would come back for conformance review when amendments are proposed. Mr. Ziegler responded that is the type of question that comes up in a workshop that

needs to be looked into to get a more definitive answer. Commissioner Lokken stated that the RWMP should at the very least come back for conformance review when the Regional Plan is updated.

Commissioner Lokken asked Mr. Ziegler if he feels that the introduction definitively recognizes the authority of the RPC and of the Regional Plan. Mr. Ziegler responded that he would have to read that introduction to give an opinion. If the RPC feels that the RWPC needs to make some changes to the language of the plan to clarify conformance relationships, that request can be made. Commissioner Lokken stated that a section addressing that in the introduction would be appropriate. It would also be an appropriate place to talk about the periodic review and the relationship to the Regional Plan.

Commissioner Lokken stated that he would like to hear the reaction from RWPC staff to the comments brought forward by Mr. Ziegler.

Jim Smitherman, Washoe County Department of Water Resources, stated that Mr. Ziegler introduced his comments to the RWPC as staff comments for consideration. The RWPC intends to let the conformance review process take place and deal with the conformance issues that come forward from the RPC.

Commissioner Sullivan asked for clarification that the RWPC intends to wait to address outstanding issues brought forward by Mr. Ziegler until after the conformance review. Mr. Smitherman stated that the RWPC wants to move the RWMP on to the next step in the approval process, which is to take it to the Board of Washoe County Commissioners for adoption. Mr. Smitherman stated that it may even be premature to address concerns of the RPC and the Regional Planning Agency (RPA) staff without knowing what changes might take place in the next step of the process.

Commissioner Sullivan asked if the ultimate authority to adopt the RWPC policies is the Board of Washoe County Commissioners. Mr. Smitherman responded yes.

Commissioner Sullivan asked if there is some legislative rule dictating that the RWMP comes to the RPC. Mr. Smitherman responded that the legislature states that the RWMP and any amendments come to the RPC for conformance review with respect to the Regional Plan.

Commissioner Lokken stated that he will not be able to find the RWMP in conformance with the Regional Plan unless language in the introduction clarifies recognizing the role of the Regional Plan. Commissioner Lokken will not vote for conformance unless the concerns raised in the letter of June 30, 2004, have been adequately addressed from the perspective of Regional Planning staff.

Commissioners Sanders and Herman stated that they concur with Commissioner Lokken.

Commissioner Sullivan asked for clarification of this process. Mr. Ziegler responded that the law states that action by the Board of Washoe County Commissioners comes first and then the conformance review.

Mr. Ziegler referred to Commissioner Lokken's earlier question regarding approval of amendments and stated that NRS 540A.200 does say that after adoption of the RWMP or any amendments by the Board of Washoe County Commissioners, it must be submitted for conformance review. Commissioner Lokken stated that is not clear by reading the RWMP.

Mr. Smitherman and Commissioner Lokken discussed the language in the RWMP regarding the requirement for amendments to be submitted for conformance review. Mr. Smitherman stated that he recognizes Commissioner Lokken's point.

Chair Frandsen stated that it does not make sense to send the RWMP to the Board of Washoe County Commissioners for adoption and then send it for conformance when there are outstanding issues that have been presented to the RWPC staff that have not been addressed. Mr. Smitherman stated that he does not want to try to summarize why the RWPC chose to follow the process that they did.

Norm Azevedo, Legal Counsel, stated that under NRS 540A.210 the conformance review process and then the subsequent potential review by the Regional Planning Governing Board (RPGGB) in this context is one of the more complex areas he has seen on behalf of this body. A finding of conformance or non-conformance is appealable.

Commissioner Lokken asked if that is an appeal to the RPGGB. Mr. Azevedo responded yes.

- B. Presentation by staff on the status, development, and application of the regional land use model.

Mr. Baxley stated that the regional land use model is embedded within the RPA's GIS system using established methodology and known information to develop a set of realistic projections regarding residential and non-residential development, population and employment. Mr. Baxley made a detailed presentation on this regional land use model.

Commissioner Lokken asked if this model is based on modeling being done in other entity jurisdictions. Mr. Baxley responded that it is based on an accumulation of bits and pieces from various sources. Mr. Baxley stated that he built something like this while working with the City of Reno.

Commissioner Lokken stated that it is excellent and may be something that could be taken to a panel presentation at APA. It may be something that other jurisdictions would want to consider. It is very consistent with what we have talked about philosophically. Commissioner Lokken stated that this is the kind of thing he likes to see the RPA doing.

Chair Frandsen stated that this is an excellent tool.

6. DIRECTORS, MEMBERS, AND LEGAL COUNSEL INFORMATION ITEMS

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

Mr. Ziegler reviewed actions taken by the RPGGB at their September 9, 2004, meeting. The RPGGB's next meeting will be on October 14, 2004.

- B. Legal counsel's report - Status report and possible direction to staff on:
 - 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 we have been sued again in the form of petition for judicial review and a request for a declaratory judgment. Mr. Azevedo stated that he will be filing an answer and a notice of intent to participate.

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 Judge expressed some concern that the cooperative planning criteria had not been finalized among the respective local jurisdictions. He also expressed concern that the remaining issues were not issues in the original appeal.

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 the Court did raise an issue regarding the process that was chosen to be pursued with the District Court. Mr. Azevedo reviewed the Judge's concerns that will be discussed tomorrow.

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 on this issue.

Commissioner Moss asked what was hanging up the criteria issue. Mr. Azevedo responded that there has been concern expressed by property owner's counsel and others that they do not want one criteria to hold up a particular issue.

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

Patricia Rogers, Community Outreach Assistant, stated that the Washoe County District Health Department will be hearing the legislative MOU tomorrow. Regional Planning staff is revising the bill tracking list.

Commissioner Lokken asked what happens if someone violates the MOU during the legislative session. Ms. Rogers responded that they are hoping that people will be cooperative. There is a consensus among peers that it would be nice to be as informative as possible.

Commissioner Sullivan asked for information on BDR 510. Mr. Ziegler stated that the representative from the League of Cities said that the intent of this BDR is to raise the population threshold at which a planning commission is required.

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

Mr. Ziegler stated that the main activity at the moment is gearing up for the upcoming conference of the Sierra Business Council. The Community Partnership has made arrangements with Sierra Business Council to do some theme consulting during that conference.

7. REQUESTS FOR AND ACTION ON FUTURE AGENDA ITEMS

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

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

8. WRITTEN CORRESPONDENCE

Mr. Ziegler stated that a copy of the letter submitted to the Board of Washoe County Commissioners regarding the RWMP is included in the meeting packet. A copy of a letter Mr. Ziegler received from the School District inviting him to participate in a series of meetings about facilities is also included in the meeting packet.

9. PUBLIC COMMENT

None

10. ADJOURNMENT

Chair Frandsen adjourned the meeting at 8:07 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.**