



April 10, 2014

TRUCKEE MEADOWS REGIONAL PLANNING GOVERNING BOARD

Regulations On Procedure

Amended April 10, 2014

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TRUCKEE MEADOWS REGIONAL PLANNING AGENCY
REGIONAL PLANNING GOVERNING BOARD
REGULATIONS ON PROCEDURE

Adopted November 14, 2002
Amended February 12, 2004
Amended February 10, 2005
Amended February 9, 2006
Amended July 19, 2007
Amended September 13, 2007
Amended November 8, 2007
Amended January 14, 2010
Amended August 12, 2010
Amended October 14, 2010
Amended June 9, 2011
Amended April 10, 2014
(Version 15)

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I. COORDINATION OF ACTIVITIES BETWEEN THE REGIONAL PLANNING GOVERNING BOARD AND THE REGIONAL PLANNING COMMISSION

I. Generally

NRS 278.026 through NRS 278.029 set forth the respective powers and duties of the two regional planning public bodies, namely the Regional Planning Governing Board (hereinafter “RPGB”) and the Regional Planning Commission (hereinafter “RPC”). The duties of the RPGB and the RPC include without limitation the adoption of the Comprehensive Regional Plan and perform the conformance duties contemplated in Chapter 278. The RPGB and RPC each have independent duties and powers set forth in Chapter 278. All actions, determination and inactions of the RPC are reviewable by the RPGB. The nature of the action, determination or inaction by the RPC will determine the applicable review process utilized by the RPGB to review the respective action, determination or inaction of the RPC.

2. Appeals to the RPGB pursuant to statute and/or regulation

The following is a list of the appeals afforded to both local governments and other parties with respect to a specific action[s] of the RPC subject to a statutory appeal process:

- a. Appeal of Regional Planning Commission’s finding of non-conformance with respect to a Project of Regional Significance. See RPGB Regulations on Procedure III.7
- b. Appeal of a finding of non-conformance of master plan, facilities plan or other similar plan. See RPGB Regulations on Procedure IV.I I
- c. Appeals relating to cooperative planning dispute. See RPGB Regulations on Procedure VI
- d. Appeals relating to programs of annexation. See RPGB Regulations on Procedure VII.7
- e. Appeals relating to use of lands inclusive of zoning, a subdivision map, or parcel map located within a sphere of influence. See NRS 278.02788(4)

3. Petitions for review of actions of the RPC that are not subject to a specific appeal process

All actions of the RPC including the failure to take action by the RPC are subject to review by the RPGB. The actions, determinations and inactions of the RPC that are not subject to a specific statutory or regulatory appeal process will be subject to review pursuant to this section of the RPGB regulations.

- a. Petition for review. All persons seeking review of an action, determination or inaction of the RPC must file a petition for review with the Director of Regional Planning no later than 10 days after the action or inaction of the RPC occurred which is the subject of the petition for review.
- b. Action. The RPGB can affirm, reverse, remand, or modify in whole or in part any action, determination, or inaction taken by the RPC.

4. Decisions of the Director of Regional Planning

The Director of Regional Planning will render decisions on contested cases and petitions filed with the Regional Planning Agency in one of the following circumstances:

- a. If the RPGB has previously decided an issue on either a similar set of facts or a similar question of law.
- b. If the RPGB has expressly delegated authority to the Director of Regional Planning to resolve a specific contested case.

II.A REGIONAL PLAN AMENDMENTS

1. Applicability

The procedures set forth in section II.A of the regulations on procedure apply to all comprehensive regional plan amendments sponsored by the RPGB, RPC, City of Reno, City of Sparks and Washoe County except if the amendment being sponsored by the RPGB, RPC, City of Reno, City of Sparks, and/or Washoe County is being sponsored as the result of an application as is addressed in section II.B of the regulations on procedure filed with the Regional Planning Agency.

2. Submittal of Proposed Regional Plan Amendment: General

The RPC, RPGB or a local governing body may submit a proposed Regional Plan amendment. [Subsection 7 of NRS 278.0272] The Regional Planning Agency shall develop guidelines for determining when a submittal is complete in the form of a checklist for completeness and other checklists for review of submittals to the RPC.

3. Continuance

The RPC or RPGB may continue or postpone, to a certain date, consideration of a proposed Regional Plan amendment for cause, including but not limited to: (a) the need to consider the proposal in the context of other current or future planning activities and (b) the need for a joint plan adopted pursuant to NRS 278.02786.

4. Submittal of a Proposed Regional Plan Amendment: Removing Lands from a City Sphere of Influence

When a local governing body submits a proposed Regional Plan amendment that proposes to remove lands from a city's Sphere of Influence (SOI), the proposed amendment must identify the following:

- a. all parcels subject to the proposed SOI change;
- b. the current land use of all parcels subject to the proposed SOI change; and,
- c. a comparison of existing city land use and land use identified in Appendix 8 including an identification of any land uses that do not identically translate.

5. Voting Requirements

An affirmative vote by a two-thirds majority of the total membership of the RPC is required to approve a Regional Plan amendment. An affirmative vote by a majority of the total membership of the RPGB is required to adopt a Regional Plan amendment [Subsection 6 of NRS 278.0272 and NRS 278.0276].

6. Notice and Public Hearings: Regional Planning Commission

- a. The RPC may consider a proposed Regional Plan amendment at any time, if it finds that the proposed amendment is necessary to the health and welfare of the community or substantially benefits the community in general [Subsection 8 of NRS 278.0272]

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- b. The RPC must review the Regional Plan annually, study and consider requests for amendments to the plan at public hearings held annually, and forward its recommendations regarding proposed amendments to the RPGB for adoption. [Subsection 7 of NRS 278.0272]
 - c. The RPC must update the Regional Plan not less than every five years, and forward its recommendations regarding proposed amendments to the RPGB for adoption. [Subsection 7 of NRS 278.0272]
 - d. Except as otherwise provided in this paragraph, before approving an amendment, the RPC must hold at least one public hearing on the proposed amendment at a location in the region. [Subsection 5 of NRS 278.0272] Before approving a Regional Plan update, the RPC must hold a public hearing on the update in each of the cities within the region and in the unincorporated area of the county. [See Subsection 4 of NRS 278.0272]
 - e. Notice of the time and place of each required hearing must be given by publication in at least two newspapers of general circulation in the Region. Notice must be a display advertisement of not less than 3 inches by 5 inches. For a Regional Plan amendment, notice must be given at least 10 days before the day of the hearing. For a Regional Plan update, notice must be given at least 30 days before the day of the hearing. [Subsection 9 of NRS 278.0272]

6. Notice and Public Hearings: Regional Planning Governing Board

Before the adoption of any amendment, the RPGB must hold a public hearing, notice of the time and place of which must be given by publication in a newspaper of general circulation in the region not later than 10 days before the day of the hearing. [NRS 278.0276]

7. Procedures Following Regional Plan Amendment Adoption

- a. Following adoption of any amendment to the Regional Plan by the RPGB, a letter of final action shall be filed with the clerk of the RPGB. Any action or proceeding may be commenced for the purpose of seeking judicial relief or review commenced within 25 days after the date of filing of notice of final action with the clerk of the RPGB [NRS 278.0235].
- b. Following adoption of any amendment to the Regional Plan by the RPGB, local government and affected entity lists of scheduled additions for master plans, facilities plans, and other similar plans will be reviewed by the RPC and amended to include newly adopted Regional Plan policies as applicable. The RPC shall review and endorse amended lists of scheduled additions at the next available meeting date following amendment adoption by the RPGB. Upon endorsement by the RPC, relevant local governments and/or affected entities shall be notified of any amendments to their lists of scheduled additions.

II.B PRIVATE PROPERTY OWNER REQUESTS TO AMEND THE COMPREHENSIVE REGIONAL PLAN WITH RESPECT TO CHANGING THE TRUCKEE MEADOWS SERVICE AREAS (TMSA) AND FUTURE SERVICE AREA (FSA) BOUNDARIES

1. Property owner TMSA and FSA applications

Property owners seeking sponsorship by the RPC to amend the comprehensive regional plan with regard to the boundaries of the Truckee Meadows Service Areas (TMSA) and the Future Service Areas (FSA) as defined and provided for in the comprehensive regional plan must complete and submit to the Regional Planning Agency (RPA) two (2) original TMSA and FSA applications. The property owners must also supply with their application the following:

- a. Property owner declaration of intent (which clearly identifies the property (ies) included in the proposal, their location, and their legal owners);
- b. Two (2) original notarized affidavits per property owner;
- c. A proposal addressing all criteria and relevant policies contained in the comprehensive regional plan;
- d. A local government supplemental questionnaire; and
- e. Payment in full of all applicable fees.

Property owners submitting TMSA and FSA applications for consideration by the RPA must also submit six (6) duplicate applications for consideration by the RPA.

2. Completeness of the property owner applications

The TMSA and FSA applications addressed in section II.B.1 must be complete in all respects before the RPC will take action with respect to the TMSA and FSA application.

- a. Within 15 days of receipt of a TMSA or FSA application by a property owner, the RPA will transmit a written notification as to the property owner regarding the application's completeness. In the event the TMSA or FSA application is incomplete or contains discrepancies, the RPA will in its written notification set forth the deficiencies in the application submitted. For example, the failure of the property owner or his representative to submit the required copies or originals of the TMSA and FSA application, executed affidavits or failure to execute the two original affidavits will result in the RPA making a finding that the application is not complete. No administrative action will be taken on an incomplete application until such time as the property owner has corrected the deficiencies.
- b. In the event the property owner or his representative fails to cure the deficiencies contained in the written notification within 90 days from the date of the written notification, the application will be deemed denied and the property owner will need to submit a new application for consideration of the proposed change to the TMSA and/or FSA and forfeit all fees.

3. Fees for property owner applications

The RPGB has determined that property owners submitting applications for changes to the TMSA boundary or the FSA boundary will be required to remit a processing fee as described in the attached schedule (see Schedule I).

4. Sponsorship of a proposed amendment by the RPC

Following a determination of completeness, applications will be circulated to the RPC for consideration of sponsorship. Commitment to sponsor an amendment does not predetermine the outcome of the RPC's consideration.

5. Transmittal of property owner application to local government

Following RPC sponsorship of a property owner application, the RPA will transmit the entire application for consideration and comment by the appropriate local government[s]. The local government[s] shall have 90 days to provide comments and an advisory recommendation on the application to the RPA regarding the proposed amendment to the comprehensive regional plan, the failure to comment shall not be a factor in either the RPC's or RPGB's determination as to the appropriateness of the proposed amendment.

6. Planning criteria by which the TMSA and FSA applications will be evaluated

The following are the criteria by which requests from private property owners regarding amendments to the boundaries of the TMSA and FSA will be evaluated.

- a. Need
 1. Need and willingness of a local government go accept the proposal as part of its portion of the TMSA.
- b. Regional Form and Pattern
 1. Relationship with existing Truckee Meadows Service Areas (TMSA) and Future Service Areas (FSA)
 2. Consistency with goals, policies, and principles of the comprehensive regional plan
 3. Relationship with transportation corridors including transit-oriented development (TOD) corridors and secondary corridors
 4. Management of clear and logical boundaries
- c. Natural Resources Management
 1. Location and proportion of development-constrained areas
 2. Location and condition of streams and drainages
 3. Connectivity of open space
 4. Urban/rural interface issues
- d. Infrastructure and Services
 1. Leveraging of existing services and facilities
 2. Consideration in existing service and infrastructure plans
 3. Existing priorities for development within the region
 4. Consideration of additional infrastructure
 5. Capital and operating costs

e. Other Criteria

1. Cumulative effects related to regional form and pattern, natural resources management, and infrastructure and services
2. Relevant policies contained in the adopted comprehensive regional plan

7. Prior applications by property owners to City of Reno, City of Sparks and Washoe County

Property owners may submit applications or requests to the City of Reno, City of Sparks or Washoe County in lieu of filing an application with the RPA. In the event that a property owner requests the City of Reno, City of Sparks or Washoe County sponsorship, the respective local government declines to sponsor the amendment to the comprehensive regional plan, the property owner may submit an application to the RPA for potential sponsorship by the RPC or RPGB. The denial by a local government to sponsor an amendment to the comprehensive regional plan does not preclude the property owner submitting an application to the RPA. The denial by the local government may be a factor relied upon by the RPC or RPGB in sponsoring or denying to sponsor the proposed amendment to the comprehensive regional plan.

8. Evaluation of the criteria set forth in II.B.6

Each TMSA and FSA application will be evaluated by applying the criteria set forth in II.B.6 above to each respective application. The RPA staff may place a weighted average as to how each application satisfies the respective criteria or may provide a textual analysis as to how the TMSA and FSA application satisfies the criteria set forth in II.B.6 of these regulations. The analysis provided by the RPA is not a determination as to whether to sponsor an amendment to the comprehensive regional plan or not as it is an evaluation of the proposal against the adopted criteria for consideration by the RPC or RPGB respectively. The RPC and RPGB will evaluate each application based on public testimony, goals and policies in the Regional Plan, adopted criteria, evaluation provided by the (a) applicants, (b) RPA, and (c) local governments and recommendations provided by the local governments. The RPA shall determine a regular schedule for considering TMSA and FSA applications.

9. Denial by the RPC to sponsor an amendment to the comprehensive regional plan or to amend the comprehensive regional plan

In the event the RPC determines not to sponsor an amendment to the comprehensive regional plan based upon a TMSA or FSA application, the property owner may appeal that decision to the RPGB by filing a written notice of appeal within 10 days from the oral pronouncement of the RPC denial. The appeal of the RPC's decision to not sponsor the amendment will proceed pursuant to the procedures set forth in section I.C of the RPGB regulations on procedure.

The RPC determination on an application will be forwarded to the RPGB for consideration of final action.

10. Modifications of a proposed amendment

A motion to reconsider any action taken by the Board may be made only on the day the action was taken or at the next scheduled meeting following the day when the action was taken. It may be made during the same session or at an adjourned session. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any member. A question failing by virtue of a tie vote may be reconsidered by motion of any member of the Board. It shall be debatable. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other motion at a subsequent meeting of the Board, except that no action shall be taken on any subject not included in the published agenda.

- a. In the event a property owner requests a modification to a proposed amendment that has been submitted to the RPA but not yet considered by the RPC, a supplemental application that meets all the requirements of the initial application (including duplicates), as outlined in section II.B.1, is required to be submitted to the RPA. The modified proposal, once deemed complete and free of deficiencies as described in section II.B.2, will be considered by the RPC.
- b. In the event the RPGB modifies the proposed amendment previously approved by the RPC, the modified amendment will following the process set forth in NRS 278.0276
- c. The RPC or the RPGB may require sections II.B.5 and/or II.B.8 of these regulations to be repeated during reconsideration of a modified proposal.

III. CONFORMANCE REVIEW: PROJECTS OF REGIONAL SIGNIFICANCE

1. Applicability

Local governments shall use RPC Resolution 09-16 (September 9, 2009), as amended from time to time, to determine whether a proposal for the use of land is a Project of Regional Significance (PRS). [NRS 278.0277] Within 30 days after the determination is made, a local governing body may appeal to the RPC a local government determination that a proposal for the use of land is not a PRS.

2. Submittal of Request for Conformance Review

The local government requesting conformance review of a PRS shall submit a description of the project and sufficient supporting information to enable the RPC to make an informed judgment. The Director shall determine when the submittal is complete. The Regional Planning Agency shall develop the guidelines for determining when a submittal is complete in the form of a checklist for completeness and other checklists for review of submittals to the RPC.

3. Procedure Prior to Submittal of Request

Prior to the submittal of a request for conformance review:

- a. A local government may request comments from the Director or his designee related to conformance of a PRS with the Regional Plan.
- b. The Director or his designee may provide oral or written comments to a local government related to conformance of a PRS with the Regional Plan.

Any comments provided by the Director or his designee are advisory only and shall not be binding upon the Director, the RPC, or the RPGB. A local government may not submit the comments to the RPC or RPGB as part of a submittal of request for conformance review or during a judicial review or other ancillary proceeding.

4. Comments May Be Requested

The Director or the RPC may request comments regarding conformance with the substance and content of the adopted Regional Plan from entities other than the entity submitting the project.

5. Finding Required

Before a PRS is approved finally by the County or city and before construction on a PRS may begin, the RPC must make a finding that the project conforms with the adopted Regional Plan. [Subsection 1, NRS 278.0278]

6. Voting Requirements

An affirmative vote by a majority of a quorum of the RPC is required to make a finding of conformance for a PRS.

7. Appeals

If the RPC determines that the PRS is not in conformance with the Regional Plan, the determination may be appealed to the Regional Planning Governing Board (RPGB) within 45 days after notice of the determination is given. [For additional details, see Subsection 3 of NRS 278.0278.] An affirmative vote by a simple majority of a quorum of the RPGB is required to make a finding of conformance. Notice under this subsection must be: (a) delivered personally to the local government's community development director; or (b) sent by certified mail to that person. The RPGB must receive proof of service of the written notice provided pursuant to this subsection before it may consider an appeal at a meeting. For personal delivery, the 45-day period begins the day after delivery is made. For certified mail, the 45-day period begins the day notice is deposited in the U.S. Mail, and three additional days shall be added to the 45-day period. If the last day of the 45-day period is a Saturday, Sunday, or holiday, the period runs until the end of the next day which is not a Saturday, Sunday, or holiday.

IV. CONFORMANCE REVIEW: MASTER PLANS, FACILITIES PLANS AND OTHER SIMILAR PLANS

1. Applicability

These procedures apply to the master plans, facilities plans, and other similar plans (and amendments thereto) of local governments and other affected entities as defined in NRS 278.026. These procedures also apply to master plans, facilities plans, and other similar plans (and amendments thereto) of state agencies and of public utilities whose plans must be approved by the Public Service Commission of Nevada (PSCN), in accordance with Subsection 2 of NRS 278.0282.

2. Submittal of Request for Conformance Review

The local government, affected entity, state agency or utility requesting conformance review of a master plan, facilities plan, or other similar plan shall submit a copy of the plan and sufficient supporting information to enable the RPC to make an informed judgment. The Director shall determine when the submittal is complete. The Regional Planning Agency shall develop the guidelines for determining when a submittal is complete in the form of a checklist for completeness and other checklists for review of submittals to the RPC.

3. Procedure Prior to Submittal of Request

Prior to the submittal of a request for conformance review:

- a. A local government or affected entity may request comments related to conformance of a master plan, facilities plan, or other similar plan with the Regional Plan from the Director or his designee.
- b. The Director or his designee may provide oral or written comments related to conformance of a master plan, facilities plan, or other similar plan with the Regional Plan to a local government or affected entity.

Any comments provided by the Director or his designee are advisory only and shall not be binding upon the Director, the RPC, or the RPGB. A local government or affected entity may not submit the comments to the RPC or RPGB as part of a submittal of request for conformance review or during a judicial review or other ancillary proceeding.

4. Comments May Be Requested

The Director or the RPC may request comments regarding conformance with the substance and content of the adopted Regional Plan from entities other than the entity submitting the plan.

5. Determination Required

Before the adoption or amendment of any master plan, facilities plan, or other similar plan of a local government or affected entity, the RPC must determine that the plan or amendment conforms with the adopted Regional Plan. [Subsection 1, NRS 278.0282]

6. Review and Suggestions Required

Before the adoption or amendment of any master plan, facilities plan, or other similar plan by a state agency or by a public utility whose plan must be approved by the PSCN, the RPC must review the plan or amendment and offer suggestions regarding conformance with the adopted Regional Plan. [Subsection 2, NRS 278.0282]

7. Voting Requirements

An affirmative vote by a two-thirds majority of the total membership of the RPC is required to make a determination of conformance for a master plan, facilities plan, or other similar plan.

8. Public Hearing

The RPC shall review the master plans, facilities plans, or other similar plans or amendments thereto of local governments and other affected entities at one or more public hearings held within 60 days after the submittal is complete. [See subsection 1 of NRS 278.0282] Following the initial adoption of the Regional Plan and five-year updates to the Regional Plan, each local planning commission and any other affected entity, shall review its respective master plan, facilities plan and other similar plans, amend them and submit them, within 60 days after the adoption of the Regional Plan, to the Regional Planning Commission. The RPC shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the Regional Plan [See Subsection 1, NRS 278.028]. Conformance determinations by the RPC shall specify additions to the subject local government or affected entity master plan, facilities plan, or other similar plan and include a schedule for completing plan additions. Lists of scheduled additions shall be updated when the RPC reviews master plan, facilities plans and other similar plans for conformance reviews submitted pursuant to Subsection 1 of NRS 278.028.

9. Plan Deemed Conforming

If the RPC fails to make a determination on a master plan within 60 days after the submittal is complete, the plan or amendment shall be deemed in conformance with the Regional Plan, except for reviews conducted pursuant to Subsection 1, NRS 278.028. [See subsection 4, NRS 278.0282.]

10. Objections

An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons for a determination of nonconformance by the RPC may file an objection with the RPC within 45 days after the notice of that determination is given, stating the reasons why the plan is in conformance. Notice under this subsection must be: (a) delivered personally to the local government's community development director or affected entity's planning director; or (b) sent by certified mail to that person. The RPC must receive proof of service of the written notice provided pursuant to this section before it may consider an objection at a meeting. For personal delivery, the 45-day period begins the day after delivery is made. For certified mail, the 45-day period begins the day notice is deposited in the U.S. Mail, and three additional days shall be added to the 45-day period. If the last day of the 45-day period is a Saturday, Sunday, or holiday, the period runs until the end of the next day which is not a Saturday, Sunday, or holiday. The RPC shall issue a final determination of conformance or nonconformance within 45 days after the objection is filed. [Subsection 5, NRS 278.0282]

11.Appeals

The final determination of the RPC, after an objection has been filed, may be appealed to the RPGB not later than 30 days after notice of that determination is given. An affirmative vote by a simple majority of the total membership of the RPGB is required to affirm the determination of the Commission. [For additional details, see subsection 6, NRS 278.0282.] Notice under this subsection must be: (a) delivered personally to the local government's community development director or affected entity's planning director; or (b) sent by certified mail to that person. The RPGB must receive proof of service of the written notice provided pursuant to this section before it may consider an appeal at a meeting. For personal delivery, the 30-day period begins the day after delivery is made. For certified mail, the 30-day period begins the day notice is deposited in the U.S. Mail, and three additional days shall be added to the 30-day period. If the last day of the 30-day period is a Saturday, Sunday, or holiday, the period runs until the end of the next day which is not a Saturday, Sunday, or holiday.

12.Definitions

As used in this section:

- a. "Affected entity" has the meaning ascribed to it in subsection 1 of NRS 278.026;
- b. "Facilities plan" has the meaning ascribed to it in subsection 2 of NRS 278.026;
- c. "Master plan" means a plan or element thereof described in NRS 278.160;
- d. "Other similar plan" means a plan similar to a master plan or facilities plan and includes, without limitation, airport master plans, air quality plans, redevelopment plans, solid waste management plans, Regional Transportation Plans, university and community college master plans, and resource plans for electricity and natural gas.

V. JOINT PLANNING AREAS

1. Applicability

These procedures apply to planning for joint planning areas designated by the RPC pursuant to NRS 278.02784 and 278.02786.

2. Determination Required

Before the adoption or amendment of a master plan for a joint planning area, the RPC must determine that the plan or amendment conforms with the adopted Regional Plan [NRS 278.02784 and 278.028]. The RPC shall follow generally the regulations on procedure for conformance review of master plans, facility plans and other similar plans.

3. Adoption and Effective Date of Joint Plan

The master plan for a joint planning area that is recommended by the local planning commissions must be considered for adoption by each affected local governing body. The master plan, or part thereof, for the joint planning area becomes effective upon approval by a majority of the membership of each affected local governing body. [See subsections 3 and 4 of NRS 278.02786.]

4. Public Hearing of Local Governing Bodies Required: Notice

Before adopting the master plan for a joint planning area, or part thereof, the affected local governing bodies shall jointly hold at least one public hearing on the plan. Notice of the time and place of the hearing must be published at least once in a newspaper of general circulation at least 10 days before the public hearing. [Subsection 5 of NRS 278.02786]

VI. PROCEDURE AND PRACTICE BEFORE THE REGIONAL PLANNING COMMISSION (RPC) AND THE REGIONAL PLANNING GOVERNING BOARD (RPGB) ON THE TOPIC OF COOPERATIVE PLANNING

1. Applicability

The purpose of these rules is to establish procedures for conducting appeals of disputes arising as a result of cooperative planning as is contemplated in the Settlement Agreement of October 17, 2002 in the case commonly known as Washoe County v. Regional Governing Board, et al., CV02-03469, and filed in the Second Judicial District Court in and for the County of Washoe, Nevada.

The dispute resolution process contemplated in Article VI of the Regulations on Procedure (regulations) for the cooperative planning areas varies depending upon whether a specific plan, joint plan, separate settlement agreement, or cooperative plan is in place for that specific area of the cooperative planning area.

- a. If the area which is the subject of a cooperative planning dispute is subject to a specific area plan, joint plan, separate settlement agreement or cooperative plan, then any dispute arising from a local government's action will be subject to the dispute resolution process set forth in Article VI of the Regional Planning Governing Board's (RPGB) Regulations on Procedure and will be addressed by the Regional Planning Commission (RPC) and the RPGB unless all the parties to the appeal agree to bypass the administrative proceedings pursuant to VI.14 of the RPGB regulations.
- b. If the area which is the subject of a cooperative planning dispute is not within an area subject to a specific area plan, joint plan, separate settlement agreement, or cooperative plan, then all disputes from the action of a local government shall be filed with the RPGB. The RPGB shall follow the procedures applicable to the RPC (VI.3 – VI.8) since the hearing before the RPGB will be the only administrative evidentiary hearing. A dispute which is attributable to an area which is not subject to a specific area plan, joint plan, separate settlement agreement, or cooperative plan, shall in no instance be filed with the RPC. A local government which is aggrieved by a decision of the RPGB can appeal to Department 9 of the Second Judicial District. The appeal must be filed with Department 9 within 30 days after service of the final decision of the RPGB.

2. Definitions

As used in these rules,

- a. "Agency" means the Regional Planning Governing Board, the Regional Planning Commission, and the Regional Planning Agency, including their executive, professional and administrative staffs.
- b. "Petitioner" means any party appealing a decision to the Commission, the Board or the Second Judicial District Court in and for the County of Washoe, Nevada.
- c. "Respondent" means any party opposing an appeal of a decision to the Commission, the Board, or the Second Judicial District Court in and for the County of Washoe, Nevada.
- d. "Board" means the Regional Planning Governing Board.
- e. "Commission" means the Regional Planning Commission.
- f. "Director" means the Director of Regional Planning.

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- g. “Intervener” means a person other than a party to the cooperative planning effort who is aggrieved by and directly and substantially affected by a decision resulting from the effort and who either:
 - 1. submits an appeal to the Commission as provided in Section 4 of these rules; or
 - 2. who requests, in writing, not later than five (5) working days before a hearing, to appear and present testimony or otherwise participate at the hearing.
 - h. “Party” means any representative of a governmental agency participant in the effort or any representative of an intervenor as defined in VI.2.g. of these rules.
 - i. “Cooperative planning effort” is a matter that has been or should have been subject to the cooperative planning processes set forth in Section B of the October 17, 2002 Settlement Agreement in CV02-03469 or a matter which has been or should have been subjected to the cooperative planning criteria established or developed pursuant to Section C of the October 17, 2002 Settlement Agreement in CV02-03469.
 - j. “Dispute” is an appeal of, or disagreement with, an action taken with regard to a cooperative planning effort.

3. Appeals to Commission

Any party may appeal any dispute between itself and any other party to a cooperative planning effort to the Commission.

4. Procedure on Appeals to Commission

- a. An appeal from a cooperative planning effort must be filed with the Commission; (i) within seven (7) days of action taken by the local governing body; or, (ii) within seven (7) days of discovery of an action taken by a representative of a local government, on a matter subject to cooperative planning pursuant to the October 17, 2002 Settlement Agreement in CV02-03469.
- b. Within five (5) working days of receipt of an appeal from a cooperative planning effort, the Agency will provide all parties to the appeal with a copy of the appeal and schedule the matter for a public hearing.
- c. The appeal must state, at a minimum, the name of the party appealing, the date of the issue being appealed or the date of the action being appealed, and a detailed description of the issue being appealed, such description containing enough specificity to provide a person of reasonable intelligence with a basic understanding of the issues involved.
- d. If an appeal is made pursuant to 4a(ii) herein, the appeal must, in addition to the requirements of 4c, state the facts, circumstances and dates relevant to the discovery of the action being appealed.
- e. If a party objects to any facts, circumstances or dates alleged by an appealing party, the Commission may, at its sole discretion, bifurcate the appeal to allow a hearing and decision first on the validity of the appeal.

5. Public Hearings before Commission

- a. Public hearings before the Commission will be conducted in an informal and professional manner.
- b. To the extent possible, public hearings before the Commission will be conducted in the following order:
 1. Commission staff will summarize the matter to be heard.
 2. Commission chair, or designee, will explain the ground rules for the hearing, explain the rights and responsibilities of the parties and provide any other information relevant to the matter to be heard.
 3. Presentation by petitioner.
 4. Presentation by intervener, if applicable.
 5. Presentation by respondent.
 6. Presentation by intervener respondent, if applicable.
 7. Rebuttal by petitioner, if time reserved for same.
 8. Rebuttal by intervener petitioner, if time reserved for same.
 9. Closure of testimony for hearing.
 10. Questions from Commissioners.
 11. Deliberation by Commissioners.
 12. Action by Commissioners.
- c. Changes to the order of items for the administrative hearing:

The order of the process may be changed by order of the Regional Planning Commission or by stipulation of the parties and approved by the Commission.
- d. In the event that a case involves a cross appeal or where several cases have been consolidated by a stipulation of the parties or by an order of the Commission, the process as set forth in 5.b above shall be utilized, except that an additional rebuttal opportunity shall be provided the cross-petitioners/interveners.
- e. Taking testimony
 1. The Commission may refuse to hear any testimony that, in the Commission's opinion, is irrelevant, repetitive, defamatory or spurious.
 2. All witnesses will be sworn.
 3. Letters or other written statements may be made part of the record of the case and may, in the discretion of the Commission, constitute the basis for a decision by the Commission.
 4. During an administrative hearing, late-submitted evidence may be taken in at the sole discretion of the Regional Planning Commission and given the weight it is due.
- f. A court reporter will be selected by the agency and utilized to record the proceedings. Costs for court reporting utilized by the Regional Planning Commission for an administrative hearing will be paid for by the petitioner(s). Court reporting costs include 1 certified copy of the transcripts for the administrative record. In the case of a cross appeal, the petitioner(s) and the respondent(s) will be required to equally divide the costs associated with the court reporter.

The use of a court reporter may be waived with agreement of all parties, including the Commission or Board hearing the matter.

- g. If a party in a dispute resolution case utilizes a court reporter at the administrative hearing, the party must supply one copy of the transcript, free-of-charge, to the Regional Planning Commission.
- h. The Commission may take notice of all state and county laws, local ordinances and other such matters as are generally recognized by the Courts of the State of Nevada when such Courts take judicial notice.
- i. Notice of a hearing before the Commission will be given as provided in NRS chapter 241.

6. Continuances

The Commission may continue a hearing to a specific date and time, if, in the opinion of the Commission, any testimony, documentary evidence, and information presented at a hearing or any other matter properly before the Commission justifies allowing additional time for research, review, or time in order to properly decide the case. The Commission's decision to grant or deny such a continuance is not subject to review.

7. Decision

- a. The Commission will render a written decision three (3) working days following the completion of the public hearing.
- b. The Commission's written decision must contain the following:
 - 1. Identification of the subject matter of the appeal, the parties to the appeal and the action requested by the appealing party.
 - 2. Findings of fact and conclusions of law based on the evidence and testimony in the matter.
 - 3. A decision on whether to grant or deny the appeal.

8. Service of Commission's Decision

The Commission's decision will be served on all parties to an appeal by United States Mail. Service is effective on the date the Commission's decision is placed into the United States Mail.

9. Appeals to Board

Any party participating as a party in an appeal to the Commission and aggrieved by the Commission's decision may appeal the Commission's decision to the Board.

10.Procedure on Appeals to Board

- a. A petitioner seeking Board review of the Commission's decision must serve and file with the Board a Notice of Intent to Appeal within twenty days (20) days following the adjournment of the administrative hearing.
- b. A petitioner seeking Board review of the Commission's decision must submit a position paper outlining the issue(s) being appealed, to the Board and other parties to the appeal, within ten (10) days following the filing of the Notice of Intent to Appeal.
- c. A respondent must file a responding position paper not later than fifteen (15) days after service of the petitioner's position paper.
- d. If a respondent's position paper raises new issues not encompassed in the issues presented for appeal by the petitioner, the petitioner may, not later than five (5) days after service of respondent's position paper, file a reply limited to the new issues raised.
- e. The hearing before the Board shall be conducted in the same manner as set forth in Regulation VI.5.b, or in any manner as may be determined by the Board in consultation with the parties. The RPGB hearing shall be held within 45 days of receipt of the final brief unless continued by the RPGB pursuant to Section VI.6.
- f. Notice of a hearing before the Board will be given as provided in NRS chapter 241.
- g. In deciding an appeal, the Board will make its determination at a regularly scheduled public meeting of the Board.
- h. At any party's request, the Board shall permit the record prepared before the Commission and filed with the Board pursuant to VI.10.a. of these rules to be supplemented by any relevant testimonial or documentary evidence.
- i. The Board's decision on an appeal will, in the Board's discretion, be reduced to writing or recorded in the minutes of the Board and will contain findings of fact and conclusions of law, separately stated.
- j. Findings of fact and decisions of the Board must be based upon substantial evidence contained in the record prepared before the Commission.
- k. The Board may request a party to the appeal to prepare and submit proposed findings of fact, including a ruling on each proposed finding.
- l. The Board's decision will be served on all parties to an appeal by United States Mail. Service is effective on the date the Board's decision is placed into the United States Mail.

11.Party Representation

A party to an appeal before the Commission or the Board may appear personally or appear through a representative. If a party to an appeal before the Commission or the Board appears through a representative, that representative need not be a member of the State Bar of Nevada.

12.Consolidation of Cases

- a. The Commission or the Board may order, or the parties may agree to consolidate, with the approval of the Commission or the Board, two or more cases that have issues that are similar or are substantially similar.

13. Judicial Review

- a. A decision of the Board is subject to judicial review. Although the parties to the Settlement Agreement recognize they are not subject to the provisions of NRS chapter 233B, they agree that the Court, in processing an appeal from a final decision of the Board, should follow, in addition to any rules applicable to the operation of the Courts of the Second Judicial District Court in and for the County of Washoe, the guidelines, deadlines, procedures, and standard of review set forth in NRS 233B.130 and 233B.135, except that any petition for judicial review submitted under these rules must be filed with Department 9 of the Second Judicial District Court in and for the County of Washoe under that Court's continuing jurisdiction with respect to matters arising under the case commonly known as Washoe County v. Regional Governing Board, CV02-03469.
- b. The parties to the Settlement Agreement agree that they enjoy no right of appeal to the Nevada Supreme Court from a final decision of Department 9 of the Second Judicial District Court in and for the County of Washoe.

14. Expedited alternative cooperative planning dispute process

- a. At any time after filing a cooperative planning appeal with the Regional Planning Agency, all parties to the appeal may stipulate in writing that the issue in dispute is a legal issue to be determined de novo by Department 9 of the Second Judicial District.
- b. Upon receipt of a stipulation executed by the parties to the appeal, the Regional Planning Agency shall submit the stipulation and any other record of the matter in the custody of the Regional Planning Agency, to Department 9 of the Second Judicial District for consideration by the Court.
- c. If applicable, the stipulation to bypass the administrative proceedings before the Regional Planning Agency shall contain an agreed to statement of facts.
- d. If there is no stipulation, the administrative process contemplated in Article VI of the Regional Planning Governing Board Regulations on Procedure shall be applicable for resolution of the appeal.
- e. Upon receipt of an executed stipulation pursuant to this Article, no further administrative proceeding shall occur either before the RPC or the RPGB with respect to that contested case.

VII. ANNEXATION PROGRAMS

1. Applicability

These procedures apply to actions of the Regional Planning Agency related to the annexation programs of Reno and Sparks, pursuant to Chapter 268 of NRS.

2. Program of Annexation Required

Reno and Sparks shall adopt programs of annexation pursuant to NRS 268.625. They shall update their annexation programs not more than annually. (Note: see settlement agreement of October, 2002: A.10.b.)

3. Submittal of Annexation Program for Conformance Review

Reno and Sparks shall submit copies of their adopted annexation programs, and amendments thereto, to Washoe County for recommendations and to the RPC for conformance review. [See subsection 3 of NRS 268.625]

4. Annexation Program: Determination Required

Before an annexation program is put into effect, the RPC must certify that the program conforms with the Regional Plan. [Subsection 4 of NRS 268.625]

5. Annexation Program: Vote Required

An affirmative vote by a majority of a quorum of the RPC is required to make a determination of conformance for an annexation program.

6. Annexation Program: Objections

If Washoe County or a city that has submitted an annexation program or amendment thereto disagrees with the determination of the RPC, the County or city may file an objection with the RPC within 45 days after notice of that determination is given, stating the reasons why it disagrees. Notice under this subsection is given when the written notice is: (a) delivered personally to the County's and the city's community development directors; or (b) sent by certified mail to those persons. The RPC must receive proof of service of the written notice provided pursuant to this subsection before it may consider an objection at a meeting. For personal delivery, the 45-day period begins the day after delivery is made. For certified mail, the 45-day period begins the day notice is deposited in the U.S. Mail, and three additional days shall be added to the 45-day period. If the last day of the 45-day period is a Saturday, Sunday, or holiday, the period runs until the end of the next day which is not a Saturday, Sunday, or holiday. The RPC shall issue a final determination within 45 days after the objection is filed. [Subsection 4 of NRS 268.625 and Subsection 3 of NRS 278.028]

7. Annexation Program: Appeals

The County or city may appeal the final determination of the RPC on an annexation program to the RPGB not later than 30 days after notice of that determination is given. [For additional details, see Subsection 4 of NRS 268.625 and Subsection 4 of NRS 278.028] Notice under this subsection must be: (a) delivered personally to the community development directors of Washoe County and the city; or (b) sent by certified mail to those persons. The RPGB must receive proof of service of the written notice provided pursuant to this section before it may consider an appeal at a meeting. For personal delivery, the 30-day period begins the day after delivery is made. For certified mail, the 30-day period begins the day notice is deposited in the U.S. Mail, and three additional days shall be added to the 30-day period. If the last day of the 30-day period is a Saturday, Sunday, or holiday, the period runs until the end of the next day which is not a Saturday, Sunday, or holiday.

VIII. ANNEXATION PROPOSALS

1. Proposal for Annexation of Territory: RPC review required

Pursuant to NRS 268.626, 268.630, and the inter-local agreement to transfer the duties of the city annexation commission to the RPC effective November 30, 1993, the RPC shall review and approve or disapprove, with or without amendment, wholly, partially or conditionally, proposals initiated under NRS 268.636 for the annexation of territory to Reno and Sparks.

2. Proposal for Annexation of Territory by Alternative Procedure: RPC Notification Required

RPC review is not required for annexation proposals initiated pursuant to NRS 268.670, alternative procedures. A city that completes an annexation pursuant to NRS 268.670 shall update its annexation program maps and notify the Regional Planning Commission, through the Director, of its action within 30 days of the effective date. (Note: see settlement agreement of October, 2002, Section G.)

3. Notice of Intention to Annex: Filing with RPC

Upon the initiation of annexation pursuant to NRS 268.636, the city clerk of Reno or Sparks shall file a notice of intention to annex with the RPC, through the Director. The city clerk shall file the notice with the RPC within five (5) days. [NRS 268.638] The notice shall be accompanied by sufficient supporting information and documentation to enable the Regional Planning Agency to satisfy the public notice requirements and the RPC to make an informed determination. The Director shall determine when the filing is complete.

4. Notice of Intention to Annex: Public Hearing, Notice

Within 60 days after the filing of a notice of intention to annex with the RPC, the RPC shall hold a public hearing on the proposal. At least 15 days prior to the date of the hearing, the RPC shall notify the governing body of each city, any interested person who has filed a written request with the Director for such notice, and the proponents of the annexation. [NRS 268.642]. The RPC shall also notify the owner of record of any property subject to annexation. The RPC may adjourn a hearing from time to time, but not to exceed a total of 30 days. [Subsection 1 of NRS 268.648]

5. Notice of Intention to Annex: Determination

Upon conclusion of the required public hearing, the RPC shall present within 30 days its determination to approve or disapprove, with or without amendment, wholly, partially or conditionally, the proposal for annexation. [NRS 268.630 and subsection 1 of NRS 268.648] Subsequent to the RPC's determination, further proceedings shall proceed in accordance with subsection 3 of NRS 268.648 and with NRS 268.650.

6. Notice of Intention to Annex: Objections

Reno, Sparks or Washoe County may file an objection with the RPC within 45 days after notice of its determination is given, stating the reasons for the objection. Notice under this subsection must be: (a) delivered personally to the community development directors of Reno, Sparks, and Washoe County; or (b) sent by certified mail to those persons. The RPC must receive proof of service of the written notice provided pursuant to this subsection before it may consider an objection at a meeting. For personal delivery, the 45-day period begins the day after delivery is made. For certified mail, the 45-day period begins the day notice is deposited in the U.S. Mail, and three additional days shall be added to the 45-day period. If the last day of the 45-day period is a Saturday, Sunday, or holiday, the period runs until the end of the next day which is not a Saturday, Sunday, or holiday. The RPC shall issue a final determination within 45 days after the objection is filed. [Subsection 3 of NRS 268.648]

7. Notice of Intention to Annex: Appeals

Not later than 30 days after notice of a final determination is given, Reno, Sparks or Washoe County may appeal to the RPGB the final determination of the RPC on a notice of intention to annex. [See subsection 3 of NRS 268.648 and subsection 4 of NRS 278.028] Notice under this subsection must be: (a) delivered personally to the community development directors of Reno, Sparks, and Washoe County; or (b) sent by certified mail to those persons. The RPGB must receive proof of service of the written notice provided pursuant to this section before it may consider an appeal at a meeting. For personal delivery, the 30-day period begins the day after delivery is made. For certified mail, the 30-day period begins the day notice is deposited in the U.S. Mail, and three additional days shall be added to the 30-day period. If the last day of the 30-day period is a Saturday, Sunday, or holiday, the period runs until the end of the next day which is not a Saturday, Sunday, or holiday.

8. Notice of Intention to Annex: Notice of RPC Action

Within five days from the date of the RPC's action on a notice of intention to annex, the Director shall give notice of the action to the clerk of the city to which the annexation is pending. The Director's notice shall include the findings of fact upon which the RPC action was based.

IX. ANNUAL REPORTS

1. Each local planning commission responsible for the preparation of a city or County master plan and each affected entity shall prepare and submit to the Regional Planning Commission and the Governing Board a complete report by April 1 of each year indicating any action taken within the previous calendar year which furthers or assists in carrying out the policies or programs contained in the comprehensive regional plans, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year. [Subsection 1 of NRS 278.0286]
2. To assist the RPC during consideration of amendments, the RPC will review findings and recommendations of the annual reports prepared based on RPGB regulations and NRS 278.0286.

X. LEGISLATION AND PROJECTS RELATING TO THE REGIONAL PLAN

- I. Not less than 60 days before submitting a recommendation for proposed legislation to the Legislative Counsel Bureau, or beginning any program or project relating to the mandatory provisions of the comprehensive regional plan, a unit of local government or an affected entity shall file all relevant information relating to that request, program or project with the Governing Board. [See Subsection 2 of NRS 278.0286]

XI. ELECTRONIC DELIVERY OF AGENDA SUPPORT MATERIALS

1. Generally

NRS 241.020 sets forth the requirements to notice meetings and provide a copy of materials to the public for meetings subject to the open meeting law (NRS Chapter 241). Any person requesting an agenda and/or agenda support material may receive the agenda and agenda support material in hard copy or via electronic mail.

2. Notice of Meetings

The method of delivery for transmission of agendas is outlined below:

- a. Any person requesting agendas of the public meetings of the RPC or RPGB will receive the agenda in hard copy unless that party agrees to receive the agenda via electronic mail. The members of the public agreeing to receive notices of meetings will participate in the TMRPA subscription service electronically, via the website, by providing a valid email address. The electronic agreement to receive notices of meetings will remain in effect until the member of the public “unsubscribes” or removes their name from the subscription list through the website.
 1. The TMRPA subscription service will deliver the member(s) of the public an electronic mail with a link to retrieve the agenda from the Regional Planning Agency’s website. A request received through the electronic subscription service will be deemed acceptance of delivery via electronic mail.
- b. Alternative method of delivery will be by postal service per NRS 241.020 subsection 3 (b) (1) using the United States Postal Service. The member of the public wishing to receive the agenda in this manner will submit the request to the Administrative Services Manager of the Regional Planning Agency. The request will be in effect for 6 months and notice of lapse will be sent per NRS 241.020 subsection 3 (b).

3. Supporting materials

- a. The standard method of delivery will be through electronic mail if the requester has agreed to receive agenda support material electronically. (See XI 2. a. for details on subscribing.)

The subscription service shall deliver the member(s) of the public an electronic mail with a link to retrieve the supporting materials from the Regional Planning Agency’s website.

- b. Alternative method of delivery will be by United States Postal Service. A written request to the Administrative Services Manager will be in effect for one meeting unless the requestor requests agenda support material supporting materials for future meetings (up to 6-months). A request to receive agenda support material will not extend to subsequent meetings of the respective public bodies.
- c. Copies of the supporting material will be provided for public review at the meetings.

XII. POPULATION FORECASTING

1. Applicability

The purpose of these rules is to establish processes for conducting and maintaining a regional population forecast for conformance review and Truckee Meadows Services Area allocation. These rules outline major components in the preparation and maintenance of a locally developed consensus population forecast, describe a process that requires the consensus forecast to be compared against the estimated population that can be supported by the sustainable water resources in the region, and consider an alternative methodology if the consensus population forecast is not maintained according to the agreement or exceeds the estimated population that can be supported by sustainable water resources in the region.

2. Establishment of a regional population forecast based on water sustainability

- a. As illustrated in Figure 1 and outlined in the following sections, the Regional Plan and these Regulations on Procedure dictate the procedures for developing, updating, and utilizing a regional population forecast. The Regional Water Management Plan (RWMP) identifies the quantity of sustainable water resources and an estimate of the future population that can be supported by the sustainable water resources.

3. Development of the draft/updated consensus forecast

- a. The data sets that will be used for the consensus forecast shall be the most current published or available data from: the State Demographer, Truckee Meadows Water Authority (TMWA), and two additional sources (e.g. Global Insight) and shall not be more than two (2) years old at the time the information is used to derive the population forecast.
- b. The Truckee Meadows Regional Planning Agency (TMRPA) shall collect or purchase the data and prepare a preliminary consensus forecast for distribution to Reno, Sparks, and Washoe County by February 1 of even numbered years for review and comment, including at a minimum conducting one (1) collaborative meeting of all parties.
- c. Following review by the jurisdictions listed in Section 3.b, TMRPA will prepare a draft county-wide forecast for distribution and comment to Reno, Sparks, and Washoe County, during the spring of even numbered years.
- d. Upon completion, this forecast shall then be forwarded to the Northern Nevada Water Planning Commission (NNWPC).

4. Alternative to the consensus forecast

In the event TMRPA does not complete a draft/updated consensus forecast document according to the procedures in Section 3.a-c, the following process can be used instead.

- a. If the draft/updated consensus forecast has not been submitted to Reno, Sparks, and Washoe County during the spring of an even numbered year, as described in Section 3 above, the Regional Planning Commission (RPC) may adopt and utilize the most current, published State Demographer's 20 Year Projection data when exercising its duties under NRS and the Regional Plan.

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- b. The State Demographer's 20 Year Projection shall be acquired by TMRPA and forwarded to Reno, Sparks and Washoe County for distribution and comment. This alternative forecast shall be used in place of the consensus forecast.
 - c. The Demographer's 20 Year Projection shall then be forwarded to the NNWPC after review and discussion by the jurisdictions listed above in Section 4.b.

5. Comparison of draft consensus forecast population or Demographer's population forecast (hereinafter referred to interchangeably as "population forecast") with estimated population that can be supported by sustainable water resources

- a. Upon receiving the consensus forecast document, the NNWPC shall compare the draft population forecast with the estimated population that can be supported by the sustainable water resources as set forth in the RWMP. The NNWPC shall then advance a recommendation for consideration to the Western Regional Water Commission (WRWC).
- b. The WRWC shall compare the draft population forecast with the estimated population that can be supported by the sustainable water resources as identified in the RWMP and make a final determination as to whether the draft population forecast can be supported by the sustainable water resources set forth in the RWMP.
 1. If the WRWC determines the draft population forecast is less than or equal to the estimated population that can be supported by the sustainable water resources identified in the RWMP, the process will proceed according to Section 6, below.
 2. If the WRWC determines the draft population forecast is greater than the estimated population that can be supported by the sustainable water resources identified in the RWMP, the process will proceed according to Section 7, below.
- c. The WRWC shall inform Reno, Sparks, Washoe County, and TMRPA as to its finding in Section 5.b.

6. Population forecast is less than or equal to the estimated population that can be supported by the sustainable water resources in the RWMP

- a. If the WRWC determines the draft population forecast is less than or equal to the estimated population that can be supported by the sustainable water resources identified in the RWMP, the WRWC will submit the draft population forecast to Reno, Sparks, Washoe County, and TMRPA with a finding that the forecasted population can be supported by the sustainable water resources as set forth in the RWMP.
- b. The process for preparing jurisdictional splits will proceed according to Section 8, below.

7. Population forecast is greater than the estimated population that can be supported by the sustainable water resources in the RWMP

If the WRWC determines the draft population forecast is greater than the estimated population that can be supported by the sustainable water resources identified in the RWMP:

- a. The WRWC shall inform Reno, Sparks, Washoe County, and TMRPA of its finding and the magnitude of the difference, and may initiate an investigation to determine whether the regional population

able to be supported by the sustainable water resources identified in the RWMP can be increased through the reduction in per capita consumption or an increase in the available supply of water resources or by other technically appropriate means.

- b. The results of the investigation may be considered by the NNWPC and forwarded with a recommendation to the WRWC.
- c. The WRWC may review the results of the investigation and the recommendation from the NNWPC and issue one of the following findings:
 1. The population that can be supported by sustainable water resources should be increased based on the results of the investigation; or
 2. There are no opportunities to increase the sustainable water resources or reduce the per capita water demand.
- d. In the case of 7.c.(1). above, the WRWC may initiate an amendment to the RWMP. The amended population that can be supported by sustainable water resources will then be compared with the most recent population forecast according to the process described in Section 5.
 1. In the event that a new population forecast is being developed and is imminent at the time the RWMP is amended to reflect the revised population that can be supported by water resources, the NNWPC and WRWC shall wait until receipt of the latest population forecast to perform the comparison specified in Section 5.
- e. In the case of 7.c.(2). above, the WRWC shall advance a finding to the RPC for consideration; in which case the RPC shall:
 1. Consider a motion to retain the existing population forecast or return the population forecast as constrained by available sustainable water resources to Reno, Sparks, Washoe County, and TMRPA for preparation of a final population forecast with jurisdictional splits per Section 8 below; and/or
 2. Based on the recommendation received from the WRWC, consider the initiation of a process to amend the Regional Plan.

8. Preparation of a final consensus forecast with jurisdictional splits

- a. The draft population forecast shall be used by TMRPA in conjunction with Reno, Sparks and Washoe County to prepare jurisdictional splits of the regional forecasted population. The final county-wide population forecast including jurisdictional splits shall be developed in the following manner:
 1. To develop a method and implementation plan for jurisdictional splits TMRPA shall convene a staff team made up of at least one member from each jurisdiction and TMRPA. Once consensus has been reached the method and implementation plan shall be reviewed and approved by each local jurisdiction and TMRPA.
- b. The method established in 8.a.(1). shall be reviewed, and potentially modified during the spring of even numbered years in conjunction with each update of the consensus forecast.
- c. The final population forecast with jurisdictional splits will be prepared prior to the end of the fiscal year (i.e. July 1) and submitted to the RPC for final adoption.

9. RPC review of final population forecast

The RPC shall review and consider adoption of the final population forecast with jurisdictional splits prepared according to sub-section 8.a above.

- a. The RPC may adopt the population forecast with jurisdictional splits prepared according to sub-section 6.a. In this case, the forecast will contain the same forecasted population as the draft document originally prepared by TMRPA.
- b. The RPC may adopt a population forecast with jurisdictional splits prepared according to sub-section 7.a. above and that is modified so as to not exceed the sustainable water resources set forth in the RWMP.
- c. The RPC may decide not to adopt the consensus forecast, in which case the RPC shall state on the record its reasoning for not adopting the consensus forecast and may initiate an amendment to the Regional Plan.

10. Disaggregation of population to smaller geographic units*

The following process shall be used to disaggregate the final population forecast into small area geographic units, consistent with the goals and policies of the Regional Plan.

- a. Following the adoption of the final population forecast by the RPC, TMRPA in conjunction with Reno, Sparks, and Washoe County shall use an agreed upon methodology to disaggregate the population forecast, consistent with the goals and policies of the Regional Plan, to small area geographic units.

11. Distribution of disaggregated population data

- a. TMRPA shall make available the disaggregated population data to each local government and affected entity for the purposes of master planning, facilities planning, and other similar planning activities
- b. TMRPA may aggregate the small area geographic information to create a forecast for other geographic units for planning or conformance review purposes.

12. Conformance review of local government and affected entity planning documents

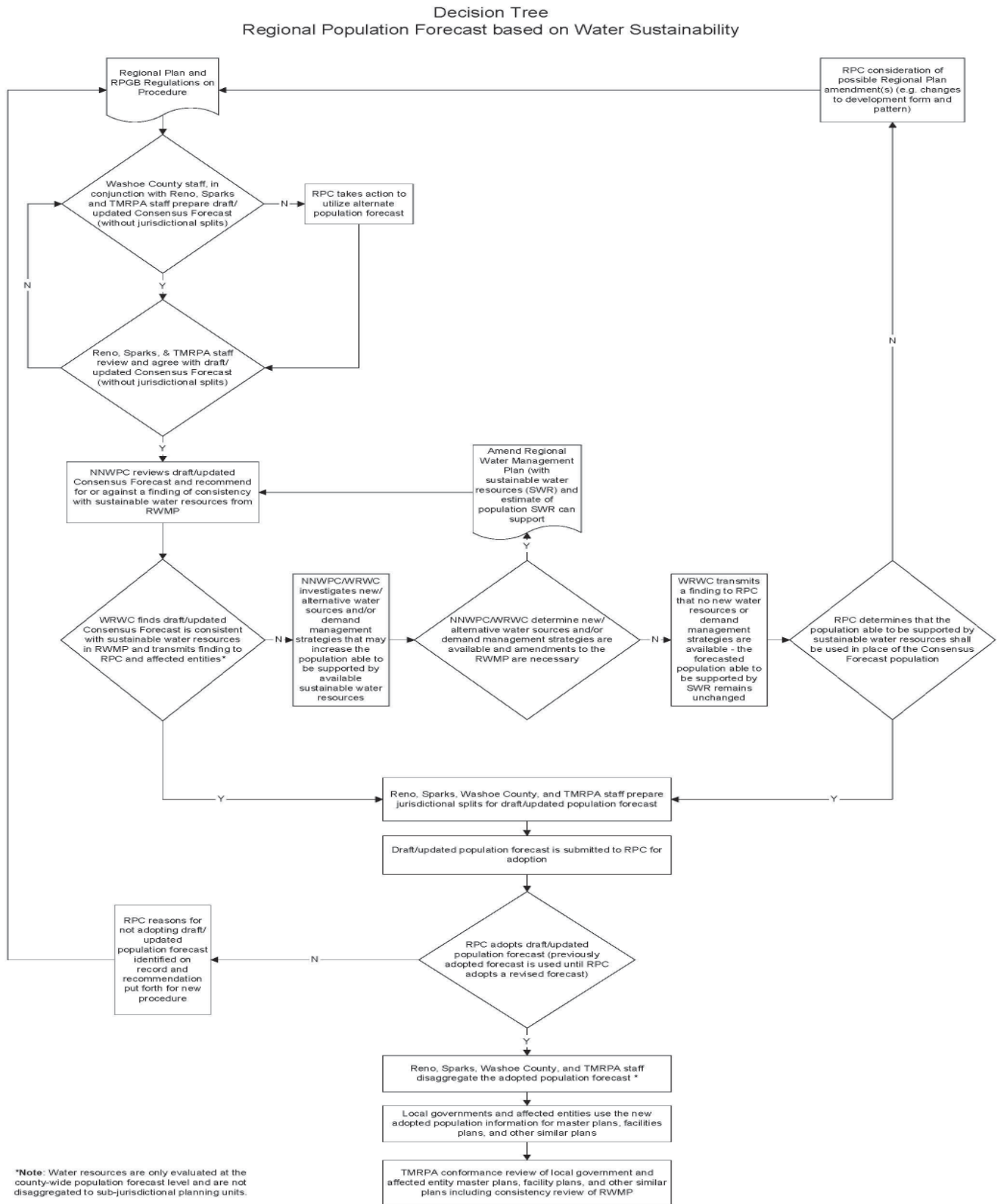
- a. The RPC shall conduct reviews of conformance with the Regional Plan consistent with State Law.

13. Maintenance and update of the consensus forecast

The consensus forecast will be prepared by TMRPA every even-numbered year.

* Note: Water resources are only evaluated at the county-wide population forecast level and are not disaggregated to sub-jurisdictional planning units.

Figure 1: Decision Tree: Regional Population Forecast based on Water Sustainability



SCHEDULE I: FEES

I. Private Property Owner Requests to Amend the TMSA or FSA

On July 19, 2007 the Regional Planning Governing Board adopted a fee schedule (below) for applications received from private property owners requesting a regional plan amendment to change the boundaries or the Truckee Meadows Service Areas (TMSA) or Future Service Areas (FSA). Also see RPGB Regulations on Procedure Section II.A and II.B.

Fee Schedule:

A minimum charge of \$4,070 per application is due upon submission of the application to the Truckee Meadows Regional Planning Agency. Upon final determination of the case by the Regional Planning Governing Board, if actual costs exceed \$4,070, the excess amount will be billed to the applicant. Payment is due in full within 30 days of invoice. Any costs associated with collection of fees will also be billed to the applicant.

**SCHEDULE 2: HISTORY OF CHANGED REGULATIONS
(Administrative & Adopted changes)**

Date	Document Version Number	Type of Change	Page/Section Changed	Purpose	Notes
1. 2/13/03	Version 4 (03-02-20)	Administrative	TOC, Section V – pages 8 & 12	Cross reference D.I. in V.2.g.I. was changed to 5.a.	<p>(Section V) - The Regulations on Procedure as adopted by the RPGB November 14, 2002, consisted of two separate documents; 1) Regulations on Procedures and 2) Procedure and Practice before the RPGC and the RPGB on the topic of cooperative planning.</p> <p>The Regulations on Procedure have been administratively revised on December 18, 2002, to insert the “Procedure and Practice before the RPGC and the RPGB on the topic of cooperative planning” into the Regulations on Procedures document, renumber the new section and subsequent sections, reformat the new section and renumber any cross references.</p> <p>1. (Section 5.2.f) –As adopted by the RPGB November 14, 2002, the term “Director” was defined as Executive Director of Regional Planning Agency. The definition in the regulations has been administratively revised on December 18, 2002, to reflect the definition in NRS 278.0266.</p> <p>2. (Section V) – The Regulations on Procedure have been administratively revised on February 20, 2003, to renumber cross references.</p>
2. 2/12/04	Version 5	Amendment adopted by RPGB	Section V	Pursuant to a District Court order; and by agreement of the parties to District Court Case CV02-03469.	Various changes to Section V
3. 2/10/05	Version 6	Amendment adopted by RPGB	Section V	Pursuant to a District Court order; and by agreement of the parties to District Court Case CV02-03469.	<p>1. (Section V.1) - Text added regarding applicability</p> <p>2. (Section V.14) - New section added – Expedited alternative cooperative planning dispute process.</p>

Date	Document Version Number	Type of Change	Page/Section Changed	Purpose	Notes
4. 2/9/06	Version 7	Amendment adopted by RPGB	Sections II, III, VI, VII	Amends RPGB regulations on conformance review procedures, provision of notice on matters subject to appeal, and miscellaneous technical amendments	
5. 7/19/07	Version 8	Amendment adopted by the RPGB	Sections I and II (includes administrative changes to section numbers with the addition of a new Section I)	Added Section I regarding the coordination of activities between the RPC and RPGB, and added Section II.B regarding private property owner requests to amend the TMSA and FSA (regional plan amendments)	With the addition of a new Section I, all subsequent section numbers changed administratively, including references within each section to various section numbers. Section II: Regional Plan Amendments was split into two sections; Section II A and Section II B.
6. 9/13/07	Version 9	Amendment adopted by the RPGB	Section XI	Added new section regarding electronic delivery of agendas and agenda support materials	
7. 11/8/07	Version 10	Amendment adopted by the RPGB	Section XII	Added new section regarding population forecasting	
8. 1/14/10	Version 11	Amendment adopted by the RPGB	Section XII	Section XII amended to include a process for comparing the Consensus Forecast to the estimated population that can be supported by the sustainable water resources identified in the RWMP (reference Regional Plan amendment 09-022, 2008 Washoe County Ballot Initiative WC#3).	With the addition of new subsections in Section XII, all subsequent subsection numbers changed administratively, including references within various subsections. Section XII: new subsections: 5-7, 9, 12, amended subsections: 1-4, 8, 10-11 Inclusion of Figure 1 - illustration of decision tree for preparing a regional population forecast based on water sustainability. The TOC, footer, and cover were also changed to reflect the amendments.

Date	Document Version Number	Type of Change	Page/Section Changed	Purpose	Notes
9. 8/12/10	Version 12	Amendment adopted by the RPGB	Section I	Added new language allowing the the Director of Regional Planning to render decisions in certain circumstances	
10. 10/14/10	Version 13	Amendment adopted by the RPGB	Sections II.A, III and IV	Adds new language for procedural clarification following Regional Plan amendment adoptions and updates the reference to the RPC resolution adopting guidelines for projects of regional significance	
11. 6/09/11	Version 14	Amendment adopted by the RPGB	Section II.A	Adds new language defining information to be submitted with a Regional Plan amendment proposing to remove lands from a City sphere of influence (SOI)	