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**EXHIBIT "1"**

**EXHIBIT "1"**

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RONALD A. LOHETON, JR.

BY [Signature]  
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NORMAN J. AZEVEDO, ESQ.  
Nevada Bar No. 3204  
338 California Avenue  
Reno, NV 89509  
775.329.6770  
  
Attorney for Respondent

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

\*\*\*\*\*

COUNTY OF WASHOE, by and through its  
Board of County Commissioners; SUN VALLEY  
GENERAL IMPROVEMENT DISTRICT, by  
and through its Boards of Trustees,

Case No. CV02-03469  
Dept. No. 9

Petitioners,

vs.

WASHOE COUNTY REGIONAL  
GOVERNING BOARD,

Respondent,

and

SETTLEMENT AGREEMENT

CITY OF RENO, a municipal Corporation,

Intervenor/Respondent,

and

CITY OF SPARKS, a municipal Corporation,

Intervenor/Respondent.

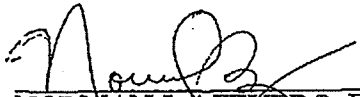
\_\_\_\_\_ /

COMES NOW, Washoe County Regional Governing Board, by and through its counsel of  
record, Norman J. Azevedo, Esq., and files the original Settlement Agreement relative to the  
.../  
.../

1 above-captioned matter. Said document is attached hereto.

2 DATED this 20<sup>th</sup> day of June, 2004.

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NORMAN J. AZEVEDO, ESQ.  
Nevada Bar No. 3204  
338 California Avenue  
Reno, NV 89509  
775.329.6770

**CERTIFICATE OF MAILING**

I hereby certify that on the 20<sup>th</sup> day of June, 2004, I deposited a true and correct copy of the foregoing (minus the attachment) in the United States Mail, postage pre-paid, addressed as follows:

- David Creekman, Esq.  
City of Sparks  
P.O. Box 857  
Sparks, NV 89432
- J. Stewart White, Esq.  
White & Meany  
3185 Lakeside Drive  
Reno, NV 89509
- Marilyn D. Craig, Esq.  
Reno City Attorney  
P.O. Box 1900  
Reno, NV 89505
- Madelyn Shipman, Esq.  
Washoe County District Attorney  
P.O. Box 30083  
Reno, NV 89520
- Stephen C. Mollath, Esq.  
Prezant & Mollath  
6560 SW McCarran Blvd., Suite A  
Reno, NV 89509
- R. Shawn Oliphant, Esq.  
Lane, Fahrendorf, Viloría & Oliphant LLP  
327 California Avenue  
Reno, NV 89509
- Rosanna Coombes  
Truckee Meadows Regional Planning Agency  
One East First Street, Suite 900  
Reno, NV 89501-1625

  
Rhonda Azevedo

## Terms of Settlement Agreement

### Washoe County and the Sun Valley GID vs. Truckee Meadows Regional Planning Governing Board CV02-03469

#### A. BASELINE CRITERIA

1. **Spheres of Influence.** The Spheres of Influence (SOI) identified in the 2002 Regional Plan will be amended to reflect the boundaries agreed to by the City of Reno (hereinafter Reno) and the City of Sparks (hereinafter Sparks) post-May 9, 2002, as delineated in the September 2002 confidential settlement briefs of Reno and Sparks. *See Exhibit 1* to this settlement agreement (hereinafter agreement) is the map identifying the amended SOI.
2. **Cooperative Planning Areas within the 2002 Expanded Spheres of Influence.** The area added to the SOI's as they existed on May 8, 2002, and as amended by paragraph A1 of this agreement, will be referred to as the 2002 Expanded SOI's for the purposes of this agreement. The 2002 Expanded SOI will be master planned and zoned according to the Cooperative Planning process as defined in this agreement. These areas in total are henceforth referred to as Cooperative Planning Areas within the 2002 Expanded SOI's.
3. **Land Use and Zoning Designations.** Cooperative Planning Areas within the 2002 Expanded SOI's will be given the Washoe County (hereinafter County) master plan land use (which is concurrently the County's regulatory zoning) as translated to City land use and zoning. *See Exhibit 2.* In Cooperative Planning Areas within the 2002 Expanded SOI's the development standards that will be used for development projects are those from the respective city as modified by the attached table. *See Exhibit 3.* Reno will accept the Mt. Rose Highway scenic corridor standard as approved by the County. *See Exhibit 4.*
4. **Cooperative Planning Areas outside the 2002 Expanded Spheres of Influence.** Areas of interest are those areas beyond the 2002 Expanded SOI's where cities have an interest in specific aspects of County planning as further described in A6 and A7 of this agreement. *See Exhibit 5.* These areas of interest are henceforth referred to as Cooperative Planning Areas outside the 2002 Expanded SOI's. As provided for in *Exhibit 5*, the areas that Reno has expressed interest in are designated in yellow and aqua and the areas that Sparks has expressed interest in are designated in periwinkle and aqua.
5. **Cooperative Planning Areas outside the 2002 Expanded SOI's in which the City has Interest.** Cooperative Planning Areas outside the 2002 Expanded SOI's in which the City has Interest will maintain the existing County master plan land use and use existing County development standards. For ongoing Community

Management Plans that are largely outside the 2002 Sphere of Influence, the County master plan land use will be maintained until such time as Community Management Plans amend the County Comprehensive Plan and are found to be in conformance with the Regional Plan.

6. **Boundary Adjustments to Cooperative Planning Areas outside the 2002 Expanded SOI's.** Within 240 days of the execution of this agreement, the parties agree to further review and define the boundaries of the Cooperative Planning Areas outside the 2002 Expanded SOI's. The outcomes of this review are subject to the dispute resolution mechanisms outlined in Section A7.

7. **Notification and Dispute Resolution.** The County agrees to provide Reno and Sparks with reasonable notice of proposed planning decisions that address zoning changes, and changes to development standards, in the cooperative planning areas outside the 2002 Expanded SOI's. Moreover, Reno and Sparks will be able to provide review of, and meaningful input in regards to, infrastructure availability, timing and phasing; public service levels and fiscal impacts; and natural resource constraints. In the event that either Reno or Sparks is aggrieved by an administrative decision of the County in these matters, Reno or Sparks may file a petition to Department 9 of the Second Judicial District Court seeking a judicial review of the County's administrative decision. For disputes arising from County administrative decisions on planning matters in Cooperative Planning Areas outside the 2002 Expanded SOI's, Reno and Sparks are not required to file a petition with either the Regional Planning Commission or the Regional Planning Governing Board prior to seeking judicial review by Department 9 of the Second Judicial District Court.

8. **Amendment to land use, zoning and development standards in Cooperative Planning Areas.** All requests for amendment to the land use, zoning and development standards in Cooperative Planning Areas will be subject to the provisions in Section B of this agreement.
9. **Protocol Agreements.** *Exhibit 6 and 7* are draft protocol agreements that explain the procedures for processing specific plans, development agreements, approved discretionary permits, discretionary permit applications in the process of approval, master plan amendments, building permits, business licenses, code enforcement and reporting requirements to boards and commissions outside the city limits of Reno and Sparks. The parties agree to finalize the draft protocol agreements within 120 days of execution of this agreement and file a copy of the same with Department 9 of the Second Judicial District Court.
10. **City Programs of Annexation.**
  - (a) Reno and Sparks will adopt Programs of Annexation consistent with *NRS 268.625* including consideration of the following factors:
    1. Location of the property to be considered for annexation;
    2. The logical extension of City limits;

3. The need for the expansion to accommodate planned regional growth;
  4. The location of existing and planned water and sewer service;
  5. Community goals that would be met by any proposed annexation;
  6. The efficient and cost effective provision of service areas and capital facilities; and,
  7. Any other factors concerning any proposed annexation deemed appropriate for consideration by the governing body of the city.
- (b) Reno and Sparks shall not review and amend their Programs of Annexation more frequently than annually.
- (c) Reno and Sparks shall specify in their Programs of Annexation areas in their respective SOI's that are considered for annexation within the next 7 years and acknowledge that the areas considered for annexation in the 7 year program are less than the area designated as the 2002 Expanded SOI's.

#### 11. Joint Planning.

- (a) Joint Plans shall be amended only by agreement of all parties thereto, and shall be reviewed 18 months after the initiation of cooperative planning, at which time the parties shall consider conversion of joint planning areas to cooperative plans, such action requiring unanimous agreement of the parties.
- (b) The County, Reno, and the Regional Planning Governing Board (hereinafter Board) agree to jointly seek a stay of the Bushey litigation (*Truckee Meadows Regional Planning Governing Board, etc., et al. v. County of Washoe et al.*, Supreme Court of Nevada, Supreme Court Case No 37947; District Court Case No. CV 01-00211) pending further mediation. The County, Reno and the Board will provide in the stipulation submitted to the Supreme Court requesting a stay that the parties' submission is based upon a request by the Honorable James Hardesty, District Court Judge, Second Judicial District Court.
- (c) The County, Reno, and the Board agree to participate in further mediation regarding parcels affected by the Bushey litigation, including but not limited to, Beckworth/McMullen et al. Bushey parcels include APN 552-250-02. The Beckworth/McMullen parcels include APN 552-111-01 and APN 552-111-02.

### B. COOPERATIVE PLANNING PROCESS

1. **Proposed amendments to Master Plans in Cooperative Planning Areas.** All proposed amendments to master plan land use, zoning or development standards (see Section A3 of this agreement) in Cooperative Planning Areas within the 2002 Expanded Spheres of Influence will be initiated and reviewed with participation from each local government as follows (some time frames may run concurrently):



**(a) Initiation of amendments by property owner(s).**

**Time Periods.** Amendments submitted by property owner(s) to local government for area within their jurisdiction, i.e. City of Reno (and SOI), City of Sparks (and SOI), Washoe County

- 5 days a copy of the application will be provided to staff of other involved local government(s), and relevant Citizen Advisory Boards, Neighborhood Advisory Boards and/or the Sparks Citizen Advisory Committee;
- 15 days joint staffs hold a review meeting to identify concerns, issues, etc.
- 30 days Citizen Advisory Boards, Neighborhood Advisory Boards and the Sparks Citizen Advisory Committee and other involved local government planning commission(s) to provide comments;
- 45 days other involved local governing body(ies) comment
- 60 days hearing by local planning commission with jurisdiction
- 85 days hearing by local governing body with jurisdiction
- 115 days appeal hearing, if any, by Regional Planning Commission
- 145 days appeal hearing, if any, by Regional Planning Governing Board
- 175 days appeal hearing, if any, by District Court

**i. Sanctions.** Washoe, Reno, Sparks or the Board may seek judicial intervention to determine whether a non compliance of the timelines in Section B1(a) of this agreement is abusive in nature and warrants the imposition of sanctions by Department 9 of the Second Judicial District Court.

**ii. Waiver.** Property owner applicants may submit to their respective local jurisdiction a written waiver of the timelines in Section B1(a) of this agreement.

**b. Initiation of amendments by Local Governments.**

Initiation of amendments by local governments for areas within their jurisdiction, i.e. City of Reno (and SOI), City of Sparks (and SOI), Washoe County.

- 5 days a copy of the application will be provided to staff of other involved local government(s), and relevant Citizen Advisory Boards, Neighborhood Advisory Boards and/or the Sparks Citizen Advisory Committee;
- 30 days joint staffs hold a review meeting to identify concerns, issues, etc
- 45 days Citizen Advisory Boards, Neighborhood Advisory Boards and the Sparks Citizen Advisory Committee and other involved local government planning commission(s) to provide comments;
- 60 days other involved local governing body(ies) comments on issues
- Ongoing staff involvement/correspondence
- 120 days draft plan to staff of other involved local government(s)
- 140 days joint staffs hold a review meeting to identify concerns, issues, etc. on draft
- 155 days other involved local government planning commission(s) provide comments on draft
- 170 days other involved local governing body(ies) provide comments on draft

- 185 days hearing by local planning commission with jurisdiction
- 200 days hearing by local governing body with jurisdiction
- 230 days appeal hearing, if any, by Regional Planning Commission
- 260 days appeal hearing, if any, by Regional Planning Governing Board
- 290 days appeal hearing, if any, by District Court

i. **Sanctions.** Washoe, Reno, Sparks or the Board may seek judicial intervention to determine whether a non compliance of the timelines in B1(b) of this agreement is abusive in nature and warrant the imposition of sanctions by Department 9 of the Second Judicial District Court.

ii. **Extension of Time.** The time periods referenced in B1(b) may be modified provided all the local governments involved consent in writing.

### C. COOPERATIVE PLANNING AREA AMENDMENT

1. **Cooperative Planning Area amendment evaluation criteria.** The following criteria will be used to formulate cooperative plans as well as for evaluating proposed amendments to Cooperative Plans to determine whether the amendments conform to the comprehensive regional plan. The amendments will be further defined to be more specific. The initial criteria are as follows:
  - (a) Regional form and pattern, including open space
  - (b) Housing
  - (c) Jobs/housing balance
  - (d) Concurrency, timing, and phasing of infrastructure
  - (e) Public service levels and fiscal impacts
  - (f) Natural resource constraints not elsewhere addressed
  - (g) Interim water polices developed and recommended by the Regional Water Planning Commission under C2(a) of this agreement, and recommendations from the Commission's updated water plan
  - (h) Adjacency, edge matching and "feathering" standards shall be applied within the cooperative planning area as currently described in 110.212 Washoe County Development Code. *See Exhibit 8.* *Exhibit 8* will include both the Code and the Map referenced by the Code, which delineates which parcels are currently subject to this standard.
2. **Additional Criteria and Refinement of Cooperative Planning Area Amendment Criteria.** Within 120 days following the execution of this agreement staff of Reno, Sparks, the County and the Board may refine and develop additional criteria for the amendment of cooperative planning areas. Staff will provide recommendations to the respective City and County Planning Commissions for review and recommendation to the respective City and County Commission for approval, including all applicable public processes. Local Governments will forward the recommendations to the Board and for filing with Department 9 of the Second Judicial District Court as an Exhibit to this

agreement. In the event that Reno, Sparks, or the County are aggrieved by a decision of Reno, Sparks or the County, the aggrieved party may initiate the dispute resolution process pursuant to the regulations referenced in Section E of this agreement. The topics to be considered by the staff for refinement shall include, but are not limited to:

- (a) **Water.** Reno, Sparks and the County shall jointly request that the Regional Water Management Planning Commission formulate interim criteria policies to be provided within 120 days from execution of this agreement.
- (b) **Further application of adjacency, edge matching and "feathering" standards.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, Sparks, the County and the Board will further determine the application of adjacency, edge matching and "feathering" standards more broadly within the cooperative planning areas.
- (c) **Convenience commercial uses in the *Golden Valley* area.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, the County and the Board will evaluate whether convenience commercial uses in the *Golden Valley* area should be located within 1500 feet of a high school property line, unless such services are coincident with an existing neighborhood or community serving center designated in a city or county master plan found to conform to the regional plan.
- (d) **Development standards for Cooperative Planning Areas.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, Sparks, the County and the Board will consider the inclusion of the list of development standards for cooperative planning areas listed in *Exhibit 3*. These development standards may include, but are not limited to, open space buffer zoning and deed restrictions, noise management, view protection and hillside development,

3. **Extension of Time.** Staff of Reno, Sparks, the County, and the Board will prioritize the topics for the refinement and development of criteria for cooperative planning areas within the 120 day time period as referenced in Section C2 of this agreement. In the event that either staff of Reno, Sparks, the County, or the Board determine that the 120 day time period is inadequate to address the topics for the refinement and development of criteria for cooperative planning areas, then Reno, Sparks or Washoe may petition Department 9 of the Second Judicial District Court and show good cause why the 120 time period should be extended.

#### D. COMPREHENSIVE REGIONAL PLAN AMENDMENTS

1. **Comprehensive Regional Plan Amendments.** The Regional Planning Commission and the Regional Planning Governing Board will adopt amendments to the comprehensive regional plan consistent with this agreement. The regional plan amendments will be subject to the public process as contemplated within Chapter 278 of the *Nevada Revised Statutes*. In the event that Reno, Sparks or the

County is aggrieved in by an administrative decision of the Board in amending the comprehensive regional plan, the aggrieved party may petition Department 9 of the Second Judicial District Court pursuant to the dispute resolution regulations referenced in Section E in this agreement.

2. **Comprehensive Regional Plan Amendments regarding Natural Resource Constraints.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to clearly delineate that the comprehensive regional plan is natural resource constrained.
3. **Comprehensive Regional Plan Amendments regarding Existing Zoning outside the Truckee Meadows Service Areas.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to allow local governments to recognize existing zoning outside the TMSA to allow development and division of land in accordance with that zoning.
4. **Comprehensive Regional Plan Amendments regarding the Sun Valley hydrographic basin.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to rollback the Reno and Sparks Sphere of Influence to match the ridgeline of the Sun Valley hydrographic basin. Further, the Regional Planning Commission and the Regional Planning Governing Board will amend the TMSA within the comprehensive regional plan to include all property within the Sun Valley GID hydrographic basin including the currently annexed land of Asquaga/Pappas. *See Exhibit 9.*
5. **Comprehensive Regional Plan Amendments regarding future amendments to the Comprehensive Regional Plan and Conformance Review.** Within 120 days from the execution of this agreement, the Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to include policies that provide that future amendments to the comprehensive regional plan pursuant to NRS 278.0272 and the conformance review process pursuant to NRS 278.028 and NRS 278.0282 shall consider the following additional criteria:
  - (a) Regional form and pattern, including open space
  - (b) Housing
  - (c) Jobs/housing balance
  - (d) Availability, timing, and phasing of infrastructure
  - (e) Public service levels and fiscal impacts
6. **Extension of Time.** In the event that either staff of Reno, Sparks, the County, or the Board determine that the 120 day time period in Section D5 is insufficient to amend the comprehensive regional plan to include the necessary policies, then Reno, Sparks, the County or the Board may petition Department 9 of the Second

Judicial District Court and show good cause why the 120 time period should be extended.

#### **E. DISPUTE RESOLUTION**

1. *Exhibit 10* to this agreement is a draft of regulations that will govern the dispute resolution process for cooperative planning contemplated in this agreement. The regulations will be adopted by the Regional Planning Governing Board pursuant to NRS 278.0265 (1). The regulations will provide the dispute resolution process for all cooperative planning disputes except as otherwise provided for in this agreement.

#### **F. LEGISLATION**

Reno, Sparks, the County, the Board and the Sun Valley General Improvement District (hereafter SVGID) shall not propose legislation that is either inconsistent or contrary to the terms of this settlement agreement. In the event that Reno, Sparks, the County and the Board jointly believe that legislation should be proposed to support or further this agreement, the parties will jointly submit and support the legislation. Reno, Sparks, the County and the Board agree that all other legislative items will be addressed pursuant to *NRS 278.0276 (2)* and the 2001 Memorandum of Understanding on legislative issues, as amended.

#### **G. NRS 268.670 ANNEXATION**

1. **Annexation Criteria.** Reno and Sparks will establish and adopt criteria which will delineate the criteria by which the cities will exercise its discretion in processing and approving annexation applications pursuant to *NRS 268.670*. The criteria will include the following:
  - (a) Location of the property to be considered for annexation;
  - (b) The logical extension of City limits;
  - (c) The need for the expansion to accommodate planned regional growth;
  - (d) The location of existing and planned water and sewer service;
  - (e) *Community goals that would be met by any proposed annexation;*
  - (f) The efficient and cost effective provision of service areas and capital facilities;
  - (g) Fiscal analysis regarding the proposed annexation;
  - (h) Whether the county has adopted a Community Management Plan for the proposed annexation area;
  - (i) Whether the annexation creates islands; and,
  - (j) Any other factors concerning any proposed annexation deemed appropriate for consideration by the governing body of the city;

- 2. **Notification Requirement.** Reno and Sparks agree to provide reasonable notice to the County and all property owners within 750 feet of the property to be annexed so that the County and the property owners may participate in the local government review process for the proposed annexation as described in Section H of this agreement.
- 3. **Adoption of Local Government Ordinance or Regulation.** Before approving any annexations pursuant to NRS 268.670 Reno and Sparks will adopt an ordinance or regulation codifying the criteria described in Section G1.
- 4. **Property annexed pursuant to NRS 268.670.** Property annexed pursuant to NRS 268.670 within or without the 2002 Expanded Spheres of Influence shall be subject to Sections B & C of this agreement.

**H. OTHER TERMS**

- 1. **Tolling.** Conformance review deadlines pursuant to *NRS 278.028* are tolled for the period from May 9, 2002, until the settlement agreement is approved by all parties.
- 2. **Review of Settlement Agreement.** The settlement agreement may be amended by mutual agreement of the parties, subject to supervision of the District Court, and will be reviewed before adoption of the next 5 year update of the Truckee Meadows Regional Plan.
- 3. **Pending Applications.** Applications pending will be processed under the existing statutes, ordinances and regulations in place as of the date that the application is filed with the respective local government or regional entity.

DATED this 17<sup>th</sup> day of October, 2002.

RICHARD A. GAMMICK  
District Attorney

TRUCKEE MEADOWS REGIONAL  
PLANNING AGENCY

By: Madelyn Shirman  
MADELYN SHIRMAN  
Assistant District Attorney  
Bar No. 00408  
P.O. Box 30083  
Reno, NV 89520-3083  
(775) 337-5700

By: Norman J. Azevedo  
NORMAN JEFFREY AZEVEDO  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1222

ATTORNEY FOR PETITIONER  
COUNTY OF WASHOE

ATTORNEY FOR RESPONDENT  
TRUCKEE MEADOWS REGIONAL  
PLANNING AGENCY

PATRICIA A. LYNCH  
Reno City Attorney

CHESTER H. ADAMS ESQ.  
Sparks City Attorney

By: *Marilyn Craig*  
MARILYN CRAIG  
Deputy City Attorney  
P.O. Box 1900  
Reno, NV 89505  
(775) 334-2050

By: *David Creekman*  
DAVID CREEKMAN  
Deputy City Attorney  
431 Prater Way  
Sparks, NV 89432  
(775) 353-2324

ATTORNEY FOR INTERVENOR  
CITY OF RENO

ATTORNEY FOR INTERVENOR  
CITY OF SPARKS

WHITE & MEANY

PREZANT & MOLLATH

By: *J. Stewart White*  
J. STEWART WHITE, ESQ.  
White and Meany  
3185 Lakeside Drive  
Reno, NV 89509-4503  
(775) 828-9999

By: *Stephen C. Mollath*  
STEPHEN C. MOLLATH, ESQ.  
Prezant & Mollath  
6560 SW McCarran Blvd. #A  
Reno, NV 89509  
(775) 786-3011

ATTORNEYS FOR PETITIONER  
SUN VALLEY GENERAL IMPROVEMENT  
DISTRICT

ATTORNEYS FOR VERDI PROPERTY  
OWNERS

LANE, FAHRENDORF, VILORIA &  
OLIPHANT

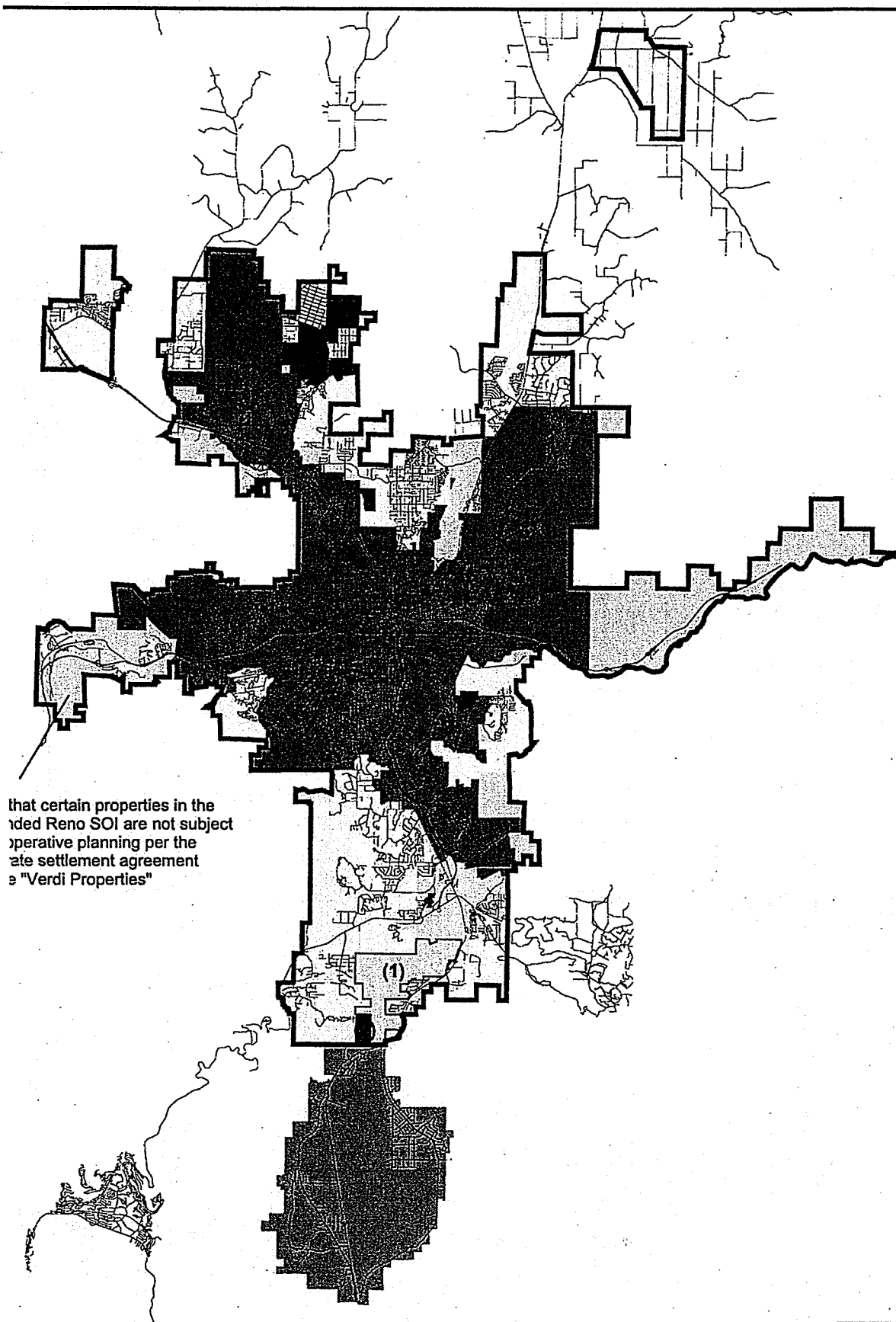
By: *R. Shawn Oliphant*  
R. SHAWN OLIPHANT, ESQ.  
Lane, Fahrendorf, Viloría & Oliphant LLP  
P.O. Box 3677  
Reno, NV 89505  
(775) 348-9999

ATTORNEYS FOR VERDI PROPERTY  
OWNERS

## LIST OF EXHIBITS

- 1 Map – Amended Spheres of Influence
- 2 Land Use Translation Table
- 3 Initial Criteria for areas within extended SOI's (U Pic'm Standards)
- 4 Mt. Rose Highway Scenic Corridors Standards
- 5 Map of Cooperative Planning Areas – outside expanded SOI's
- 6 Reno Protocol Agreement
- 7 Sparks Protocol Agreement
- 8 South East Truckee Meadows – development standards
- 9 Sun Valley General Improvement District hydrographic basin
- 10 Draft Regulations – Dispute Resolution for Cooperative Planning





that certain properties in the shaded Reno SOI are not subject to comprehensive planning per the state settlement agreement re "Verdi Properties"

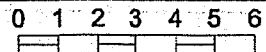
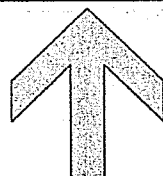
**TRUCKEE MEADOWS REGIONAL PLAN**  
**Shaded SOI and TMSA Rollbacks**

**Exhibit 1**

Truckee Meadows Services Area  
 with rollback per Reno brief

**SOI Areas Prior to May 9, 2002**

■ Reno and Sparks SOIs Prior to



The information hereon is approximate and is intended for display purposes only. Reproduction is not permitted. For additional information, please contact the City of Reno Community Development Department.

Translation Table In Expanded Sphere

Washoe County Comp. Plan Designations	Reno Master Plan Designation	Reno Zoning Districts	Sparks Master Plan Designations	Sparks Zoning Districts	Comments
Low Density Rural	Unincorporated Transition	UT10	Rural 5-10 ac/dv		No LDR in Sparks expanded sphere
Medium Density Rural	Unincorporated Transition	UT5	Rural 5-10 ac/dv	A5	
High Density Rural	Single Family Residential	LLR-2.5	Estate Density Residential 1-3 du/ac		No HDR in Sparks expanded sphere
Low Density Suburban	Single Family Residential	LLR-1	Estate Density Residential 1-3 du/ac	R1-40	
Medium Density Suburban	Single Family Residential	SFR15	Estate Density Residential 1-3 du/ac	R1-15	
High Density Suburban	Mixed Residential	SFR6	Low Density Residential 3-7 du/ac	R1-6	
Low Density Urban	Mixed Residential	MF-14 for existing residential uses, if nonresidential then NC	Low Medium Density Residential 7-14 du/ac for residential General Commercial for nonresidential	R2 for existing residential uses, if nonresidential then C1	
Medium Density Urban	Mixed Residential Urban	MF-21 for existing residential uses, if nonresidential then NC	Medium Density Residential 14-20 du/ac for residential General Commercial for nonresidential	R3 for existing residential uses, if nonresidential then C1	
High Density Urban	Residential/Commercial Urban	MF-30	High Density Residential 20-43 du/ac	R4	
General Commercial	Residential/Commercial Urban	CC, AC (along major arterials)	General Commercial	C2	
Neighborhood Commercial/Office	Residential/Commercial Urban	NC	General Commercial	C1	
Tourist Commercial	Tourist Commercial	HC if no hotel nor casino approved then CC	Tourist Commercial	TC if no hotel nor casino approved then C2	
Industrial	Industrial	I	Commercial Industrial	IC	
Public/Semi-Public Facilities	Public Facility	PF	Park/Fire Station/School Reserve	PF	
Parks and Recreation	Perks/Recreation/Open Space	OS	Park or Open Space/Rural Reserve	PF	
General Rural	Unincorporated Transition	UT40	Open Space/Rural Reserve	A40	
General Rural Residential	Special Planning Area				No GRR in Reno or Sparks expanded sphere
Specific Plan Area	Special Planning Area	SPD (as identified in the specific plan)		MUD (as identified in the specific plan)	

**Initial Criteria for areas within extended spheres of Reno and Sparks**

	Topic	WC- Unincorporat ed	Reno	Sparks	Comments
1	Existing and previously planned joint planning areas and their implementation should continue to be addressed under NRS for joint planning				Unresolved at this point
2	New development adjacent to existing neighborhoods anywhere in Washoe County should provide an edge density/lot size or intensity that is equal to or less dense than the existing neighborhood, or provide a buffer of open space equal to at least one lot depth (in the existing neighborhood) between the existing and new development.				Addressed through Cooperative Planning - will consider application of WCC 110.212 county wide & expanded spheres
3	Appropriate adjacency standards for non-residential development contiguous to residential development shall be jointly developed in the cooperative planning process and reviewed and approved by each jurisdiction's planning commission and governing body.	WCC 110.412	RMC 18.06.506	several portions of title 20 plus draft design standards	apply existing codes within each jurisdiction
4	In the land development process, open spaces that result from buffering or density transfers shall be deed restricted to open space use, and revision or removal of any such restriction subject to the approval of all parties to the restriction.				Addressed through Cooperative Planning
5	In common open space developments, unbuilt lands shall generally be zoned as open space				Addressed through Cooperative Planning
6	New development shall minimize the obstruction of views from existing neighborhoods, and new development will incorporate the preservation of cooperatively defined regional viewsheds of the hillsides of the Truckee Meadows Service Area.				Addressed through Cooperative Planning
7	Regional criteria will be established that defines buildable slopes, allowable cuts and ridgeline setbacks (reference also WCC 110.424 Hillside Development).				Apply existing codes within each jurisdiction - Address comprehensive comparison through Cooperative Planning
8	Convenience restaurants and conveniences commercial establishments (commonly known as fast food establishments and "C Stores") should not be located within 1500 feet of a high school property line unless such services coincide with a previously planned or existing neighborhood-serving commercial services center designated in an adopted master, comprehensive, community management or specific area plan of Washoe County.				Addressed through Cooperative Planning
9	To maintain dark skies and minimize lighting related nuisances new development shall conform to the most protective of the jointly determined development code provisions found at WCC 110.414, RMC 18.06.506 or parallel Sparks code.	apply WCC 110.414.21 in expanded sphere	apply WCC 110.414.21 in expanded sphere	apply WCC 110.414.21 in expanded sphere	

Initial Criteria for [redacted] within extended spheres of [redacted] and Sparks

10	To maintain or reduce ambient noise levels and minimize noise nuisances, the more protective/most geographically appropriate of WCC110.414, RMC 18.06.506 or parallel Sparks Code will be selected until superceded or modified by adoption of the Noise ordinance currently being developed through the intergovernmental committee.				Apply existing codes and the outcome of the current cooperative effort
11	Protection of significant hydrologic resources will be addressed in the cooperative planning process with jointly developed and appropriate criteria for newly developed areas development.	apply WCC 110.418 in expanded sphere	apply WCC 110.418 in expanded sphere	apply WCC 110.418 in expanded sphere	
12	With regard to water supply the RWPC policy of "no net increase" in water use per draft, should apply to all land use intensifications covered under the settlement agreement for cooperative plan provided that the exemption for new water sources for interbasin transfer is implemented by the Commission.				Regional Plan amendment to address iterative process - flow chart
13	Minimum levels of service (per RTC standards) on collector and higher classification roadways affected by new development will be established and maintained as demonstrated by traffic studies. Fiscal impacts of new development on roadway infrastructure will be clearly demonstrated and adequate funding for necessary improvements identified at the time of development approval.				Covered by RTC
14	In the transition period to full implementation of cooperative planning, pending applications, permits, code enforcement cases, development agreements, building permits, business licenses and other ongoing processes shall be handled according to the protocol agreements for spheres of influence as negotiated and approved by Reno, Washoe County and Sparks.		add draft as an appendix	staff currently working on	
Unless otherwise noted the code from the respective jurisdiction applies					

# Article 204

## FOREST AREA

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[This Article amended in its entirety by Ord. 875, provisions eff. 8/3/93; Ord. 942, provisions eff. 4-1-96.]

### Sections:

110.204.00	Purpose
110.204.05	Mt. Rose Highway Scenic Roadway Corridor Standards
110.204.10	Open Space
110.204.15	Development Adjacent to Galena Creek Park

**Section 110.204.00 Purpose.** The purpose of this article, Article 204, Forest Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Forest Area Plan contained in Volume Two of the Comprehensive Plan and the other applicable plan elements contained in Volume One of the Comprehensive Plan.

**Section 110.204.05 Mt. Rose Highway Scenic Roadway Corridor Standards.** The purpose of this section, Mt. Rose Highway Scenic Roadway Corridor Standards, is to establish regulations to develop, preserve and protect the inherent aesthetic quality of this scenic roadway.

- (a) **Applicability.** The Mt. Rose Highway scenic roadway corridor extends from the intersection with South Virginia Street to the jurisdictional line of the Tahoe Regional Planning Agency.
- (1) All new residential, civic, commercial, industrial and agricultural use types established within five hundred (500) feet of the centerline of Mt. Rose Highway shall comply with this section. No variance to this boundary, pursuant to Article 804, Variances, shall be processed or approved.
  - (2) The following use types are exempt from the provisions of this section:
    - (i) Construction, enlargement and use of any single family, detached, residence, and all related accessory uses (e.g. garages, barns, corrals, storage sheds) on a parcel entitled to one dwelling unit legally recorded as of April 1, 1996.
    - (ii) All existing tentative maps and phased final maps, currently active (not expired) and having obtained approval prior to April 1, 1996 are exempt from the provisions of this section.
    - (iii) All projects with an approved special use permit, design standards handbook and/or development agreement, currently active (not expired) and having obtained approval prior to April 1, 1996 are exempt from the provisions of this section.
- (b) **Building Height.** The maximum allowable height of buildings and structures shall be thirty-five (35) feet. If the underlying building pad has a slope in excess of

fifteen (15) percent, an additional six (6) feet shall be added to the thirty-five (35) foot maximum. The Uniform Building Code (UBC), as currently enacted, shall be used as the measuring standard. Those structures and uses identified in Section 110.402.10, Heights, Special Provisions, are not subject to this section.

(c) Setback. A minimum setback of thirty (30) feet shall be provided along any property line adjoining the Mt. Rose Highway.

(1) Structures shall not be permitted within the setback area. A freestanding sign is not considered a structure.

(d) Parking and Loading. Parking and loading shall be in conformance with Article 410, Parking and Loading, and Article 412, Landscaping, and the following provisions:

(1) Adjacent to the Mt. Rose Highway, all uses proposing one hundred (100) or more parking spaces, parking areas between the right-of-way property line and the main structure shall be limited in size to fifty (50) parking spaces, resulting in a series of smaller parking courts. Parking courts shall be separated by a minimum width of five (5) feet of landscaped area, excluding access drive lanes.

(2) Adjacent to the Mt. Rose Highway, all surface parking areas between the right-of-way property line and the main structure shall provide adequate landscaping material (e.g. shrubs and trees) so as to provide a minimum of fifty (50) percent screening within five (5) years of planting to visually screen parked vehicles. Landscaping material placement and mature height shall be considered to protect distant views, where appropriate.

(3) Adjacent to the Mt. Rose Highway, all delivery bays, loading docks, roll-up doors, trash enclosures, heating and ventilation equipment and other accessory equipment shall be located in such a manner as not to be visible from the Mt. Rose Highway, or shall be fully screened pursuant to Article 412, Landscaping, and provisions of this section.

(4) Compliance with the minimum provisions of this section shall occur within the confines of the boundaries of the affected parcel(s) and shall not be satisfied by the use of public right-of-way.

(e) Access. Access onto Mt. Rose Highway shall be in conformance with Nevada Department of Transportation regulations, Washoe County Development Code Article 436, Street Design Standards, and the following provisions:

(1) Access to any development shall be restricted to one (1) point for each property or two (2) points provided they are at least two hundred (200) feet apart.

(2) If a two-way, divided driveway is proposed, it shall be considered as one (1) access point.

(f) Fences, Walls and Berms. Fences, walls and berms shall be in conformance with Article 406, Building Placement Standards, and Article 412, Landscaping, and the following provisions:

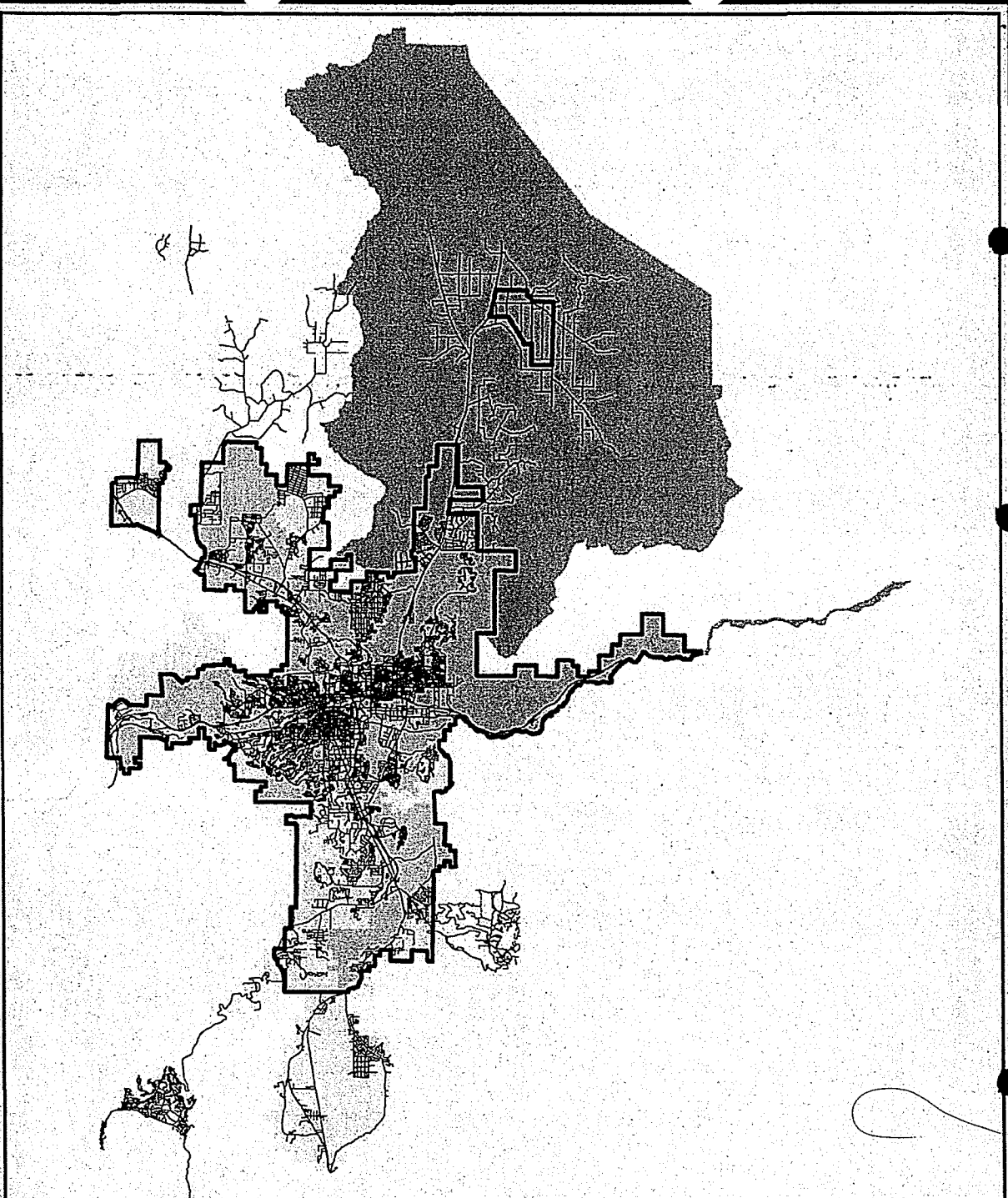
- (1) Within the setback area, solid fences, walls or berms shall be permitted provided they do not exceed four-and-one-half (4.5) feet in overall height. Fences and walls shall be constructed of wood, masonry, stone, decorative concrete block, or other textured surfaces. Berms shall be constructed of soil suitable for planting landscaping. Untextured cinder block walls and chain-link or cyclone fences are prohibited on parcels adjacent to the Mt. Rose Highway between the right-of-way property line and the main structure.
  - (2) Outside the setback area, fences and walls shall not exceed six (6) feet in height and shall be constructed of wood, masonry, stone, decorative concrete block, or other textured surfaces. Untextured cinder block walls and chain-link or cyclone fences are prohibited on parcels adjacent to the Mt. Rose Highway between the right-of-way property line and the main structure.
  - (3) Multiple retaining walls shall be separated horizontally by a distance equal to at least the height of the lower retaining wall.
  - (4) The use of color shall be limited to earth tones so that the color blends in with natural surroundings.
  - (5) Compliance with the minimum provisions of this section shall occur within the confines of the boundaries of the affected parcel(s) and shall not be satisfied by the use of public right-of-way.
- (g) Sign. All development shall comply with the following outdoor sign design standards. No variance to these sign standards, pursuant to Article 804, Variances, shall be processed or approved.
- (1) Neon signage shall be prohibited.
  - (2) Sign structures (e.g. supports, poles, sign boxes, etc.) shall be covered and trimmed with wood and/or stone materials.
  - (3) Illumination, if any, shall be of diffused light that is stationary and of constant intensity.
  - (4) Exterior sign illumination sources shall be shielded from view.
  - (5) Street-front signs shall be a monument style with a maximum height of ten (10) feet and a maximum surface area per side of sixty (60) square feet.
  - (6) Exterior signage design for individual businesses within a building or a shopping complex shall be consistent.
  - (7) Only one (1) freestanding sign is allowed per project within the boundary of the Mt. Rose Highway scenic roadway corridor.
  - (8) Temporary Project Sales Signs must be located on-site with a maximum height of eight (8) feet and a maximum surface area per side of fifty (50) square feet. Temporary Project Sales Signs shall not be mobile or portable, or be mounted on any type of vehicle or trailer.

- (h) Architecture. The architectural design standards of this section shall apply to civic type uses, commercial type uses and multiple family type uses.
- (1) The exterior siding and finishing shall be of wood, stone or stucco.
  - (2) The use of color shall be limited to earth tones so that the color blends in with natural surroundings.
  - (3) Roofs shall be of fire resistant material and earth tone in color. Shiny metal roofs shall be prohibited.
- (i) Electrical Transmission Lines. Transmission lines of up to 100 kilovolt that parallel the Mt. Rose Highway and new electrical distribution lines of up to 200 amperes shall be placed underground.




Section 110.204.10 Open Space. Residential development in the Galena Forest Estates-Callahan Ranch area (defined as those portions south of State Route 431 of T18N, R19E, Sections 34, 35 and 36, and T17N, R19E, Sections 2, 3, 4, 9, 10 and 11, which includes the area south and east of State Route 431, north of the Forest planning area boundary, and west of Fawn Lane) shall include a system of greenbelts along the various creeks. This open space shall be integrated with existing and approved greenbelts in adjacent developments, and shall be offered for dedication to the County.




Section 110.204.15 Development Adjacent to Galena Creek Park. Any development adjacent to the Galena Creek Park shall provide appropriate screening and buffering to maintain the rural, natural forest character of the park.

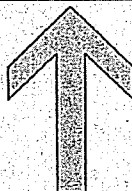


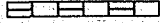


**2002 TRUCKEE MEADOWS REGIONAL PLAN** **Exhibit 5**  
**Mediated "Cooperative Planning Areas Outside the 2002 Expanded Spheres of Influence"**

-  Truckee Meadows Services Area  
-with rollback per Reno brief
-  Reno Sphere of Influence  
-with rollbacks per Reno brief  
-additional Pleasant Valley rollback contingent upon the County revising zoning
-  Sparks Sphere of Influence  
-with rollback per Sparks brief

- City Areas of Interest for Cooperative Planning**
-  Reno Area of Interest  
-Includes Unincorporated TMSA near Reno, Washoe Valley and private properties on Mount Rose Highway and Peavine Mountain
  -  Sparks Area of Interest  
-Includes Unincorporated TMSA near Sparks, the Spanish Springs/Warm Springs Hydrographic Basin and Truckee Canyon properties between I-80 and the Truckee River
  -  Reno and Sparks Area of Interest  
-Includes Sun Valley and University Farms



0 1 2 3 4 5 6 Miles  


The information hereon is approximate and is intended for display purposes only. Reproduction is not permitted. For additional information, please contact the City of Reno Community Development Department.

Map Produced: October 23, 2002



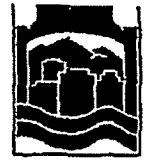
**Community Development Department**

450 Sineclair Street Phone: 334-2023  
P.O. Box 1900 Fax: 334-2043  
Reno, NV 89505 Internet: cl.reno.nv.us

AS:\projects\sparks\2002 regional plan update\_new (10-23-02\_ssf\sfwmap 5)



September xx, 2002



**Subject:** Letter of Agreement, Extra-Territorial Jurisdiction within a Sphere of Influence

This letter of agreement between the Washoe County Departments of Building & Safety and Community Development, and the City of Reno Community Development Department pertains to extra-territorial jurisdiction within an adopted sphere of influence pursuant to NRS 278.02788. A copy of NRS 278.02788 is attached to this letter for information. Staff, as used in this letter, refers to staff from the Washoe County Department of Building & Safety, the Washoe County Department of Community Development, and/or the City of Reno Community Development Department. Modifications or additions to this agreement require the consent of all signatories.

*Specific Plans.* Washoe County has adopted several specific plans within the City of Reno sphere of influence. These specific plans include the Southeast Truckee Meadows Specific Plan, the Wedge/Dorostkar/Duxbury/Peigh Specific Plan, the South Virginia Corridor Specific Plan, and the Steamboat Specific Plan. These adopted specific plans contain components for development standards within the specific plan area (e.g., height, uses, discretionary permit processing, acreage for land uses/zoning, setbacks, landscaping, etc.). The Alexander Lake Specific Plan Area is contained within the sphere of influence area; however, no specific plan has been adopted by Washoe County for that planned area.

The City of Reno has adopted specific plan components within Reno City Code 18.06.200. The City has also approved procedural relaxation for permits within the areas covered by an adopted specific plan to match Washoe County regulations that do not require a special use permit review for non-residential development adjacent to major arterials and residentially zoned property. Washoe County staff will be noticed prior to any changes to these procedures. The City of Reno has honored and perpetuated through its adopted specific plan components the energy invested in developing the specific plans.

The City of Reno will notice affected Washoe County Citizen Advisory Boards and adjacent neighborhoods (residents) within 600 feet for any master plan amendment requests within an adopted specific plan.

*Development Agreements.* Washoe County has entered into formal contractual agreements with property owners through Development Agreements pursuant to Article 814 of Washoe County Code Chapter 110. Washoe County has Development Agreements with the property owners of Damonte Ranch and Curti Ranch. The disposition of Development Agreements between Washoe County and the owner(s) of properties that are in the adopted sphere of influence at the time the City of Reno elects to exercise its extra-territorial jurisdiction will be addressed through the Washoe County District Attorney's Office, the attorney(ies) for the property owner(s), and the City of Reno Attorney's Office.

**Exhibit 6**

*Approved Discretionary Permits.* At the time that the City of Reno elects to exercise extra-territorial jurisdiction within an adopted sphere of influence, Washoe County will develop, and provide to the City of Reno, an inventory of all approved discretionary permits within the sphere of influence (includes special use permits, administrative permits, variances, and site reviews). After the date(s) of Regional Plan conformance of the City of Reno Master Plan and notification of the intent by the City to exercise extra-territorial jurisdiction for the sphere of influence, Washoe County will transfer to the City of Reno all files for discretionary permits approved by the final authority (i.e., Board of Adjustment, Planning Commission, or Board of County Commissioners) within the sphere of influence. Washoe County will notify all property owners (permit holders) of the transfer of the permit and note that the City of Reno will assume authority for implementation of all conditions.

The City of Reno will implement the conditions imposed by Washoe County for these permits and City staff will verify that all conditions of the permit have been satisfied. Any outstanding financial assurances attached to the permit will be transferred to the City of Reno upon transfer of the permit file. This action will avoid duplicative review and potential conflicts between staff on implementation of conditions.

*Discretionary Permit Applications in Process of Approval.* Prior to the date(s) of Regional Plan conformance of the City of Reno Master Plan and notification of the intent by the City to exercise extra-territorial jurisdiction for the sphere of influence, discretionary permit applications submitted to Washoe County with the required application fee(s) will be processed by Washoe County. All other property owners or applicants will be referred to the City of Reno for permit processing.

Washoe County will include City of Reno staff as a commenting agency on all permit applications pursuant to this provision. After approval by the final authority, these discretionary permits will be transferred to the City of Reno and follow the process outlined in the provisions of this letter addressing approved discretionary permits.

At the time that the City of Reno elects to exercise extra-territorial jurisdiction within an adopted sphere of influence, Washoe County will provide a list of approved tentative maps, with case files and improvement drawings, to the City of Reno. Final maps that are part of approved tentative maps submitted, but not recorded, prior to the date(s) of Regional Plan conformance of the City of Reno Master Plan and notification of the intent by the City to exercise extra-territorial jurisdiction for the sphere of influence will be processed by the City of Reno. For recorded final maps, Washoe County will verify construction improvements and maintain any required financial assurances.

Washoe County will notify all sphere of influence property owners, and appropriate Washoe County Citizen Advisory Board members, of the date certain when applications will no longer be accepted by the County but will be referred to the City of Reno. Likewise, the City of Reno will notify appropriate City of Reno Neighborhood Advisory Board members that the City will now accept discretionary permit applications within the sphere of influence.

**Master Plan Amendments.** Master plan amendments submitted to Washoe County pursuant to Washoe County Code 110.106.10 (transition process and site review) prior to the date(s) of Regional Plan conformance of the City of Reno Master Plan and notification of the intent by the City to exercise extra-territorial jurisdiction for the sphere of influence will be processed by Washoe County.

Prior to the date(s) of Regional Plan conformance of the City of Reno Master Plan and notification of the intent by the City to exercise extra-territorial jurisdiction for the sphere of influence, master plan amendments submitted to Washoe County with the required application fee(s) will be processed by Washoe County. Washoe County will include City of Reno staff as a reviewing agency on all master plan amendment applications pursuant to this provision. The Washoe County staff report shall acknowledge either conformance or non-conformance of the requested amendment with the City's adopted master plan for the sphere of influence area.

All other master plan amendment applications, to include those initiated by Washoe County staff, will be transferred to the City of Reno for processing on the date(s) of Regional Plan conformance of the City of Reno Master Plan and notification of the intent by the City to exercise extra-territorial jurisdiction for the sphere of influence.

**Building Permits.** Prior to the date(s) of Regional Plan conformance of the City of Reno Master Plan and notification of the intent by the City to exercise extra-territorial jurisdiction for the sphere of influence, building permits issued by Washoe County or building permit applications submitted to Washoe County with the required application fee(s) will be processed by Washoe County through the issuance of a Certificate of Occupancy. After that date, all building permits will be processed and inspected by the City of Reno.

**Business Licensing.** Washoe County will retain all business license authority, to include liquor and gaming licensing, within the sphere of influence pursuant to NRS 244.335 until properties are annexed to the City of Reno. Upon annexation, the City of Reno assumes licensing authority pursuant to NRS 268.095. Washoe County shall transfer existing business license files to the City of Reno after annexation upon request by the City.

**Code (Zoning and Building) Enforcement.** Washoe County will respond to code (zoning) enforcement complaints, and take appropriate action to resolve any code violations, within the sphere of influence until the property is annexed by the City of Reno. Building code complaints are limited to those cases wherein a permit was issued by Washoe County. In resolving any code violations, Washoe County staff will notify the violator that their property is located within the sphere of influence and that land use/building code may be different under City Codes after annexation. If violations pertain to approved subdivisions under construction, then Washoe County staff will consult with City of Reno staff on the case prior to initiating any action to resolve the violations.

**Staff Reports and Information for Elected/Appointed Boards.** For properties within the sphere of influence wherein the City of Reno has exercised extra-territorial jurisdiction, City of Reno agendas shall have text within the item description noting that the property is within the

sphere of influence, not annexed to the City of Reno, and the City is exercising extra-territorial jurisdiction pursuant to NRS 278.02788. Further, City of Reno staff reports shall contain an analysis of the requirements of extra-territorial jurisdiction as they apply to the specific application. This information is provided for the elected/appointed boards and the public for disclosure that the property is not yet annexed by the City of Reno and to explain the processes agreed upon in this letter, as appropriate.

When Washoe County is processing an application within the sphere of influence wherein the City of Reno has exercised extra-territorial jurisdiction following the provisions of this letter, then Washoe County shall have text within the item description noting that the property is within the sphere of influence wherein the City of Reno has exercised extra-territorial jurisdiction pursuant to NRS 278.02788. Washoe County staff reports shall also contain an analysis of the requirements of extra-territorial jurisdiction and the provisions of this letter as they apply to the specific application.

The undersigned agree to the provisions of this letter of agreement and hereby direct assigned staff to follow the provisions outlined in this letter.

WASHOE COUNTY

CITY OF RENO

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Adrian P. Freund  
Director, Washoe County Department  
of Community Development

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John B. Hester  
Manager, City of Reno Community  
Development Department

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Jess S. Traver  
Director, Washoe County Department  
of Building and Safety

Enclosures

NRS 278.02788  
Letter from Bob Webb dated May 23, 2002  
Letter from John Hester dated June 7, 2002  
Letter from Randy Baxley concerning SOL property owner notification (with three maps)

NRS 278.02788 reads as follows:

**NRS 278.02788 Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.**

1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

(Added to NRS by 1991, 1731)

**Washoe County and the City of Sparks  
Sphere of Influence  
Items for Inclusion in Agreement**

October 3, 2002

**A. Building Permits**

- Prior to **DATE**, building permits issued by the County or building permit applications submitted to the County with the required application fee(s) will be processed by the County through the issuance of a CofO.
- After **DATE**, all building permits will be processed and inspected by the City.

*Area for discussion:*

- *What standards should be applied for buildings/structures within a subdivision (or on a lot) that does not have access to City services or meets City development standards? Options include: (1) using the standards applicable at the time the subdivision or parcel map was approved, (2) using County standards, or (3) using City standards. For example, Sparks Fire Department requires access to a fire hydrant. If the subdivision/lot does not have fire hydrants, should those be in place prior to issuing a permit?*
- *Are standards for subdivisions and/or lots not meeting City development standards an annexation issue or an SOI issue? Should the County/City jointly inventory the SOI area, determine those areas/lots not meeting standards, and then develop an approach for each area/lot (e.g., use County standards, use City standards, etc.)?*

**B. Business License**

- Not part of this agreement (follow NRS provisions that do not allow extra-territorial issuance of business licenses by the City). County retains business license authority until property is annexed.
- New business license sign-offs for properties within the SOI wherein the City has exercised extra-territorial jurisdiction are referred to the City.
  - 0) The County provides each license applicant with a sign-off sheet. The applicant is required to coordinate with each agency noted on the sign-off sheet and obtains a signature/date of approval for the business (with or without conditions).
  - 1) Agencies noted on the sign-off sheet are authorized by County Code to charge additional inspection and/or processing fees associated with the license sign-off. These fees are charged directly to the applicant and collected by the agency.
  - 2) Agencies verify that the proposed business meets all appropriate codes or regulations and may establish conditions on the sign-off sheet. These conditions may be imposed on the business license if appropriate.

### **C. Code Enforcement**

- The City and County will jointly inventory existing uses within the SOI. The following "matrix" will apply to existing uses (focused on land use and building uses) identified in this inventory:
  - 1) Use(s) are unlawful by County Code: the County will take appropriate action to correct violations.
  - 2) Use(s) lawful under County Code, but unlawful under City Code: City determines disposition (e.g., nonconforming or take action when annexing the property).
  - 3) Nonconforming use(s) under County Code and unlawful under City Code: City determines whether nonconforming status will continue when annexing the property.
  - 4) Nonconforming use(s) under County Code, but lawful under City Code: City assume responsibility pursuant to this agreement when annexing the property.
- County will respond to zoning enforcement complaints, and take appropriate action to resolve any code violations, within the SOI until the property is annexed by the City.
- Building code complaints are limited to those cases wherein a permit was issued by the County.
- In resolving any code violations, County staff will notify the violator that their property is located within the SOI and that land use/building code may be different under City Codes after annexation.
- If violations pertain to approved subdivisions under construction, then County staff will consult with City staff on the case prior to initiating any action to resolve the violations.

### **D. Master Plan Amendments**

- Option I
  - Spanish Springs area
    - jointly amend both the Sparks Northern Sparks SOI plan and the Spanish Springs Area Plan (County) to include any new SOI areas.
    - cooperatively plan the new SOI areas and incorporate any new master plan land uses into the two plans.
    - County staff requests (through the PC to the Commission) to establish a moratorium precluding any County master plan changes within the post May 9<sup>th</sup> SOI area until the two plans are adopted.
    - City Council and County Commission endorse each other's plan; plan adopted by each elected body.
  - Truckee Canyon area
    - cooperatively plan the new SOI areas and incorporate any new master plan land uses into the two plans.



- County staff requests (through the PC to the Commission) to establish a moratorium precluding any County master plan changes within the post May 9<sup>th</sup> SOI area until the two plans are adopted.
- City Council and County Commission endorse each other's plan; plan adopted by each elected body.
- ☐ All other areas within the SOI
  - modify the process used in Truckee Canyon (Council/Commission agree for a cooperative planning effort) OR
  - use Option 2.
- Option 2 (discussed with Reno staff)
  - ☐ Amendments submitted before **DATE** as part of the transition process outlined in the Development Code for site review will be processed by the County.
  - ☐ Amendments submitted by a property owner with appropriate fees before **DATE** will be processed by the County.
    - The City will be included as a reviewing agency for master plan amendments.
    - The staff report must acknowledge either conformance or non-conformance of the requested amendment with the City's SOI master plan.
  - ☐ All other amendments, to include staff initiated, will be transferred to the City on **DATE**.

**START OCTOBER 3<sup>RD</sup> DISCUSSIONS ON NEW AREAS AT THIS POINT!!!**

**E. Approved Discretionary Permits**

- County develops an inventory of all approved discretionary permits within the SOI (includes special use permits, administrative permits, variances, and site reviews).
- Discretionary permits approved by final authority (i.e., BOA, PC, or BCC) before **DATE** (see note on **DATE**):
  - 3) The County will transfer all case files to the City. The City will assume all issued permits "at face value" and implement the conditions imposed by the County.
  - 4) The County will notify all property owners (permit holders) of the transfer of the permit and note that the City will assume authority for implementation of all conditions.
  - 5) City staff will verify that all conditions have been satisfied.
    - ✓ Avoids duplicative review and potential conflicts between County/City staff on implementation of conditions.
    - ✓ Avoids providing services without the payment of appropriate fees.
  - 6) Any financial assurances will be transferred to the City upon transfer of the permit.

## **F. Discretionary Permit Applications in Process of Approval**

- By DATE (see note on DATE), applications submitted with the required fee to the County will be processed by the County. If an application is not submitted in time, then property owners will be referred to the City for permit processing.
  - 7) The City will be included as a commenting agency on all discretionary permits in process.
  - 8) After final decision by the County, discretionary permits will be transferred to the City as outlined in paragraph C.
  - 9) The City must, pursuant to NRS 278.02788, notify the County of the date it intends to exert extra-territorial jurisdiction within the SOI (new SOI).
    - ✓ The County will notify all SOI property owners, and appropriate CAB members, of the date certain when applications will not longer be accepted by the County but will be referred to the City.
    - ✓ The City will notify appropriate NAB members that applications within the SOI will now be accepted by the City.
- Tentative maps
  - 10) Recorded final maps: the County will verify construction improvements and maintain any required financial assurances (follow the steps outlined in paragraph C).
  - 11) Final maps which are part of approved tentative maps submitted, but not recorded, prior to DATE will be processed by the City.
  - 12) County will provide a list of approved tentative maps, with case files and improvement drawings, to the City.

## **G. Specific Plans**

- There are no specific plans within the current SOI; however, this agreement should address specific plans in the event that future regional plan amendments extend the City's SOI to an area that contains an adopted specific plan.
- Specific plans contain components for development standards within the specific plan area (e.g., height, uses, discretionary permit processing, acreage for land uses/zoning, setbacks, landscaping, etc.).
  - 13) Sparks adopts appropriate regulations to address the land uses and entitlements within a specific plan area (i.e., supplement regulations that provide equivalency between County land uses and City zoning).
  - 14) Maintain regulations without amendments for a set period of time (X years, sufficient time period for assurance of plan implementation as envisioned and written).
  - 15) honor and perpetuate the energy invested in developing the specific plans.
- CAB and adjacent neighborhood notice of any specific plan amendment requests.

## H. Development Agreements

- There are no approved development agreements within the current SOI; however, this agreement should address development agreements in the event that future regional plan amendments extend the City's SOI to an area that contains an approved (by the County Commission) development agreement.
- The disposition of Development Agreements between Washoe County and the owner(s) of properties that are in the adopted sphere of influence at the time the City of Sparks elects to exercise its extra-territorial jurisdiction will be addressed through the Washoe County District Attorney's Office, the attorney(ies) for the property owner(s), and the City of Sparks Attorney's Office.

### General notes:

- This agreement will pertain to the old (pre May 9, 2002 Regional Plan) SOI upon acceptance by the City and County. The agreement will apply to the new SOI (post May 9, 2002 Regional Plan) as of **DATE**.
- **DATE**
  - 16) This date occurs after the process outlined in NRS 278.02788 is completed:
    - Reno adopts a master plan for the SOI area (and property owners duly noticed pursuant to NRS 278).
    - New master plan is found in conformance with the regional plan.
    - City adopts implementing ordinances.
    - City notifies County of intent to assume extra-territorial jurisdiction; notice includes parcels subject to this jurisdiction (map is OK).
    - Notification must allow sufficient time for County to notify property owners within the SOI:
      - ✓ of "change" in jurisdiction and "impact" on property owner's actions pursuant to power vested in NRS 278.
      - ✓ that rules may change on their property under City jurisdiction, so the owner should contact the City with any development-related questions.
- Any agreement will include a map illustrating the sphere of influence. The map shall reflect any SOI areas wherein the City has exercised extra-territorial jurisdiction. This map (and main points from this agreement) shall be provided to staff at the City and the County to assist in determining actions concerning properties within the SOI.
- At the time of notification of extra-territorial jurisdiction, the City will provide the County an electronic (if available) and paper map reflecting the new SOI area within extra-territorial jurisdiction (see point above), together with the adopted SOI master plan.
- PC/BOA/Council or Commission agendas for properties within the SOI wherein the City has exercised extra-territorial jurisdiction:

- City agendas should have text within the item description noting that the property is within the SOI, not annexed to the City, and the City is exercising extra-territorial jurisdiction pursuant to NRS 278.02788.
- City staff reports shall contain an analysis of the requirements of extra-territorial jurisdiction as they apply to the specific application. This information is provided for the elected/appointed boards and the public for disclosure that the property is not yet annexed by the City and to explain this agreement, as appropriate.
- County agendas processed pursuant to paragraph D will include a similar note on the item description. County staff reports shall also contain an analysis of the requirements of extra-territorial jurisdiction and the provisions of this letter as they apply to the specific application.
- Conditions will be established as necessary referring the applicant to the appropriate jurisdiction for processing of permits or licenses (e.g., to the County for business licenses within the SOI and to City agencies for condition verification).
- The County staff's preference for annexations within the SOI is contiguous annexation based on an adopted annexation program with notice to affected property owners.
- The City and the County will cooperate to obtain COGO-based coverages or shapefiles, rectified to the Regional Basemap Committee's released parcel database, of the SOI boundary from the Regional Planning Agency.

NRS 278.02788 reads as follows:

**NRS 278.02788 Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.**

1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

(Added to NRS by 1991, 1731)

# Article 212

## SOUTHEAST TRUCKEE MEADOWS AREA

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### Sections:

	Purpose
110.212.00	
110.212.05	Medium Density Suburban Area Modifier
110.212.10	Hidden Valley Community Area Modifiers

**Section 110.212.00 Purpose.** The purpose of this article, Article 212, Southeast Truckee Meadows Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Southeast Truckee Meadows Area Plan within Volume Two of the Comprehensive Plan and the other applicable plan elements within Volume One of the Comprehensive Plan.

*[Amended by Ord. 1151, provisions eff. 3/31/02].*

**Section 110.212.05 Medium Density Suburban Area Modifier.** In addition to the regulations of the regulatory zones described in Article 106, Regulatory Zones, in any area designated Medium Density Suburban in the Southeast Truckee Meadows planning area, the following regulations shall apply.

- (a) **Density.** The maximum number of dwelling units that may be located in the Medium Density Suburban Regulatory Zone in the Southeast Truckee Meadows planning area is two (2) units per acre.
- (b) **Minimum Lot Area.** The minimum lot area allowed in the Medium Density Suburban Regulatory Zone in the Southeast Truckee Meadows planning area is fourteen thousand three hundred seventy-five (14,375) square feet, with the following exceptions:
  - (1) When abutting a developed Medium Density Suburban area with one-half (1/2) acre or greater lot sizes, the minimum lot area shall be one-half (1/2) acre for all exterior, abutting lots (roads or Open Space regulatory zone do not create non-abutting parcels), and;
  - (2) Exterior lots may have a minimum lot area of fourteen thousand three hundred seventy-five (14,375) square feet when abutting a developed higher intensity land use designation or a ten (10) acre or larger undeveloped Medium Density Suburban development.

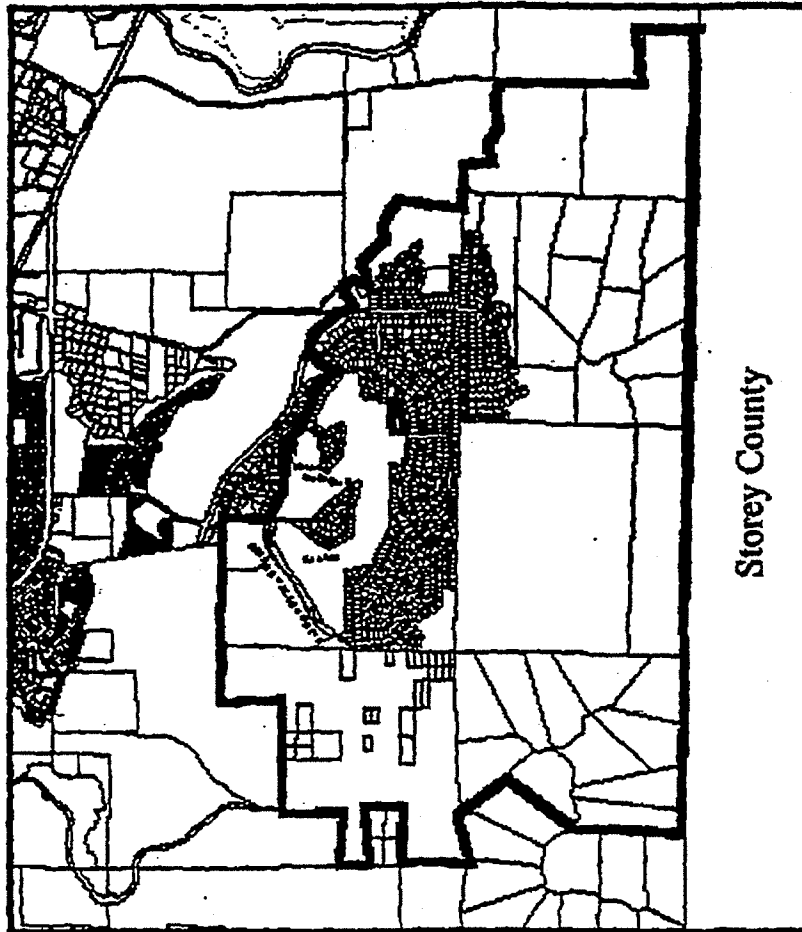
*[Amended by Ord. 1151, provisions eff. 3/31/02].*

**110.212.10 Hidden Valley Community Area Modifiers.** The purpose of this section, Hidden Valley Community Area Modifiers, is to establish regulations to promote development consistent with the existing built environment of Hidden Valley; to preserve the scenic characteristics, wildlife and cultural resources; and sustain the residential tranquillity of the community by the residents.

- (a) Applicability. The shaded areas shown on the parcel base Map 110.212.10.1, Hidden Valley Community Area Modifiers Location Map, delineates all parcels within the Hidden Valley Community Area Modifiers.

Map 110.212.10.1

**HIDDEN VALLEY COMMUNITY AREA MODIFIERS LOCATION MAP**



Source: Washoe County Department of Community Development.

- (1) All development standards and use type restrictions apply other than the following:
  - (i) The Director of the Department of Community Development may waive the standards of development or use type limitations on a portion of a parcel shown on a topographic map prepared by a registered land surveyor or engineer licensed in the State of Nevada to be beyond the ridgelines of the vistas of Hidden Valley.
  - (ii) All General Rural (GR) land use designations, existing tentative maps and phased final maps, applications accepted for

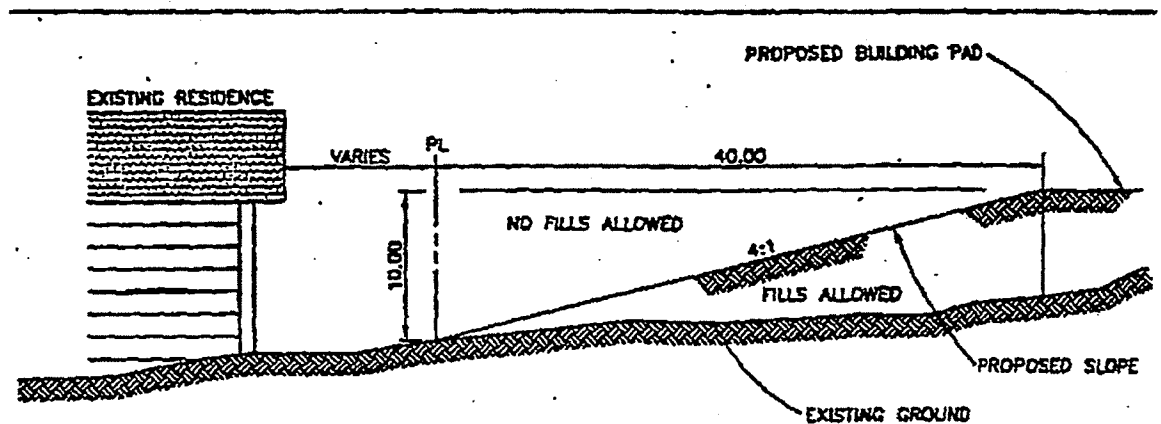
processing prior to the effective date of this Ordinance (March 31, 2002), all projects with an approved special use permit, design standards handbook and/or development agreement, currently active (not expired) and having obtained approval prior to the effective date of this Ordinance (March 31, 2002) are exempt from the provisions of this section.

(b) **Grading.** Grading for subdivision improvements, minor or major special use permits or other discretionary or building permits shall:

- (1) Not result in slopes on fill in excess of or steeper than four to one (4:1).
- (2) Not result in elevations or fill that differ from the natural grade by more than forty-eight (48) inches or when grading occurs adjacent to an existing residence, fills shall not be placed within an area that exceeds a projected slope of four to one (4:1) for a distance of forty (40) feet from the common property line. Refer to Figure 110.212.10.1, Typical Setback at Existing Residence.

Figure 110.212.10.1

**TYPICAL SETBACK AT EXISTING RESIDENCE**



Sources: Summit Engineering Corporation and Washoe County Department of Community Development.

- (3) Be limited on cut slopes to equal to, or steeper than, three to one (3:1) and may include a rockery or manufactured masonry retaining wall with a maximum height of eight (8) feet. If necessary, one (1) additional retaining wall set back eight (8) feet from the first wall will be allowed.

Or,

- (4) If the applicant proposes cut, fills or slopes in excess of the standard, the applicant shall address compatibility with adjacent lots and visual impacts to the community and propose design criteria, landscaping and buffering to mitigate impacts on adjacent property owners and the community's scenic character. The mitigation shall be reviewed by the Design Review Committee prior to any ground-disturbing activities.



- (c) Cut Slope Stabilization and Revegetation. A slope stabilization plan and a revegetation plan shall be submitted for all ground-disturbing activities requiring a grading or building permit that results in a cut or fill slope. The Department of Community Development may require the plan be reviewed by the Design Review Committee at the next available scheduled meeting whenever mitigation of potential erosion onto adjacent property or exposure of significant cuts is required.
- (d) Buffers. Whenever a proposed new residential subdivision includes lots smaller than fourteen thousand three hundred seventy-five (14,375) net square feet abutting existing lots larger than fourteen thousand three hundred seventy-five (14,375) net square feet, a landscape buffer zone must be created. The buffer zone shall be a minimum of fifty (50) feet in width and shall run along all existing adjacent lots. Financial assurance shall be provided for installation of the ornamental landscaping and perpetual maintenance shall be assured prior to the recordation of a final map.
- (1) The minimum fifty (50) foot wide ornamental landscaping buffer strip, including an irrigation plan, shall be reviewed and approved by the Design Review Committee.
  - (2) The buffer must include a minimum of one (1) evergreen tree per fifteen (15) linear feet.
  - (3) Other ornamental vegetation shall be sufficient to provide an all-season screening of the development from adjacent properties within five (5) years of installation.
  - (4) The ornamental landscape buffer strip shall be designated Common Area on the final map.
  - (5) A district established to guarantee maintenance of the landscaping in perpetuity at no expense to Washoe County must be created prior to the recordation of the first final subdivision map to maintain landscaping and assure compliance with the mandated screening, as provided under Nevada Revised Statutes (NRS) 278.4789.
- (e) Sidewalks. The construction of new concrete sidewalks or other multi-purpose paths in all subdivisions with final maps recorded after the effective date of this Ordinance (March 31, 2002) are prohibited unless installed and maintained by Washoe County and at no expense or liability to the adjacent property owner.
- (f) Allowed Uses. The Table of Uses as set forth in Section 110.302.05 is modified in the following manner:
- (1) Residential Use Types. The following residential use types as listed in Table 110.302.05.1, Table of Uses (Residential Use Types), shall be prohibited:
    - (i) Duplex;
    - (ii) Multi Family;
    - (iii) Single Family, Attached; and

(iv) **Manufactured Home Parks.**

(2) **Civic Use Types.** The following civic use types as listed in Table 110.302.05.2, Table of Uses (Civic Use Types), shall be prohibited:

(i) **Administrative Services;**

(ii) **Large-Family Daycare;**

(iii) **Child Daycare;**

(iv) **Community Center over two thousand (2,000) square feet, with the exception of facilities approved by the Park and Recreation Commission for the Hidden Valley Regional Park;**

(v) **Convalescent Services;**

(vi) **Cultural and Library Services, unless existing facilities;**

(vii) **Group Care**

(viii) **Hospital Services;**

(ix) **Major Public Facilities;**

(x) **Nature Center;**

(xi) **Postal Services; and**

(xii) **Public Parking Facilities.**

(3) **Commercial Use Types.** All commercial use types as listed in Table 110.302.05.3, Table of Uses (Commercial Use Types), shall be prohibited with the exception of golf courses and ancillary uses commonly associated with golf courses and their club houses.

(4) **Industrial Use Types.** All industrial use types as listed in Table 110.302.05.4, Table of Uses (Industrial Use Types), are prohibited.

(5) **Agricultural Use Types.** All agricultural use types as listed in Table 110.302.05.5, Table of Uses (Agricultural Use Types), are prohibited with the exception of animal grazing and crop production of hay.

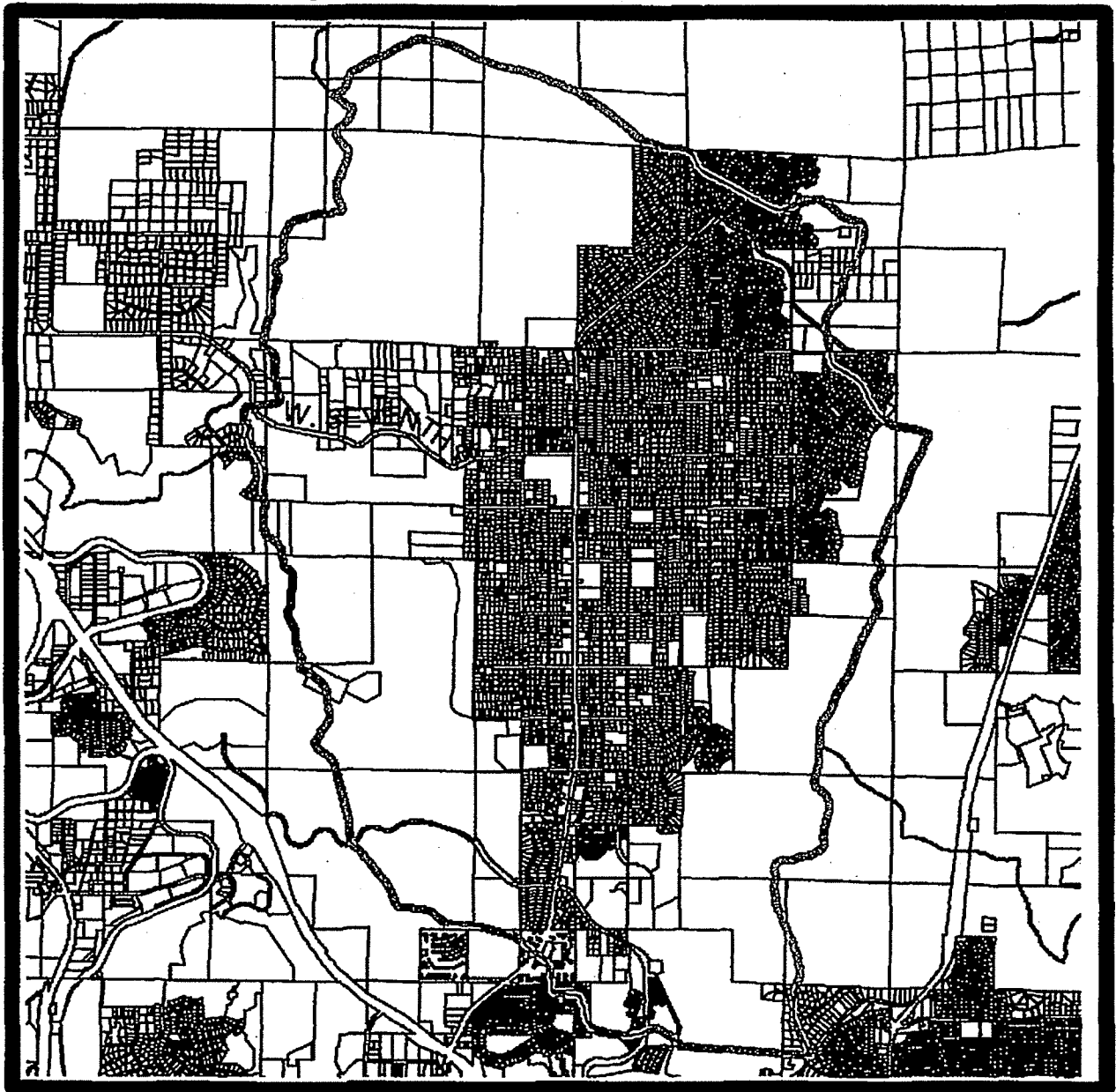
(6) **Federal or State Law Mandated Allowed Uses.** Federal or state law mandated allowed uses are exempt from this restriction.

(g) **Reflective Building Materials.** Reflective or shiny metal sidings and roofs shall be prohibited on all structures.

(h) **Building Height.** Lots in subdivisions recorded after the effective date of this Ordinance (March 31, 2002) and which abut a previously developed and recorded lot shall not erect structures which exceed the number of stories of the adjacent developed lot(s).

- (1) Structures limited to one (1) story shall not exceed twenty-five (25) feet in height as measured by the Uniform Building Code (UBC) and Section 110.902.15, Definitions, of the Washoe County Development Code.
  - (2) Two (2) story structures, when permitted, shall be restricted to thirty-five (35) feet in height as measured by the Uniform Building Code (UBC) and Section 110.902.15, Definitions, of the Washoe County Development Code.
- (i) Setbacks. Setbacks for the main structure on lots recorded prior to the effective date of this Ordinance (March 31, 2002) shall be thirty (30) feet for the front and twenty (20) feet for the rear yards. Lots with two (2) front yards shall maintain the setback for both front yards. Side yard setbacks for the main structure shall be eight (8) feet for parcels less than .4 acres and fifteen (15) feet for parcels more than .4 acres. Setbacks for structures on lots recorded after the effective date of this Ordinance (March 31, 2002) shall require the lots adjacent to developed lots to adhere to this setback standard.
- (j) Streetlights. The erection of new streetlights shall be prohibited on local residential streets. Replacement of existing streetlights is allowed.

*[Added by Ord. 1151, provisions eff. 3/31/02].*



**Exhibit 9  
SUN VALLEY  
HYDROGRAPHIC BASIN BOUNDARY**

-  **SUN VALLEY**
-  **PARCELS**

Source: Community Services Program

1250978.gdw\newprojects\hydro.apx

Date: OCTOBER 2002

Note: The path and configuration of all boundaries shown herein are approximate only and are not intended as a guide for design or survey work. Reproduction is not permitted without prior written permission from the Washoe County Department of Community Development.



**Department of  
Community  
Development**

**WASHOE COUNTY  
NEVADA**

Post Office Box 11130  
Reno, Nevada 89520  
(775) 328-3300



**SIXTH DRAFT**  
**OCTOBER 10, 2002**  
**9:00 A.M.**

**PROCEDURE AND PRACTICE**  
**BEFORE THE REGIONAL PLANNING COMMISSION**  
**AND THE REGIONAL PLANNING GOVERNING BOARD**  
**ON THE TOPIC OF COOPERATIVE PLANNING**

**A. 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 \_\_\_, 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.

**B. DEFINITIONS**

As used in these rules,

1. "Agency" means the Regional Planning Governing Board, the Regional Planning Commission, and the Regional Planning Agency, including their executive, professional and administrative staffs.
2. "Appellant" 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 .
3. "Appellee" means any party opposing an appeal of a decision to the Commission or the Board.
4. "Board" means the Regional Planning Governing Board.
5. "Commission" means the Regional Planning Commission.
6. "Director" means the Executive Director of the Regional Planning Agency.
7. "Intervenor" 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 Cooperative Planning effort and who either:
  - a. submits an appeal to the Commission as provided in D.1 of these rules; or

b. 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.

8. "Party" means any representative of a governmental agency participant in the Cooperative Planning effort or any representative of an intervenor as defined in B.7 of these rules.

### **C. APPEALS TO COMMISSION**

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

### **D. PROCEDURE ON APPEALS TO COMMISSION**

1. An appeal from a Cooperative Planning effort must be filed with the Commission within \_\_\_ days of \_\_\_\_\_.
2. Within \_\_\_ 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.
3. 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.

### **E. PUBLIC HEARINGS BEFORE COMMISSION**

1. Public hearings before the Commission will be conducted in an informal and professional manner.
2. To the extent possible, public hearings before the Commission will be conducted in the following order:
  - a. At the beginning of the public hearing, the Commission will announce the matter to be heard, explain the rights and responsibilities of all parties and explain any future proceedings that may occur in relation to the matter to be heard.
  - b. Presentation by appellant.
  - c. Brief synopsis by agency describing the nature of the appeal, summary of

issues and recommendations.

- d. Testimony or legal argument by appellant.
  - e. Testimony or legal argument by appellee.
  - f. Cross examination of witnesses by appellant.
  - g. Cross examination of witnesses by appellee.
  - h. *Final argument or summation by appellant.*
  - i. *Final argument or summation by appellee.*
  - j. *Summation by agency.*
3. Taking testimony
- a. The Commission may refuse to hear any testimony that, in the Commission's opinion, is irrelevant, repetitive, defamatory or spurious.
  - b. All witnesses will be sworn.
  - c. 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. 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.
5. Notice of a hearing before the Commission will be given as provided in NRS chapter 241.

#### **F. CONTINUANCES**

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

#### **G. DECISION**

1. The Commission will render a written decision \_\_\_ days/weeks/months following the completion of the public hearing.
2. The Commission's written decision must contain the following:
  - a. Identification of the subject matter of the appeal, the parties to the appeal and the action requested by the appealing party.
  - b. A summary of the evidence and testimony in the matter, including the recommendations of the agency staff.
  - c. Findings of fact and conclusions of law based on the evidence and testimony in the matter.
  - d. A decision on whether to grant or deny the appeal.

#### **H. 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.

#### **I. 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.

#### **J. PROCEDURE ON APPEALS TO BOARD**

1. An appellant seeking Board review of the Commission's decision must serve and file position paper in support of its position within \_\_\_ days after the record of the proceeding before the Commission has been filed with the Board.
2. The appellee must serve and file a position paper opposing appellant's position paper within 21 days after service of appellant's memorandum of points and authorities.
3. The appellant may serve and file a position paper in which the appellant replies to the appellee's position paper not later than 10 days after service of appellee's position paper opposing appellant's original position paper.
4. Any party may request a hearing before the Board and the Board is obligated to conduct a hearing on an appeal arising under these rules in response to such a request.



5. Notice of a hearing before the Board will be given as provided in NRS chapter 241.
6. In deciding an appeal, the Board will make its determination at a regularly scheduled public meeting of the Board.
7. At any party's request, the Board shall permit the record prepared before the Commission and filed with the Board pursuant to J.1 of these rules to be supplemented by any relevant testimonial or documentary evidence.
8. 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.
9. Findings of fact and decisions of the board must be based upon substantial evidence contained in the record prepared before the Commission.
10. The Board may request a party to the appeal to prepare and submit proposed findings of fact, including a ruling on each proposed finding.
11. 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.

#### **K. 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.

#### **L. JUDICIAL REVIEW**

1. 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.

2. 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.

**EXHIBIT "2"**

**EXHIBIT "2"**




# TRUCKEE MEADOWS REGIONAL PLANNING AGENCY

Emily Braswell, Director  
Paul Lipparelli, Deputy District Attorney  
Connie Anderson, Regional Assistant Planner  
Carmen Kennedy, Office Manager  
Elisa P. C. Maser, Regional Management Analyst  
Scott Nebesky, Regional Senior Planner

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## *Memorandum*

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**To:** *See Distribution List*  
**From:** *Emily Braswell, Director*   
**Date:** *August 14, 2000*  
**Subject:** *Memorandum of Legislative Cooperation*

Enclosed is the Memorandum of Legislative Cooperation adopted by the Regional Planning Governing Board on August 10, 2000. The RRGB is requesting that each of the five respective parties schedule this agreement for adoption by their council/commission/board of directors for the 2001 legislative session.

I can be reached at 321-8385 if you have any questions concerning this matter. Thank you for your assistance in processing this request from the Regional Planning Governing Board.

/ck  
attachment

Distribution List:

Shaun Carey, Sparks City Manager  
Dr. Jim Hager, Washoe County School District Superintendent  
Derek Morse, Executive Director, Regional Transportation Commission  
Charles McNeely, Reno City Manager  
Katy Singlaub, Washoe County Manager

**MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
COUNTY OF WASHOE COUNTY, CITY OF RENO,  
CITY OF SPARKS, REGIONAL TRANSPORTATION COMMISSION,  
AND WASHOE COUNTY SCHOOL DISTRICT**

**WHEREAS**, it is recognized that the interests of the residents of the Truckee Meadows can be served by a cooperative approach to intergovernmental relations and a unified effort by the region, Washoe County, the cities of Reno and Sparks, and other affected entities to achieve desired legislative action by the Nevada Legislature; and

**WHEREAS**, the region, Washoe County, the cities of Reno and Sparks, and other affected entities have endeavored, through the regional planning process set forth in NRS 278.026-278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and

**WHEREAS**, it is desired by the region, Washoe County, the cities of Reno and Sparks, and other affected entities to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the residents of the Truckee Meadows; and

**WHEREAS**, it is understood by and among the region, Washoe County, the cities of Reno and Sparks, and other affected entities that their respective positions may not be similar on all issues considered by, or bill drafts presented to, the 2001 Nevada Legislature, whether related to regional planning issues or other matters of governmental interest.

**NOW, THEREFORE**, with the recommendation for approval by the Regional Planning Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners, the City Councils of the City of Reno and the City of Sparks, and the boards of other affected entities, it is the intention and desire of the parties hereto that during the 2001 legislative session:

1. Representatives and assigned lobbyists of the region, Washoe County, the cities of Reno and Sparks, the Regional Transportation Commission, and the Washoe County School District will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.
3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representatives and assigned lobbyists of the other entities all activities and position that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.

**MEMORANDUM OF LEGISLATIVE COOPERATION**

\_\_\_\_\_, 2000  
**PAGE 2**

5. In recognition of the limited number of bill draft requests available to local government, representatives and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.
6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.
7. Local legislators will be informed when approached by representatives or assigned lobbyists of each entity on a given legislative issue whether the position espoused is a unified position of the respective entities or the position of one or more particular entities only.
8. Representatives and assigned lobbyists of each entity will actively solicit the support of businesses, institutions, and other affected interest groups on behalf of the unified legislative agenda.

IN WITNESS WHEREOF, the parties hereto have executed this memorandum this \_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

CITY OF RENO, a municipal corporation  
by and through its council

\_\_\_\_\_  
Jeff Griffin, Mayor

\_\_\_\_\_  
Donald J. Cook, City Clerk

CITY OF SPARKS, a municipal corporation  
by and through its council

\_\_\_\_\_  
Tony Armstrong, Mayor

\_\_\_\_\_  
Deborine Dolan, City Clerk

COUNTY OF WASHOE, by and through its  
Board of County Commissioners

\_\_\_\_\_  
Ted Short, Chairperson

\_\_\_\_\_  
Amy Harvey, County Clerk

MEMORANDUM OF LEGISLATIVE COOPERATION

, 2000

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REGIONAL TRANSPORTATION COMMISSION,  
by and through its Board

\_\_\_\_\_  
John Mayer, Chairperson

\_\_\_\_\_  
Kate Larue, Clerk of the Board

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its Board

\_\_\_\_\_  
Anne Loring, President

\_\_\_\_\_  
Nancy Hollinger, Clerk of the Board

**EXHIBIT "3"**

**EXHIBIT "3"**





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  
1105 Terminal Way, Suite 316 Reno, NV 89502  
(775) 321-8385 Fax (775) 321-8386  
[www.tmrpa.org](http://www.tmrpa.org)

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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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## **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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**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]

**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.1. 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> <ol style="list-style-type: none"> <li>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.</li> <li>2. (Section V) – The Regulations on Procedure have been administratively revised on February 20, 2003, to renumber cross references.</li> </ol>
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.	<ol style="list-style-type: none"> <li>1. (Section V.1) - Text added regarding applicability</li> <li>2. (Section V.14) - New section added – Expedited alternative cooperative planning dispute process.</li> </ol>

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. 11/14/10	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)	

**EXHIBIT "4"**

**EXHIBIT "4"**



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ASSEMBLY BILL NO. 39—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

PREFILED NOVEMBER 16, 2016

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Referred to Committee on Government Affairs

**SUMMARY**—Revises provisions governing the appointment of representatives to a governing board for regional planning in certain counties. (BDR 22-433)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

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**AN ACT** relating to regional planning; revising provisions governing the appointment of representatives to a governing board for regional planning in certain counties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law creates a governing board for regional planning in each county  
2 whose population is 100,000 or more but less than 700,000 (currently Washoe  
3 County). Representatives to the governing board are appointed by the board of  
4 county commissioners and the governing bodies of the incorporated cities within  
5 the county (currently the cities of Reno and Sparks). Currently, at least two of the  
6 three representatives appointed to the governing board by the board of county  
7 commissioners must represent or reside within the unincorporated areas of the  
8 county. If a person so appointed is a county commissioner, his or her district must  
9 be one of the two districts in the county with the highest percentage of  
10 unincorporated area. (NRS 278.0264) This bill eliminates those requirements. This  
11 bill also reduces from four to three the number of representatives that may be  
12 appointed to the governing board by the governing body of the largest incorporated  
13 city in the county.

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\* A B 3 9 \*

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. NRS 278.0264 is hereby amended to read as  
2 follows:

3 278.0264 1. There is hereby created in each county whose  
4 population is 100,000 or more but less than 700,000, a governing  
5 board for regional planning consisting of:

6 (a) Three representatives appointed by the board of county  
7 commissioners . ~~[- at least two of whom must represent or reside~~  
8 ~~within unincorporated areas of the county.]~~ If ~~[the]~~ a representative  
9 is ~~[-~~

10 ~~----- (1) A county commissioner, his or her district must be one of~~  
11 ~~the two districts in the county with the highest percentage of~~  
12 ~~unincorporated area.~~

13 ~~----- (2) Not~~ *not* a county commissioner, he or she must reside  
14 within an unincorporated area of the county.

15 (b) ~~{Four}~~ *Three* representatives appointed by the governing  
16 body of the largest incorporated city in the county.

17 (c) Three representatives appointed by the governing body of  
18 every other incorporated city in the county whose population is  
19 60,000 or more.

20 (d) One representative appointed by the governing body of each  
21 incorporated city in the county whose population is less than 60,000.

22 2. Except for the terms of the initial members of the governing  
23 board, the term of each member is 3 years and until the selection  
24 and qualification of his or her successor. A member may be  
25 reappointed. A vacancy must be filled for the unexpired term by the  
26 governing body which made the original appointment.

27 3. The governing bodies may appoint representatives to the  
28 governing board from within their respective memberships. A  
29 member of a local governing body who is so appointed and who  
30 subsequently ceases to be a member of that body, automatically  
31 ceases to be a member of the governing board. The governing body  
32 may also appoint alternative representatives who may act in the  
33 respective absences of the principal appointees.

34 4. The governing board shall elect its chair from among its  
35 members. The term of the chair is 1 year. The member elected chair  
36 must have been appointed by the governing body of the county or a  
37 city whose population is 60,000 or more as determined pursuant to a  
38 schedule adopted by the governing board and made a part of its  
39 bylaws which provides for the annual rotation of the chair among  
40 each of those governing bodies.

41 5. A member of the governing board who is also a member of  
42 the governing body which appointed him or her shall serve without



1 additional compensation. All other members must be compensated  
2 at the rate of \$40 per meeting or \$200 per month, whichever is less.

3 6. The governing board may appoint such employees as it  
4 deems necessary for its work and may contract with city planners,  
5 engineers, architects and other consultants for such services as it  
6 requires.

7 7. The local governments represented on the governing board  
8 shall provide the necessary facilities, equipment, staff, supplies and  
9 other usual operating expenses necessary to enable the governing  
10 board to carry out its functions. The local governments shall enter  
11 into an agreement whereby those costs are shared by the local  
12 governments in proportion to the number of members that each  
13 appoints to the governing board. The agreement must also contain a  
14 provision specifying the responsibility of each local government,  
15 respectively, of paying for legal services needed by the governing  
16 board or by the regional planning commission.

17 8. The governing board may sue or be sued in any court of  
18 competent jurisdiction.

19 9. The governing board shall prepare and adopt an annual  
20 budget and transmit it as a recommendation for funding to each of  
21 the local governments.

22 **Sec. 2.** With respect to the persons who are appointed to the  
23 governing board for regional planning pursuant to paragraph (b) of  
24 subsection 1 of NRS 278.0264, as that section existed before July 1,  
25 2017, and are serving on that date:

26 1. The term of any person whose term would otherwise be the  
27 first to expire after July 1, 2017, but for the amendatory provisions  
28 of section 1 of this act, expires on July 1, 2017.

29 2. If the terms of two or more persons would otherwise expire  
30 on the same date after July 1, 2017, but for the amendatory  
31 provisions of section 1 of this act, those persons shall agree or draw  
32 lots to determine which of them ceases to serve on the governing  
33 board, and the term of that person expires on July 1, 2017.

34 **Sec. 3.** This act becomes effective on July 1, 2017.





local entities to refine the draft. After several meetings, the subcommittee reported back to the full delegation with a final draft. The delegation held a public hearing on the draft and prepared a proposal for introduction in the legislature.

The Senate Committee on Government Affairs held a public hearing in Reno, May 9, 1989. The committee requested amendments based on the public's input and reported the amended measure to the full Senate. After its approval by the Senate the bill was referred to a Select Committee on Washoe County Affairs in the Assembly. The Select Committee held a public hearing on the measure and submitted it to the full Assembly for action. The Assembly passed the bill and sent it to the Governor who signed it into law on June 17, 1989.

This document includes the following meetings of the Washoe County Legislative Delegation:

February 21, 1989

February 28, 1989 (subcommittee)

March 7, 1989

March 23, 1989

April 24, 1989

Senator Erik Beyer  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Sue Wagner  
Assemblyman Bruce R. Bogaert  
Assemblywoman Jan Evans  
Assemblywoman Vivian L. Freeman  
Assemblyman James A. Gibbons  
Assemblyman David E. Humke  
Assemblyman Bob L. Kerns  
Assemblyman Joan A. Lambert  
Assemblyman John W. Marvel  
Assemblyman Leonard E. Nevin  
Assemblyman Robert M. Sader  
Assemblywoman Courtenay C. Swain

(Inasmuch as these minutes are being transcribed subsequent to the adjournment of the 1989 legislative session, it is assumed that all Washoe County Senators and Assembly members were in attendance at this meeting.)

#### OPENING REMARKS

Chairman Mello called the meeting to order. He announced that representatives of Washoe County, the City of Reno and the City of Sparks would be giving testimony.

Sue Smith, Member, Reno City Council and Chair of the Washoe Council of Governments (WCOG)

Ms. Smith testified on behalf of the Washoe Council of Governments. She presented WCOG's response to the cooperative proposal of a regional planning measure that would effectively respond to the county's regional planning deficiencies. She reported that the members of the WCOG are united in a shared commitment to work together in attacking the region's planning priorities. On February 15, 1989, after numerous meetings and informal discussions, WCOG agreed, by a vote of 12 to 3, on the draft bill submitted to the delegation. This is a comprehensive regional planning measure that:

1. That the bill, as drafted, would create an underrepresentation of citizens who reside in the county's unincorporated area.
2. That the time available to analyze and reflect on the measure of this magnitude was not sufficient.
3. That there was insufficient time spent analyzing alternative approaches.
4. That the council of governments is too large a body to be manageable.

Ms. Smith asked that the delegation keep in mind that a measure of this nature proposes to alter both the fabric of inter-governmental relationships and the historic authorities delegated to individual local governments. If there is a desire, on the part of the delegation, to consider material changes from the measure presented, she respectfully requested that WCOG continue to be involved in the development of any alternative approach that may be ultimately considered.

Greg Evangelatos, Planning Director, City of Sparks

Mister Evangelatos noted that over the last 30 days the staffs and the elected officials of the three jurisdictions have diligently worked in a response to the deadline as well as to the areas of concern that were shown in the initial draft. After review, the general consensus among all three jurisdictions was that substitute legislation was required to deal at a more indepth level with the issues which were presented as a challenge to the communities. Issues of concern were:

1. Fair representation of governments in the three jurisdictions involved;
2. A distinction between legitimately regional issues and legitimately local issues be established in the quality and manner so that those areas of regional significance get full and undivided attention and that those areas which are legitimately local be retained at that level;

1. Approving authority--the new draft designates WCOG as the final authority. As mentioned earlier, the proposed bill attempts to balance the Board of County Commissioners' concept of representing the people with WCOG representing each jurisdiction.
2. Staffing--the new bill calls for a shared staff and funding, because it is a multijurisdictional proposal.
3. Plan preparation--the new bill has a technical committee outlined in it. Both drafts ask for advice from other regional agencies and has been expanded tremendously in the new bill. The new bill calls for all local and regional agencies, franchise holders and public utilities to participate in the regional planning process.
4. Public hearings--the bill requires hearings in each of the jurisdictions in the cities as well as the unincorporated area.
5. Mandatory elements:
  - a. Land use and transportation;
  - b. Water;
  - c. Waste water and solid waste;
  - d. Annexation;
  - e. Intergovernmental cooperation;

Continuing, Mr. Hester explained that this bill requires that all local projects and regulations be in conformance with the master plan and the master plan has to be in conformance with the regional plan.

The proposed bill also requires an annual review and update at least every 5 years.

Leann McElroy, Planning Director for the City of Reno



in a rotation schedule that would be established in the commission's bylaws.

The commission members will serve without compensation but may be reimbursed for their reasonable expenses.

The three local units of government would have 90 days in which to enact an interlocal agreement that would provide staffing for the commission and would specify how the costs would be shared with respect to the commission's operation. Suggestions on how to staff the commission included utilizing consultants, sharing staff members from the different units of local government, and so on. She stated that a decision was not made and would be addressed at a later time.

Section 5 requires the regional planning commission to prepare and adopt a comprehensive regional plan for the physical development and orderly management of growth of the region. The proposal requires a two-thirds majority of the commission to adopt a regional plan.

She indicated that it is important to make sure that coordination occurs not only among the units of local government but also with respect to other regional agencies that are involved in regional planning now. The regional planning commission will be required to have three public hearings, one in each city and one in the unincorporated area, before adopting the plan. The notices for those hearings would have to be display ads.

She explained that there are five mandatory elements which are established in this bill, which are:

1. Land use transportation element--depicts the planned intensities for the region and transportation facilities that are necessary to serve those particular levels of intensities.
2. Water, waste water, solid waste--described in the bill as a sanitary sewer solid waste drainage, potable water and natural ground water aquifer recharge element. This element describes the problems and needs of the general facilities that would be required to delineate urban service boundaries.

time period in which to have a minimum of three public hearings and actually adopt a plan by a two-thirds majority vote.

Section 8 describes the process followed once the council of government receives a plan from the regional planning commission. The council of governments would have 60 days to review that plan and either adopt it or propose amendments. In the event amendments are proposed, the plan would be returned to the regional planning commission. It would have 30 days in which to comment and resubmit it to WCOG, which would have 30 days in which to adopt the plan.

Section 9 addresses the consequences if there is an existing regional plan but a new local plan. The regional planning commission would have 60 days in which to review that local plan and make a determination as to whether or not that plan is in compliance. This section also provides an appeal period. If the unit of local government disagrees with the regional planning commission, the final determination can be appealed to WCOG.

Section 10 describes the force and affect of the regional plan.

Section 11 is very similar to Section 9 with the only difference being the timeframes when there is a new regional plan or new regional plan element. All of the local planning agencies, under this bill, have to review their existing plans to make sure they are in conformance with that regional plan. They would have 180 days to submit those plans to the regional planning commission. The regional planning commission then has 180 days to determine compliance. In this case, in the event the plan does not conform, an appeal can be made to the council of governments, but if the council of governments upholds the regional planning commission's decision, the local planning agencies would have 60 days to make the changes in their plan and resubmit those to the regional planning commission.

Section 12 refers to the hierarchy placing comprehensive regional planning at the top.

Section 13 provides for ongoing reporting. Essentially each local planning commission and each local or regional agency that has responsibility for regional issues must prepare and submit, to the regional planning commission.

... on a yearly basis, although it is consider a  
10-year overhaul of its 1980 plan in 1990.

Mister Hester stated Reno is on the same schedule as Sparks.

Responding to Assemblyman Lambert, Ms. McElroy explained that the local governments have identified five elements that are regional issues. The section in question was included in the event there is a regional problem that was not identified that crosses jurisdictional lines.

Answering Assemblyman Lambert, Ms. McElroy stated that by specifying particular land uses it would also specify the level of intensity with respect to impacts. There are five criteria in the interlocal agreement on projects of mutual significance.

Responding to Assemblyman Nevin, Ms. McElroy indicated that the City of Reno currently has a 20-year master plan. Ms. McElroy explained that, in the past, the regional planning commission reviewed zone changes for Washoe County and the Cities of Reno and Sparks and a zone change did have the affect of amending the master plan. Now, in the City of Reno, a zone change does not amend the master plan. If a zone change is requested, and it does not conform, a master plan amendment is required.

Responding to Senator Beyer, Ms. McElroy stated that there were discussions that, if the bill was not enacted in time for the 1990 election, there was a consensus that this was an important enough issue to warrant a special election.

Senator Raggio expressed his concerns regarding the ultimate approving body. He shared with the delegation the Supreme Court opinion, with regard to the principle of "one man, one vote" which he said would be applicable to the alternative proposal under the constitutional requirements. In the opinion of the Legislative Counsel, becoming a member of the approving authority (WCOG) simply by virtue of being elected as a council member or county commissioner, appears to violate that concept. It would not affect the parent counties if the ultimate authority were an appointed body. It could even be an appointed body of elected officials which would reach beyond the constitutional problem. In Senator Raggio's opinion, using WCOG creates a situation that might be unmanageable.

regarding:

1. The constitutionality of the makeup of the regional planning commission.
2. The number of members on the commission which, in her opinion, still does not have regional representation of the people, especially in the unincorporated areas. She and other commission members preferred from seven to nine members from the three local governments appointed.
3. The proposed timetable. She suggested a 12- to 15-month timeframe which would be feasible if the process could be simplified.

Jim Spoo, Mayor, City of Sparks

If the constitutional issue is deemed to be a substantial problem, Mayor Spoo asked for direction from the delegation and for the opportunity to prepare an alternative proposal. He expressed concern about the "flip side" of the constitutional issue. The cities do not want to "give away" the most significant issues in the Truckee Meadows, namely, planning/zoning issues which affect everything; i.e., police service, fire service, parks and so on. The concern is to make sure that accountability to the citizens is retained, and WCOG was decided on as a way to accomplish this.

Diane Cornwall, Chairman of the Washoe County Commission

Ms. Cornwall explained that some members were aware that there may have been a constitutional issue, but, in her opinion, there simply was not enough time to address it from a legal point of view. She concurred with Mayor Spoo's request for reconsideration.

Larry Beck, Washoe County Commission

Mister Beck expressed his concern regarding the unconstitutionality of the representation issue in regards to WCOG. He stated that individuals residing in the unincorporated area have one or two commissioners that would represent them.

4. The size of the group which, she said, is too large, even if the constitutionality issue is upheld; and.
3. The composition and duties of the technical committee referred to in the proposal.

She agreed that the three governmental agencies should be allowed the latitude to work among themselves and present a different proposal.

Assemblywoman Freeman agreed with many of the delegation's concerns. She also stated that:

1. She preferred the governing body be elected officials;
2. She was disturbed by the lack of a long-range, comprehensive master plan; and
3. The WCOG proposal was too detailed and cumbersome.

Senator Raggio proposed that the delegation give some guidance and direction regarding its concerns. He suggested a nine-member group with a timeframe of 1 year. Senator Raggio also suggested that Chairman Mello appoint a small subcommittee to work with the group on the proposal.

Chairman Mello agreed with Senator Raggio and asked the delegation for its input.

Senator Beyer also agreed on the three major concerns of the delegation as well as appointing a subcommittee to work with the three entities towards a revised proposal addressing the issues in question.

Assemblyman Lambert expressed her concern regarding the need for representation in the unincorporated areas.

Assemblyman Sader recommended a 7- or 5-member group instead of the 9-member one suggested by Senator Raggio. He also said that the timeframe could be reduced if the requirement for an election be deleted from the proposal. In his opinion, the concept of regional planning need not be put to a vote of the people.



A workshop scheduled with members of the Legislative Subcommittee of the Washoe County Delegation, and representatives of the Cities of Reno and Sparks, and Washoe County, on the subject of development of a Regional Planning Commission, was held in Room 243 of the Legislative Building, Carson City Nevada, on February 28, 1989, at 3:30 p.m. Notice of the Workshop is set forth on EXHIBIT A.

SUBCOMMITTEE MEMBERS PRESENT:

SENATOR SUE WAGNER  
ASSEMBLYMAN ROBERT M. SADER  
ASSEMBLYMAN JAN EVANS

REPRESENTATIVES OF LOCAL GOVERNMENT PRESENT:

PATRICIA S. THOMPSON, City Manager, City of Sparks  
JIM SPOO, Mayor, City of Sparks  
HAROLD SCHILLING, City Manager, City of Reno  
SUE SMITH, Member, Reno City Council  
JOHN A. MacINTYRE, Washoe County Manager  
JIM LILLARD, Washoe County Commissioner

STAFF MEMBERS PRESENT:

ROBERT ERICKSON, Research Director, Legislative Counsel Bureau  
FRED WELDEN, Chief Deputy Research Director, Legislative  
Counsel Bureau  
MARILYN HOFMANN, Secretary

\* \* \* \* \*

Senator Wagner provided opening remarks: "I think you should know that [the subcommittee] met a number of times since the Washoe Delegation meeting."

Senator Wagner reminded those present of the second workshop scheduled for Friday, March 3, 1989, at 1:00 p.m. She continued: "The Subcommittee tried to look at this, not from a parochial point of view in terms of their own constituency...we felt we wanted to meet this challenge and we all feel rather strongly about a product for the future of everyone who lives in the Truckee Meadows...not just those whose districts we represent."

Senator Wagner referred to a newspaper article appearing in the Reno Gazette Journal, February 28, 1989, concerning a survey of residents in the community regarding environmental concerns. She cited from the article: "Air pollution showed the greatest increase of citizen concern of 15 issues...including mass transit, nuclear waste storage, available water supply, traffic...." Senator Wagner indicated those are the "...kinds of things we are also concerned about, and which hopefully this regional plan will address. We represent the same people, and I think those people want to know where we are headed...hopefully, this will lead the way. I personally look at this as a real opportunity for all of us to work together...to come up with something that will be important for the people we serve...hopefully we all have the same goals."

Senator Wagner indicated the intention of the Subcommittee was to review the "talking paper" and discuss the rationale. She added it was the Subcommittee's hope, "...they would come back with a product we could...agree on...to present to the Washoe Delegation meeting next Tuesday."

Mr. Sader said the Subcommittee understands "...there are a lot of people involved in the



...express their concerns] at the audience today...[will be  
than at the Subcommittee level...prior to the introduction of  
the bill." (Editing Added).

Senator Wagner reviewed the Outline of Comments and  
Suggestions on Proposed Regional Planning Bill, attached as  
EXHIBIT B hereto. She clarified, "If...it is not mentioned, we  
have not made any changes. What is in the BDR remains...."

Both Senator Wagner and Mr. Sader emphasized their  
feeling that a separate staff would be required, and stressed  
they do not feel sharing a staff would be possible. Senator  
Wagner stated: "If this Regional Planning Commission and  
governing board are really going to be the kind of entities we  
hope they will be...they will need a significant staff." Mr.  
Sader indicated the staff should be one that could handle 'core'  
chores...then there could be a local agreement...for staff [to  
use] in extraordinary situations, like the formulation of the  
plan, revisions...a combination of a paid staff loyal to the  
regional planning entity and a local [staff]." (Editing Added).

Upon completion of a review of the Outline (EXHIBIT B),  
Senator Wagner opened the meeting to a general discussion. Mr.  
Spoo asked where the Subcommittee envisioned "...we go from here  
...from right now until Friday." Mr. Sader stated: "We would  
like you to take this back and consider the proposals...on  
Friday, tell us what you think is appropriate, and what you  
think is not...and why. We will see if we can reach a  
consensus. We want to see what your thoughts are. We are not  
professional planners. We want to know if we have missed the  
boat...why you think so. Maybe we can reach an agreement before  
we go back to the Delegation." Senator Wagner concurred  
stating that was also her objective. Senator Wagner concurred  
a lot of the

section: "The meat of this...is in requiring that the amendments have to go back, as well as the adoption...the amendments would have to be approved...as well. The word 'local' was put in, because there were some questions...that the facility plan, master plan and other such plans were the ones that are actually put together by the local entities." Mr. Erickson stated it was not significant, and could be removed. Mr. Spoo indicated he was thinking of a "transportation route" which might "...obviously be designated a state road...would cause some difficulty."

Mr. Lillard referred to the term "governing board," and asked if the "3-2-2" members would have to be elected officials. Mr. Sader indicated the selection would be up to the respective elected bodies. He added: "If the Washoe County Commission wants to appoint people other than those that sit on the commission, that is up to you." Senator Wagner added they may appoint members, which is "clearly spelled out...in the language of (4) (EXHIBIT B)."

Mr. Sader clarified "...they don't have to be elected officials, but they can be if you wish...We did discuss the question of whether...people should be on the local planning commission...or separate...and it was our feeling your intent was that each of the members of the regional planning commission be grounded in a local planning commission process...." Senator Wagner stated the Subcommittee felt it important "...to keep in mind the representation from the unincorporated areas...we have spelled that out, not only on the governing board but also on the planning commission level."

Mr. Schilling reiterated: "Anything you did not include on the [outline], you intended to basically leave as presented...the public hearing requirements, the adding of a member from an incorporated city to the planning commission...." Senator Wagner concurred.

...either  
the expense of the special election or waiting until 1990 to  
start. We were not excited about the prospect of delays. In  
fact, we have shortened time period in all respects, as you can  
see. We would prefer to make the decision as representatives of  
county residents, enact it into statute, and ask you to appoint  
members within 30 days, and have a plan within one year."

Mr. Spoo stated he would agree, "...in the current  
context." He added, "I think, however, at some point, an  
election has tremendous value in asking the public to buy-in to  
the concept. The time at which it should occur, however, is  
probably not now when it is probably unnecessary...even  
meaningless...but after a plan is developed, not only to show  
the public that something has been produced...producing  
significant changes...but letting them actually feel this is our  
plan...since they have lived without a regional plan for so  
long."

Senator Wagner asked if Mr. Spoo would "...actually have  
them vote on the plan itself," and Mr. Spoo answered he would.  
He added it would be an "up or down vote," however, and the  
public could not vote on specific parts of the plan. Senator  
Wagner stated if this matter was one of concern, it should be  
brought up at the workshop on Friday, March 3rd. She added:  
"What would happen if we went through all of this...we all  
concurred...processed a bill for the Legislature...you formed a  
regional plan...then the public turned it down?" Mr. Spoo  
answered, "Then we have done something terribly wrong."

Ms. Thompson stated: "You wouldn't have to do it after  
your local plans were brought into conformance...you could do it  
after the regional plan is adopted...before you have everyone  
else come into conformance...if they voted it."

subcommittee needed input regarding the number of persons who should be on such staff, "...which will drive the funding."

Ms. Smith then referred to (6), and the changing of the word "intensity" to "type of use and density." She asked if the Subcommittee did not understand the use of the word, "intensities." Senator Wagner answered they were unfamiliar with the usage, and "...tried to suppose what it was you meant, and felt this might be close to it. I have had more comments by members of the Washoe Delegation...everybody asked, 'what is intensity?'" Ms. Smith explained: "Each development takes so much water...has so much sewer outflow...that is a good way to determine a density...based on those intensities...." Mr. Sader said their only concern was with the definition, and indicated there might be a better alternative. Mr. Erickson indicated "...it might be misinterpreted by the public to mean 'intense,' meaning highrises...etc."

Ms. Thompson addressed the subject of "15 versus 180 days," and stated: "What we intended...once the regional plan was developed...if the City of Reno or Sparks then set forth to go back over their plan...to bring it into conformance, rather than just turn it in and know it will be rejected...that will give you a chance to review it. If you make any changes to your master plan...you have a 30-day notice period by state law...." She continued: "One of the things Sparks would like to do, is start updating...but you do not want to do it in finality, and then find out the regional plan is something different. So some extent, you have to wait until the regional plan is done...then you have to try to bring yours into conformance...and hope you will get an approval."

Mr. Erickson responded: "I think our question was...in order to bring your plan into conformance..."

...entities. He said: "For purpose of clarification...there was a fairly strong feeling...if you are going to have a meaningful regional planning exercise, you have to involve and subordinate anyone who has a significant impact on the environment. Is it fair to assume that the Subcommittee agreed with that?" Senator Wagner answered affirmatively. She added: Your 'laundry list' would be found in the definitions section. We wanted to have some title to tie all these things together, and we chose 'affected entities.'" Senator Wagner clarified they had not intended to change the substance.

Mr. MacIntyre distributed a position paper prepared by the Washoe County Board of County Commissioners. (EXHIBIT C), and stated: "There are a number of points we would like to bring to your attention...and there may be a number of areas where there are significant diversions. In putting this together, the basic purpose was to try to be responsive to what we were hearing at the Delegation meeting last week, in terms of trying to hone in on the process...which involves the timelines...and trying to shorten them up. We have made a number of suggestions that have that effect...we also have made some suggestions for you to consider in terms of content. We think what is included in the ultimate regional plan, from a content standpoint, will certainly affect the amount of time that is involved; its understandability; its acceptability...once that plan has been prepared...we submit [the position paper] with the thought in mind that these are our thoughts...they reflect the preferences of the board...we have also tried to recognize some of the other realities we think are at play in this situation...you will find a fair amount of consistency in some points...those where consistence doesn't exist, we would invite your attention and consideration...."

Mr. Sader referred :

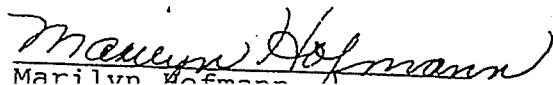
... consensus on Friday."

Mr. Sader concluded: "I am somewhat concerned that the consensus you did come with not break down." Ms. Smith answered she felt the same, "...because we did vote on that plan at WCOG...it's alarming to me to now have positions being taken...." Mr. Sader commended there was some issues in the position papers that "...are just flat not in [the BDR]...if you think there are some other areas to augment...that just haven't been covered...the first one being interim controls...interim provisions...we need to know so we can consider additions before we come back."

Senator Wagner indicated she had not seen either position paper before today's workshop. She stated: "In light of the newspaper articles over the weekend...it jogged our minds as to the idea...what was going to happen in the interim?" Senator Wagner handed out to those present a document entitled "Ideas for Discussion -- Control of Development While Regional Plan is Being Prepared. (EXHIBIT E). She said some of the ideas set forth "may be drastic," but indicated the Subcommittee had discussed the points and feel "...they are worth talking about, and address the question of the interim period."

There was no further discussion, and Senator Wagner adjourned the meeting.

RESPECTFULLY SUBMITTED,

  
Marilyn Hofmann

Senator Donald K. Mello, Chairman  
Senator Erik Beyer  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Assemblyman Bruce R. Bogaert  
Assemblywoman Vivian L. Freeman  
Assemblyman James A. Gibbons  
Assemblyman David E. Humke  
Assemblyman Bob L. Kerns  
Assemblyman Joan A. Lambert  
Assemblyman John W. Marvel  
Assemblyman Leonard V. Nevin  
Assemblywoman Courtenay C. Swain

WASHOE COUNTY LEGISLATIVE DELEGATION SUBCOMMITTEE MEMBERS  
PRESENT:

Senator Sue Wagner, Chairman  
Assemblywoman Jan Evans  
Assemblyman Robert M. Sader

(Inasmuch as these minutes are being transcribed subsequent to the adjournment of the 1989 legislative session, it is assumed that all Washoe County Senate and Assembly members were in attendance at this meeting.)

LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:

Robert E. Erickson, Research Director  
Fred W. Welden, Chief Deputy Research Director

Chairman Mello called the meeting to order and asked Senator Wagner, Chairman of the subcommittee, to begin her presentation.

Senator Wagner stated that:

1. The members of the subcommittee unanimously agreed upon the recommendations which were scheduled to be reviewed during this meeting;
2. In addition to the Washoe County Legislative Delegation hearings regarding the

entities on February 28, 1989;

4. Additional meetings were held by the local entities to prepare a response to the legislative concerns;
5. The subcommittee held a meeting at which time the modified proposal was submitted by the local entities; and
6. The subcommittee then prepared the final concepts to be reported to the Washoe County Legislative Delegation.

Senator Wagner reviewed Exhibit A and a document titled "Outline Of Comments And Suggestions On Proposed Regional Planning Bill" (Exhibit B).

Mister Kerns expressed a concern about the proposed compensation for members of the regional planning commission and nonelected officials on the governing board. Please see Item C which appears on page 2 of the document titled "Differences Between Early Draft And Current 'Concepts For Proposed Regional Planning Bill'" (Exhibit C) for details. Mr. Kerns stated his opinion that: (1) the suggested salary may not be sufficient; and (2) a cap on the total compensation for these individuals may not be necessary.

Senator Wagner responded that the compensation figure was derived from Nevada Revised Statutes (NRS) 278.040, "Members: Appointment; qualifications; compensation and expenses; terms; removal; vacancies. [Effective on the date the Secretary of Commerce reports the 1990 census of population to the President of the United States.]." She explained that the subcommittee members were of the opinion that the original proposal for compensation by the local entities was "too modest" and, therefore, used NRS 278.040 as a guideline.

Mister Sader noted that the compensation of these individuals may receive further consideration.

In response to a question from a member of the delegation, Mr. Sader explained that members of local planning commissions may be appointed to the regional planning commission because their experience, technical expertise and



concerns which appear in Exhibit D were agreed upon by Washoe County and the cities of Reno and Sparks.

JAMES L. SPOO

James L. Spoo, Mayor of the City of Sparks, stated that he agrees with the concerns which appear in Exhibit D and discussed these items.

Senator Wagner noted that during the last meeting of the subcommittee, the members expressed some concerns about the proposal which was submitted by the local governments.

Additionally, the Senator stated her opinion that 12 months is an insufficient amount of time for the local governments to prepare and adopt a regional plan. She said this subject should be addressed at a future meeting of the delegation.

Chairman Mello suggested that the Washoe County Legislative Delegation ask for a BDR on the subcommittee's proposed regional plan. He scheduled a public hearing on this BDR to be held on March 23, 1989, at 5 p.m., in Room 131 of the Legislative Building in Carson City. The Chairman explained that this will be the last opportunity for interested parties to testify on the Washoe County regional planning bill.

There being no further business, the meeting was adjourned.

(Transcribed by Debby Richards, Senior Research Secretary,  
August 10, 1990)

Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Section 2.

1. There is hereby created in any county whose population is 100,000 or more but less than 250,000 a regional planning commission and a governing board.
2. The duties of the regional planning commission are:
  - a. To develop a 20-year comprehensive regional plan for the county; and
  - b. To ensure that local master plans and facility plans are compatible with and further the comprehensive regional

FROM THE LOCAL  
planning commission of each city with a population of 40,000 or less appointed by the governing body, and three members from the local planning commission of the county appointed by the governing body of the county. At least two of the three members appointed by the governing body of the county must reside in the unincorporated portion of the county.

2. In a county where a regional planning commission exists under the provisions of NRS 278.030 through 278.170, that commission shall cease to exist upon the effective date of this act. The first members of a regional planning commission created by this act must be chosen by the respective governing bodies within 30 days of the effective date of this act and serve until the selection and qualification of their successors in July of 1991. Thereafter, members of the commission must be chosen by the respective governing bodies

of 1991. Thereafter, members of the commission must be chosen by the respective governing bodies during the month of July of each odd-numbered year, and serve until the selection and qualification of their successors.

3. Members of the regional planning commission may be reappointed, but any member who ceases to be a member of the body from which he was chosen ceases to be a member of the commission. A vacancy must be filled by the body which made the original choice, for the unexpired term.
4. The commission shall elect its chairperson from among the appointed members. The term of the chairperson is one year. The office of the chairperson shall rotate among the jurisdictions having a population in excess of 40,000 persons in a rotation schedule contained in the commission's bylaws.

appointed by the governing body of each incorporated city having a population greater than 40,000 but not being the largest city in the county; and one representative appointed by the governing body of each incorporated city having a population of 40,000 or less.

At least two of the three representatives appointed by the board of county commissioners must represent or reside within the unincorporated portion of the county. In order to satisfy this requirement, a county commissioner who is appointed to the governing board must represent at least a portion of the unincorporated area of the county and an appointee who is not a county commissioner must reside within the unincorporated portion of the county.

2. The first members of the governing board must be chosen by

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. Any member of the governing board, however, who is appointed to it when a member of a local governing body, ceases to be a member of the governing board at the same time that he ceases to be a member of the body by which he was appointed.
4. The governing board shall elect its chairperson from among the appointed members. The term of the chairperson is one year. The office of the chairperson shall rotate among the jurisdictions having a population in excess of 40,000 persons in a rotation schedule contained in the governing board's bylaws.
5. Members of the governing board who are also members of the respective governing bodies shall serve without additional

such services as it may require.

7. The local governments represented on the governing board must provide the necessary quarters, equipment, staff, supplies and other usual operating expenses necessary to prepare and maintain the comprehensive regional plan. The costs must be shared among the local governments in an amount proportionate to the number of members which a local government appoints to the governing board. The local governments represented must enter into an interlocal agreement which complies with this subsection within 90 days of the effective date of this act.
  
8. a. The position of director of regional planning is hereby created.

The director shall be selected with special reference to

The director shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

The director may not hold any other planning position with a regional or local entity in the county nor may he be on leave-of-absence from any other regional or local entity in the county while holding the position of director.

- c. The director is responsible for administration of the regional planning program.

The director shall appoint a professional planning assistant to assist in administration of the program.



- (2) Execute contracts for services which are approved by the governing board; and
- (3) Direct the activities of any other personnel made available to the regional planning commission.

Section 5.

1. The regional planning commission shall approve and recommend to the governing board a comprehensive regional plan for the physical development and orderly management of growth of the region, consisting of the text and the map or maps and such goals and policies, including those addressing current and future problems as may, in its opinion, affect the region as a whole and are proper for inclusion in the regional plan. In developing the comprehensive regional plan, the commis-

adopting the comprehensive regional plan, or any part of it, the commission shall hold at least one public hearing thereon in each of the cities within the region and in the unincorporated area of the county, notice of the time and place of which shall be given at least one publication in a newspaper of general circulation in the region at least ten days before the day of each hearing. Before amending the plan, or any part of it, the commission shall hold at least one public hearing in the region which in a land use issue shall be held proximate to the area to be amended, notice of the time and place of which shall be given at least one publication in a newspaper of general circulation in the region at least ten days before the day of the hearing. Notices advertising such public hearings must be display ads of at least three inches by five inches in size.

based on those policies.

- (b) A land use and transportation element, classifying future land uses by intensity of water usage, wastewater generation and trip generation and depicting transportation facilities necessary to serve the planned intensities. This element shall be based upon the policies and map established in the conservation element, surveys, studies and data regarding the area, including the amount of land required to accommodate planned growth; the projected population of the area; the characteristics of undeveloped land and the availability of public services.
- (c) A public facilities and services element, including

the urban service boundaries and the urban service providers within the region. Such public facilities and services needed to support the development described in the land use element shall be available concurrent with the impacts of such development. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and services are available concurrent with the impacts of the development.

- (d) An annexation element identifying spheres of influence for each unit of local government, improvement district or other service district and specifying standards for changing the boundaries of

To assist in the formulation of the plan, the governing board and the regional planning commission may establish advisory committees as they deem necessary. No members of the governing board or regional planning commission may serve on an advisory committee.

#### Section 7.

1. Define "project of regional significance" as currently provided by interlocal agreement.
2. Until the comprehensive regional plan is adopted and all county and city master plans are found to be in conformity with the comprehensive regional plan, any "project of regional significance" which has not received all approvals

plan which will result from that process.

Section 8.

1. The regional planning commission must prepare the mandatory elements of the comprehensive regional plan within twelve months of the effective date of this act and shall, within 60 days following the completion of the plan, approve the comprehensive regional plan and forward it to the governing board for final adoption.
2. The regional planning commission shall review the comprehensive regional plan annually, update it at least once each five (5) years and forward its recommendations to the governing board for final adoption. All requests for amendments to the comprehensive regional plan shall be studied and

adoption of the plan, the governing board must submit the proposed amendments to the regional planning commission for its review and comment. The commission must submit its comments on a proposed amendment within 30 days of its submission or within the timeframe identified by the governing board. At the close of the review period, the governing board shall, within 30 days consider any comments received from the regional planning commission and adopt the plan with or without amendments. The adoption of the plan or any amendment or addition thereto shall be by resolution of the governing board carried by a simple majority of the total membership. Prior to the adoption, or adoption of the plan with amendments, the governing board shall hold at least one public hearing, notice of the time and place of which shall be given at least one publication in a newspaper of general circulation in the region at least ten days before the day of

Prior to the adoption or amendment of any facility plan, master plan or other such plan, each governing body, and any other affected entity shall submit such plan, any portions thereof or amendments thereto, to the regional planning commission who shall review such plans at one or more public meetings held within sixty (60) days of submission and determine whether or not the proposed plan is in conformance with the comprehensive regional plan. If the regional planning commission finds that the proposed plan is not in conformance, it must explain which parts of the proposed plan are not in conformance and how they fail to conform. Except for amendments as provided in section 12 of this act, a local governing body or any other affected entity shall not adopt a facility plan, master plan or other such plan, or any amendment thereto, without first receiving a determination from the regional planning commission that it is in conformance with the comprehensive regional plan. No change in or addition to the



that the proposed plan is not in conflict with the comprehensive regional plan. The term "furthers" means to take action in the direction of realizing goals or policies in the comprehensive regional plan. If the regional planning commission fails to make a determination within 60 days of submission of a plan pursuant to this section, then the plan shall be deemed to be in conformance with the comprehensive regional plan. In the event that an entity submitting a proposed plan disagrees with the reasons of the regional planning commission in making a determination of nonconformance pursuant to this section, then the entity may respond to the regional planning commission within 45 days and must include its reasons for believing that the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the response from the entity within 45 days and issue its final determination of conformance or nonconformance. If the regional planning commission makes a

... AFFIRMATIVE VOTES OF NOT  
less than two-thirds of the total membership. Any decision of the governing board regarding an appeal must be made by the affirmative vote of a simple majority of the total membership.

Section 11.

Where a regional plan exists prior to the adoption of a comprehensive regional plan prepared pursuant to this act, such adopted plan with the exception of the land use and transportation element shall have such force and effect as it had at the date of adoption until a new comprehensive regional plan, or element or portion thereof is adopted pursuant to the provisions of this act. Where a land use and transportation element of a regional plan exists prior to the effective date of this act, it shall have the same force and effect as a comprehensive regional plan established pursuant to this act until a new land use and

... to bring them into conformance with the comprehensive regional plan or any element thereof, and submit them, within 60 days, to the regional planning commission, who shall review such plans at one or more public meetings within 180 days of submission and determine whether or not such plans are in conformance with the comprehensive regional plan. If the regional planning commission finds that the proposed plan is not in conformance, it must explain which parts of the plan are not in conformance and how they fail to conform.

If the regional planning commission fails to make a determination within 180 days of submission of a plan pursuant to this section, then the plan shall be deemed to be in conformance with the comprehensive regional plan. In the event that an entity submitting a proposed plan disagrees with the reasons of the regional planning commission in making a determination of nonconformance

consider the appeal within 45 days and its decision shall be binding. If the governing board upholds the decision of the regional planning commission, then the entity must propose revisions to its plan within 60 days and resubmit the plan to the regional planning commission for review in accordance with this section.

### Section 13.

Any action of a local government related to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation related to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to the master plan. Within one (1) year following its adoption of a

Section 14.

1. Each local planning commission responsible for the preparation of a city or county master plan and each affected entity must prepare and submit to the regional planning commission and the governing board a complete report by April 1, of each year indicating actions within the last calendar year which further or implement the policies and/or programs contained within the comprehensive regional plan and the work relating to the comprehensive regional plan proposed for the next fiscal year.
2. Prior to submitting requests for changes in state legislation or beginning programs or projects related to the issues discussed in the mandatory elements of the comprehensive

utility, franchise holder or the like having responsibility for the planning or provision of facilities for transportation, including air, roadways and transit, water, sewer, solid waste, energy generation and distribution, conventions and tourism promotion, air quality, flood control, and public educational facilities.

2. "Facility plan" means a short- or long-term plan for the development of public facilities having a regional impact or the accomplishment of regional goals related to transportation, including air, roadways and transit, water, sewer, solid waste, energy generation and distribution, conventions and tourism promotion, air quality, flood control and public educational facilities. Site development plans for specific developments and regulations are not considered to be facility plans under this act.

Section 17.

This act becomes effective upon passage and approval.

FW/en:W89-612,47

1. Create the regional planning commission and its governing board directly by statute.
2. Specify that the duties of the regional planning commission are:
  - a. To develop a 20-year comprehensive regional plan for the county; and
  - b. To ensure that local master plans and facility plans are compatible with and further the regional plan.
3. Replace the Council of Governments with a "governing board" consisting of:
  - a. Three representatives appointed by the governing body of the largest incorporated city in the county;
  - b. Two representatives appointed by the board of county commissioners;
  - c. Two representatives appointed by the governing body of each incorporated city having a population greater than 40,000 but not being the largest city in the county; and
  - d. One representative appointed by the governing body of each incorporated city having a population of 40,000 or less.
4. Specify that the county commission and city governing bodies may appoint representatives to the "governing board" from within their memberships.
5. Direct the county commission and the city governing bodies to make appointments to the "governing board" and the regional planning commission within 30 days after enactment of the bill.

Section 4, pages 3 through 6

1. Specify that at least two of the three members of the



- THE LEGAL PROBLEMS " " "
2. In subsection 1, pages 6 and 7, provide that approval by the regional planning commission and the governing board of the comprehensive regional plan, amendments to the comprehensive regional plan and determinations of conformity with the comprehensive regional plan must be by a vote of two-thirds of the membership.
  3. Require the regional planning commission to review and consider the existing plans adopted pursuant to chapter 278 of Nevada Revised Statutes in developing the comprehensive regional plan.
  4. Define "affected entities" so as to reduce the references to local or regional agencies, public utilities, and so on, throughout the bill. (See pages 7, 14, 15, and 18.)
  5. In subsection 2, page 8 (initial line), state that:

The plan must include, but is not limited to, goals, policies, maps and other related documents concerning the following elements:
  6. In subsection 2(a), page 8, change the word "intensity" to "type of use and density".
  7. In subsection 2(b), page 9, use the language:

A public facilities and services element, including but not limited to the topics \* \* \*
  8. In subsection 2, pages 8 through 11, add two elements to the required elements of the comprehensive regional plan, as follows:
    - a. A population element as worded in Nevada Revised Statutes 278.160(f); and
    - b. A water supply element.

Section 11, page 18

Require submittal of adopted plans within 15 days, rather than 180 days, of adoption of the comprehensive regional plan.

Section 13, pages 21 and 22

Be more specific about the contents of the required report.

Section 14, page 22

Delete this section relative to creation of the planning commission by ordinance.

Section 15, pages 23 through 26

Delete this section because these definitions are already included in chapter 278 of Nevada Revised Statutes.

Section 16, pages 26 and 27

Remove definitions of "Council of Governments" and "master plan".

Code: Regional.1

- I. Creation of the regional planning program by statute rather than by local ordinance.
- II. Elimination of the need for a vote of the public associated with creation of the regional planning program.
- III. Replacement of the Council of Governments with a "governing board" consisting of four appointments from the City of Reno, three appointments from Washoe County, three appointments from the City of Sparks and one appointee from any new city incorporated in the county.
- IV. Requirements that at least two of the three Washoe County representatives on the regional planning commission and the "governing board" reside in or represent the unincorporated portion of the county.
- V. Creation of two staff positions (director of regional planning and professional planning assistant) while leaving the remaining staff structure to the discretion of the regional planning commission.
- VI. Provision that the costs of the program will be assumed by the local entities in proportion to the number of their members on the "governing board."
- VII. Requiring a two-thirds majority vote (rather than a simple majority) of the regional planning commission membership to approve amendments to the comprehensive regional plan and to make determinations of local plan conformity with the regional plan.

- A. Specifying that the comprehensive regional plan will be based upon a 20-year period and that it will be reviewed annually and updated at least once every 5 years.
- B. Clarifying that the initial members of the regional planning commission and the "governing board" serve until July and June of 1991, respectively.
- C. Providing compensation for members of the regional planning commission and nonelected officials on the "governing board" at the rate of \$40 per meeting with a total not to exceed \$200 per month.
- D. Specifying that members of the regional planning commission and the "governing board" may be reappointed.
- E. Providing for rotation of chairpersons of the regional planning commission and the "governing board."
- F. Clarifying that the regional planning commission "approves and recommends" the comprehensive regional plan to the "governing board" which has the final authority for adoption of the plan.
- G. Specifying that the regional planning commission must review and consider existing master plans in the process of developing the comprehensive regional plan.
- H. Providing that the regional planning commission and the "governing board" may establish advisory

- L. Providing that the existing regional plan assumes the status of the comprehensive regional plan until the latter document, or its specific elements, is adopted.
- M. Clarifying that "intensities" of land uses are measured in terms of water usage, wastewater generation and trip generation.
- N. Directing the "governing board" to report its activities and progress to the next session of the legislature.
- O. Making the proposed legislation effective upon passage and approval.

W89-613.2,47

will directly impact the future development of the region must be articulated by elected officials, in their capacity as representatives and with regard for their accountability to the people. These essential characteristics are not shared by appointed officials.

2. Subcommittee bill creates a position of Regional Planning Director to be appointed by and serve at the pleasure of the Regional Planning Commission. The Director is required to appoint at least one assistant. Both the Governing Board and Director are specifically empowered to appoint employees, which may simply be a drafting oversight. The major responsibility of the Director is to administer the regional planning program under guidance of the Regional Planning Commission.

*Creation of a statutory office and supporting administrative organization will produce a bureaucracy that could be expected to take on a life of its own. Placing the administrative organization under an appointive body invites*

*Elected representatives of the people need to be fully accountable for both the regional planning process and the resultant regional plan.*

*Committees deemed essential to the plan development process need to be positioned in the cycle of accountability. While a requirement that the Governing Board confer with the Regional Planning Commission is a good one, in no case should the statute confer authority on both bodies to create advisory committees. Finally, Washoe County governments are unanimous in their commitment to maximize citizen involvement in the regional planning process.*

*The solicitation of citizen input from throughout the region and corollary creation of dispersed citizen committees is more properly a function of elected representatives than appointed planning commissioners.*

4. Subcommittee draft prohibits members of the Governing Board or Regional Planning Commission from serving as

5. Provision that would allow the Governing Board to identify special study areas and impose a temporary development moratorium. eliminated.

*This kind of statutory authority, common in many Western states, is intended to preserve the integrity of the planning process. Using project approval to achieve this objective would be expected to invite litigation. Presumably, under the project approval process noted in comment #7, the regional planning commission would effect what would amount to a moratorium on a property by failing to approve a project. The property owner, by that point in time, would have spent a substantial amount of money in the preparation of plans for his project with no advance notice that his proposed development plans might be out of sync with regional goals. The provision permitting the creation of study zones and subsequently the imposition of a moratorium by the governing board requires a public hearing and could be applied before a property owner has spent a substantial sum of money on plans.*



*by outside experts - that 18 months is minimal for plan preparation.*

7. Until the regional plan is completed, any project deemed to be of regional significance that has not, prior to the effective date of the regional planning bill, received all necessary approvals must be reviewed and approved by the Regional Planning Commission. This procedure would include projects which are in conformance with the adopted local master plans.

*This provision alters the Regional Planning Commission's character as a long-range planning body. While the three units of local government concur that interim controls should be established so that the approval of a very large project does not frustrate the regional planning process, this proposal would place the commission - at least in the interim - in the position of approving or denying projects. As written, even projects which are in conformance with a local master plan would have to receive approval of the Regional Planning Commission. The section does*

- 8, Proposed amendments to the plan are to be considered quarterly rather than annually as proposed by WCOG.

*Quarterly review of plan amendments implies a more permissive and flexible approach to plan changes and raises question regarding the "sanctity" of the plan. Review of amendments on an annual basis would allow the impacts of the amendments to be analyzed as a group rather than individually so that any change in the overall direction of the plan would be more obvious. The annual review of amendments also coincides with the requirement in Section 8 that the commission review the comprehensive regional plan annually in preparation for the five-year update.*

Senator Donald R. Mello, Chairman  
Senator Erik Beyer  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Sue Wagner  
Assemblyman Bruce R. Bogaert  
Assemblywoman Jan Evans  
Assemblywoman Vivian L. Freeman  
Assemblyman James A. Gibbons  
Assemblyman David E. Humke  
Assemblyman Bob L. Kerns  
Assemblyman Joan A. Lambert  
Assemblyman John W. Marvel  
Assemblyman Leonard E. Nevin  
Assemblyman Robert M. Sader  
Assemblywoman Courtenay C. Swain

(Inasmuch as these minutes are being transcribed subsequent to the adjournment of the 1989 legislative session, it is assumed that all Washoe County Senators and Assembly members were in attendance at this meeting.)

#### OPENING REMARKS

Chairman Mello called the meeting to order. He announced that the subcommittee would present an updated report of the Regional Planning Commission Governing Board legislation. Following that report, public input would be accepted.

#### Subcommittee Report

Senator Sue Wagner first noted that the delegation's subcommittee had appointed her as Chairman at its meeting on March 15, 1989. The other members of the subcommittee are Assemblywoman Jan Evans and Assemblyman Robert M. Sader. The Senator then distributed copies of the following documents and reviewed their contents with the members of the delegation:

1. "Summary Of Discussion," which set forth the responses of the subcommittee to concerns contained in Item No. 2, referenced below;

and then once again, you will have the opportunity \* \* \* to testify there." The Chairman further noted his intention to refer the concerns expressed today to the subcommittee for its further consideration and report to the delegation.

Later, during the meeting, Senator Raggio observed that this is the third public hearing to review a proposed bill that had not even been introduced--something unique to the legislative process. He assured those in attendance that all of the members of the Washoe County Delegation want full input. Insofar as existing master plans and others that have been developed, he expressed the opinion that these work products would be invaluable, useful and probably adopted in large measure by the Regional Planning Commission. However, even after a BDR is developed, public hearings will be conducted, and possibly, one will be held in the Reno/Sparks area. The Senator emphasized that the function of this delegation is not to develop the master plan. There will be sufficient time--12 months or 18 months--for additional public input before a comprehensive master plan is developed.

Legislative staff who were present at the meeting compiled a summary of the recommendations made during the public hearing portion of the meeting. A copy of this "Summary of Points" is attached as Exhibit B.

Among those who testified, in the order of their appearance, were:

- Robert Jones, Executive Director of the Builders Association of Northern Nevada.
- Carol J. Felty, private citizen, Lemmon Valley area of Washoe County.
- Peggy Mannis (?), Senior Attorney, Sierra Pacific Power Company (SPPC), Reno.
- Jack Byron, Vice President of Engineering and Operations for Westpac, Reno.
- Stan Warren, SPPC, Reno.

Bob Kemp, a citizen of Sparks, representing Nevada Citizens for Better Law and Government.

- Laurel Link, private citizen.
- Steve Wintzel, President of McQueen Homeowners Association, Reno.
- Carl Felty, private citizen, Lemmon Valley area of Washoe County.

CONCLUDING REMARKS

Chairman Mello thanked the members of the audience for their participation, reiterating that more hearings would be held in the future, not only by the delegation's subcommittee, but also by the Senate Committee on Government Affairs. If that committee passes the bill, it will then be sent to the Assembly Committee on Government Affairs where additional hearings will be conducted.

There being no further business, the meeting was adjourned.

(Transcribed by Ellen R. Nelson,  
Senior Research Secretary, on  
July 27, 1990.)

EN:Washoe Leg.Del.2

agreement and points which have not yet achieved consensus.

Discussion centered upon the document entitled "Legislative Subcommittee Bill Draft-Local Government Concerns" (copy enclosed).

Major features were as follows:

Point #1

Although the underlying concept of the governing board overseeing the activities of the regional planning commission may be relevant, the introductory phrase in the bill draft does not appear to be of major significance to the subcommittee. If the substantive relationships are specified in the remaining portions of the bill draft, this phrase could remain deleted.

Point #2

In order to retain the policy authority of the governing board and the technical input of the regional planning commission, it would appear reasonable to have the regional planning commission review the applications for any "leadership" staff position (such as director or coordinator of regional planning) and forward three names to the governing board for final action.

A consensus was not achieved concerning the value/necessity of retaining a requirement that central staff be hired. (The subcommittee feels that at least two central staff positions should be required. The local governments support a more flexible provision which would allow the governing board to hire staff as needed.)

appoint advisory subcommittees which report to the regional planning commission.

Point #4

The "vertically integrated" approach to regional planning does not present a problem as long as governing board members and other elected officials do not exert undue influence upon the process and the regional planning commission retains a degree of autonomy in fulfilling its responsibilities. Allowing a limited number of governing board members or other elected officials to serve on subcommittees which advise the regional planning commission meets these criteria.

Consensus was not achieved, however, as to what the limit should be or whether it should be expressed as a specific number or a percentage of the subcommittee membership.

Point #5

The authority to establish a moratorium is not considered feasible. It might be reasonable to retain the concept of the regional planning commission's review (during the interim while the new comprehensive regional plan is being prepared) of "projects of regional significance"; but eliminate the approval requirement, retain the requirement that a finding be made, and provide that if the finding has not been made within 60 days after submittal to the regional planning commission, the finding is deemed to have been made.

If such an approach is taken:

1. The definition of "project of regional significance"

regional planning process or the plan which will result from that process) should be specified, and the finding should include a declaration that the proposal is in conformance with the existing regional plan;

4. The types of information and considerations that the regional planning commission is to review in making its finding might be outlined;
5. An opportunity for appeal to the governing board should be provided; and
6. The requirement for the finding should be eliminated for proposals within each jurisdiction when the comprehensive regional plan is adopted and that jurisdiction's master plan is found to be in conformance with the regional plan.

#### Point #6

Consensus was not achieved on changing the timeframe for completion of the regional plan from 12 months to 18 months.

#### Point #7

See discussion of this concept under Point #5.

#### Point #8

A workable approach could be annual review of proposed amendments unless the governing board declares a proposal to be a "special measure" upon determining that it meets criteria to be specified in the bill draft.



*Community goals, objectives and policies that will directly impact the future development of the region must be articulated by elected officials, in their capacity as representatives and with regard for their accountability to the people. These essential characteristics are not shared by appointed officials.*

2. Subcommittee bill creates a position of Regional Planning Director to be appointed by and serve at the pleasure of the Regional Planning Commission. The Director is required to appoint at least one assistant. Both the Governing Board and Director are specifically empowered to appoint employees, which may simply be a drafting oversight. The major responsibility of the Director is to administer the regional planning program under guidance of the Regional Planning Commission.

*Creation of a statutory office and supporting administrative organization will produce a bureaucracy that could be expected to take on a life of its own. Placing the administrative*

draft recommends that both bodies may create advisory committees.

*Elected representatives of the people need to be fully accountable for both the regional planning process and the resultant regional plan. Committees deemed essential to the plan development process need to be positioned in the cycle of accountability. While a requirement that the Governing Board confer with the Regional Planning Commission is a good one, in no case should the statute confer authority on both bodies to create advisory committees. Finally, Washoe County governments are unanimous in their commitment to maximize citizen involvement in the regional planning process. The solicitation of citizen input from throughout the region and corollary creation of dispersed citizen committees is more properly a function of elected representatives than appointed planning commissioners.*

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5. Provision that would allow the Governing Board to identify special study areas and impose a temporary development moratorium eliminated.

*This kind of statutory authority, common in many Western states, is intended to preserve the integrity of the planning process. Using project approval to achieve this objective would be expected to invite litigation. Presumably, under the project approval process noted in comment #7, the regional planning commission would effect what would amount to a moratorium on a property by failing to approve a project. The property owner, by that point in time, would have spent a substantial amount of money in the preparation of plans for his project with no advance notice that his proposed development plans might be out of sync with regional goals. The provision permitting the creation of study zones and subsequently the imposition of a moratorium by the governing board requires a public hearing and could be applied before a property*

jurisdictional boundaries. We have been advised - not only by local staff members, but also by outside experts - that 18 months is minimal for plan preparation.

7. Until the regional plan is completed, any project deemed to be of regional significance that has not, prior to the effective date of the regional planning bill, received all necessary approvals must be reviewed and approved by the Regional Planning Commission. This procedure would include projects which are in conformance with the adopted local master plans.

*This provision alters the Regional Planning Commission's character as a long-range planning body. While the three units of local government concur that interim controls should be established so that the approval of a very large project does not frustrate the regional planning process, this proposal would place the commission - at least in the interim - in the position of approving or denying projects. As written, even projects which are in conformance with a local master plan would have to receive approval of*

*process for projects of regional significance.*

8. Proposed amendments to the plan are to be considered quarterly rather than annually as proposed by WCOG.

*Quarterly review of plan amendments implies a more permissive and flexible approach to plan changes and raises question regarding the "sanctity" of the plan. Review of amendments on an annual basis would allow the impacts of the amendments to be analyzed as a group rather than individually so that any change in the overall direction of the plan would be more obvious. The annual review of amendments also coincides with the requirement in Section 8 that the commission review the comprehensive regional plan annually in preparation for the five-year update.*

AN ACT related to planning; creating a regional planning commission and a governing board in certain counties; providing their duties; requiring the development of a comprehensive regional plan; requiring the inclusion in the plan of certain provisions in substance; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires:*

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, water or sewer services, solid waste, energy generation and distribution, conventions and the promotion of

(d) One member from the local planning commission of each city in the county whose population is less than 40,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 2 years. A member must be appointed in July of each odd-numbered year and shall serve until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the governing body which appointed him automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is 40,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

2. Except for the terms of the initial members of the commission, the term of each member is 2 years. A member must be appointed in June of each odd-numbered year and shall serve until the selection and qualification of his successor. A member may be reappointed.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 40,000, as determined pursuant to a schedule adopted by the



local governments shall enter into an agreement whereby the costs are shared by the local governments in proportion to the number of members that each appoints to the governing board.

Sec. 5. There is hereby created the position of director of regional planning.

The director:

1. Is appointed by the regional planning commission and serves at its pleasure;
2. Must be selected on the basis of his training, experience, capability and interest in planning;
3. Must have the demonstrated ability to administer a major program relating to planning;
4. Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit;
5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;
6. Is responsible for administration of the regional planning program;
7. Shall appoint a professional assistant experienced in planning to assist in

and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.

3. In developing the plan, the commission shall review and consider each existing master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and may seek and consider the advice of each local planning commission and any other affected entity.

4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.

5. Before amending the plan, the commission must hold a public hearing on the proposed amendment at any location in the region, except that if the amendment involves a land use issue a hearing must be held in each area specifically affected by the amendment.

6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total membership.

7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding

*floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.*

*2. Land use and transportation, including the classification of future land uses by intensity of water usage, waste-water generation and transportation, and describing the transportation facilities that will be necessary to satisfy the requirements created by those future uses. This portion of the plan must be based upon the policies and map relating to conservation that are developed pursuant subsection 1, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the projected population of the area, the characteristics of undeveloped land in the area and the availability of public services.*

*3. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction, identify the providers of public services within the region and delineate the boundaries within which each*

5. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

Sec. 8. To assist in the formulation of the plan, the governing board and the regional planning commission may establish such advisory committees as they deem necessary. No member of the governing board or the regional planning commission may serve on an advisory committee.

Sec. 9. The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment. The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board must hold a public hearing, notice of the time and place of which must be given by publication in a newspaper of general

master plan, or a tentative map which, if approved, will have an effect on the region of increasing:

(a) Employment by not less than 938 employees;

(b) Housing by not less than 625 units;

(c) Hotel accommodations by not less than 625 rooms;

(d) Sewage by not less than 187,500 gallons per day;

(e) Water usage by not less than 625 acre feet per year; or

(f) Traffic by not less than an average of 6.250 trips daily.

Sec. 11. 1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

2. Except as otherwise provided in section 12 of this act, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or

making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

5. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

6. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

Sec. 12. 1. Following the initial adoption of the comprehensive regional

3. An affected entity that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

Sec. 13. Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the

to the comprehensive regional plan that is proposed for the next fiscal year.

2. Before submitting a recommendation for proposed legislation 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.

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to 14, inclusive, of this act, unless the context otherwise requires:

1. "Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.
2. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.
3. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.
4. "Commission" means the planning commission of the city, the county or the region, as established by ordinance [.] or by the provisions of this chapter.
5. "County surveyor" means a person appointed as such or a person



subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, under the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

adopted by the governing bodies of the municipalities, or municipalities and the county or counties concerned.

Sec. 17. Each governing board created by section 4 of this act shall report its activities and progress to the sixty-sixth session of the legislature on or before March 1, 1991.

Sec. 18. Each regional planning commission which exists on the effective date of this act pursuant to the provisions of NRS 278.030 to 278.170, inclusive, in a county whose population is 100,000 or more but less than 250,000, is hereby abolished.

Sec. 19. 1. The initial members of each regional planning commission created by section 3 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act and shall serve until the selection and qualification of their successors in July of 1991.

2. The initial members of each governing board created by section 4 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act and shall serve until the selection and qualification of their successors in June of 1991.

Sec. 20. 1. The local governments represented on a governing board created pursuant to section 4 of this act shall enter into an agreement pursuant

to the provisions of sections 2 to 14, inclusive, of this act.

2. Any part of a regional plan relating to land use and transportation in existence on the effective date of this act remains in effect until a new land use and transportation portion of a comprehensive regional plan is adopted pursuant to the provisions of sections 2 to 16, inclusive, of this act.

**Sec. 22.** This act becomes effective upon passage and approval.

## Section 2

- Change "distribution" to "transmission facilities below 120 kV," here and in other appropriate places.  
(Sierra Pacific Power)
- Change "distribution" to a term like "transmission" that does not infer lines serving individual customers.  
(Westpac)
- Clarify that "any other entity" in subsection 1 and the text of subsection 2 apply to state agencies, as well as local entities (such as Nevada's department of transportation, state engineer, state environmental commission, and so on) and clarify which agencies and types of public works and capital improvement programs are subject to review by the regional body.  
(Builders Association)
- Define "specific site" in subsection 2.  
(Builders Association)

## Section 3

- Reconstitute the planning commission to consist of two planning commissioners from each local planning commission, each public works director or his designee, the superintendent of schools or his designee, the regional transportation director or his designee, a representative of the local health department, a representative of the Reno-Sparks Convention and Visitors Authority and a representative of the airport authority.  
(Builders Association)
- Appoint citizens to the planning commission.  
(Wintzel)
- In subsection 2, consider providing for staggered terms in order to ensure overlapping memberships.  
(Builders Association)

(Luesbach and Kemp)

- Reconstitute the governing board to consist of two representatives of the three local governments, with a seventh member appointed from the community by the other six members.  
(Builders Association)
- Reconstitute the governing board to consist of three elected officials from each local entity.  
(Cornwall)
- In subsection 7, specify that the governing board must adopt an annual budget which is to provide the basis for the funding to be provided by the local governments.  
(Builders Association)
- Specify that any elected officials who represent the county must have districts which are at least 20 percent unincorporated area.  
(Link)
- In subsection 7, require that the local entities show a line item budget for the regional planning program and designate the source of funds within their local budgets.  
(Builders Association)

#### Section 5

- Ensure that the regional planning effort is adequately staffed to do the job.  
(Berback)
- Provide that the regional planning director is appointed by and works at the pleasure of the governing board.  
(Builders Association, Fittinghoff)
- Include within the duties of the regional planning director the hiring and dismissal of staff; preparation of an annual budget; execution of contracts and interlocal agreements subject to approval of the governing board; and directing preparation and administration of the comprehensive regional plan.

- Redraft or eliminate the language relative to a hearing being held in each area affected by an amendment to the regional plan which involves a land use issue.  
(Builders Association)
- In subsection 7, the time lag is very long, and if an amendment is meritorious, it should not have to await consideration.  
(Builders Association)

### Section 7

- Use the language in chapter 278 of the Nevada Revised Statutes (NRS) to outline the required elements of the regional plan.  
(Heikka, Builders Association)
- There should be a clear, concise description of the elements of the regional plan and language relative to how they will be correlated.  
(Builders Association)
- Base the plan on "land use" rather than nebulous "intensity" criteria.  
(Builders Association)
- Require a public facilities element to function as a basis for effective expenditure of public funds via coordinated capital improvement planning and funding.  
(Builders Association)
- Require a regional capital improvement plan and budget.  
(Builders Association)
- Require the Regional Transportation Commission to identify its purview, priorities and capital improvement programs so that its facility planning can be integrated with service requirements on development.  
(Builders Association)
- Require a population plan and an economic development/standards

- A time limit should be specified for the governing board's adoption of the regional plan.  
(Builders Association)

#### Section 10

- The regional planning commission will be a regional zoning and review body without time to do long-range planning.  
(Builders Association)
- As an alternative, direct the governing board to set an immediate hearing on the present regional plan and adopt it with or without amendment so that it has the status of the comprehensive regional plan in the interim.  
(Builders Association)
- An appeals process other than to the court system should be provided, if this section is retained.  
(Builders Association)

#### Section 11

- In subsections 4 and 5, the appeals process is lengthy and cumbersome.
- Exempt resource planning subject to NRS 704.741 from the requirements of this section.  
(Sierra Pacific and Westpac)
- Include local governing bodies in the language in subsections 4 and 5.  
(Technical amendment)

#### Section 12

- The appeals process is inexact and unduly lengthy.  
(Builders Association)
- Exempt resource planning subject to NRS 704.741 from the requirements of this section.  
(Sierra Pacific and Westpac)

- Change the definition of "improvement" so that it does not apply to utilities having franchise agreements which specify the conditions under which utility lines may be installed within public streets and ways.  
(Sierra Pacific and Westpac)
- Add a definition of "capital improvements" which does not include utility distribution facilities.  
(Sierra Pacific and Westpac)

Section 16

None.

Section 17

None.

Section 18

None.

Section 19

None.

Section 20

- The time limit for development and approval of the regional plan should be changed from 12 months to 18 months.  
(Fittinghoff, Shriver)

Section 21

None.

Section 22

None.

Bill in General



- Review the "time line" as a whole to make it as concise as possible.  
(Builders Association)

FW/llp:W89-814,47  
March 30, 1989

Senator Donald R. Mello, Chairman  
Senator Erik Beyer  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Sue Wagner  
Assemblyman Bruce R. Bogaert  
Assemblywoman Jan Evans  
Assemblywoman Vivian L. Freeman  
Assemblyman James A. Gibbons  
Assemblyman David E. Humke  
Assemblyman Bob L. Kerns  
Assemblyman Joan A. Lambert  
Assemblyman John W. Marvel  
Assemblyman Leonard E. Nevin  
Assemblyman Robert M. Sader  
Assemblywoman Courtenay C. Swain

(NOTE: Inasmuch as these minutes are being transcribed subsequent to the adjournment of the 1989 legislative session, it is assumed that all Washoe County Senators and Assembly members were in attendance at this meeting. The tape relates to the "Washoe County Regional Planning Proposal." Senator Mello is chairing the meeting of the Washoe County Legislative Delegation. Senator Wagner--as chair of a subcommittee of the delegation consisting of herself, Assemblywoman Evans and Assemblyman Sader--is explaining the final recommendations submitted by the subcommittee to the full delegation.)

Exhibit A (pages 1-17) is a copy of Bill Draft Request (BDR) No. 22-1380 which "creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan."

Exhibit B (Ex. B) (pages 1-22) is a copy of "Washoe County Regional Planning Comparison of Versions--BDR 22-1380," dated April 24, 1989. The following transcription shows all the testimony reflecting the discussion and concerns regarding the changes indicated in this exhibit.

Remarks by Senator Wagner

Senator "

- - - - -

"Distribution" again was changed to "transmission."

A technical change was made in last sentence and is one that should have been contained in the first BDR. The words "together with any related regulations" were replaced by "or regulations adopted by an affected entity to implement the comprehensive regional plan."

Section 3, Subsection 2 (Page 2, Ex. B):

In the fourth sentence, the words "governing body which appointed him" were replaced by "local planning commission of the jurisdiction from which he is appointed."

Section 4, Subsection 1, Paragraph (a), Subparagraph (1) (Page 3, Ex. B):

The words "include at least a portion of the unincorporated area of the county" were replaced by "be one of the two districts in the county with the highest percentage of unincorporated area."

The subcommittee agreed with this concern expressed by people living in that area, Senator Wagner said.

Section 4, Subsection 2 (Page 4, Ex. B):

Technical changes--"commission" in the first line was replaced by "governing board," and the term was changed from "2 years" to "3 years" in response to a suggestion that the terms be staggered. In this regard, the subcommittee decided that it would be more efficient to provide for 3-year terms.

A new sentence was added at the end of the subsection as indicated.

Section 4, Subsection 7 (Page 5, Ex. B):

The word "the" preceding "costs" on the fourth line was changed to "those."

and paragraph (d) was added concerning preparation of an annual budget.

Section 6, Subsection 3 (Page 6, Ex. B):

Subsection 3 was revised by dividing it into paragraphs (a) and (b) and adding the words "regional plan" and "and any similar plan of a local government" to paragraph (a). Paragraph (b) consists of new language, as indicated.

Section 6, Subsection 5 (Page 7, Ex. B):

Original language was very specific about how the plan could be amended, Senator Wagner said. However, after some discussion and receipt of public testimony, the subcommittee concluded that some of the affected areas might overlap, and it would be extremely difficult to comply with the subsection's provisions. Thus, the language following the word "hold" in the first line was deleted and replaced by the words "at least one public hearing on the proposed amendment at a location in the region."

Section 6, Subsection 7 (Page 7, Ex. B):

The words "Except as otherwise provided in subsection 8," were added at the beginning of the last sentence, and the provision for consideration of amendments to the plan at public hearings was changed from "on a quarterly basis" to "annually."

Section 6, Subsections 8 and 9 (Page 7, Ex. B):

A new subsection 8 was added providing that the commission may consider certain amendments at any time, and the former subsection was renumbered "9."

Section 7, Subsections 1 through 6 (Pages 8-9, Ex. B):

This section contains various components of the comprehensive regional plan, the Senator said. A new subsection

...providing for the appointment of advisory committees and limiting the number of governing board members who may serve on them. These changes were made to ensure that these committees are not weighted with governing board members.

Section 9 (Pages 9-10, Ex. B):

No changes were made.

Section 10, Subsection 1 (Page 10, Ex. B):

Technical changes were made, as indicated.

Section 10, Subsection 2 (Page 10, Ex. B):

The words "approving a project of regional significance" were changed to "construction on a project of regional significance described in subsection 1 may begin." Further language was added, as indicated, in an attempt to keep the regional planning commission out of these detailed project reviews, Senator Wagner said, noting that it should be involved in overall planning.

Section 10, Subsections 3 and 4 (Page 11, Ex. B):

"To protect the regional planning process," the Senator said that a new subsection 3 was added, as indicated, and the former subsection 3 was renumbered "4."

Section 11, Subsections 2 through 7 (Pages 12-13, Ex. B):

Noting that some individuals and agencies had indicated that they would not have to comply with the provisions of the legislation, Senator Wagner said she asked staff of the Research Division, Legislative Counsel Bureau (LCB), to provide a list of the state agencies that would "play a role here." The subcommittee discovered that some conflicts exist either with federal mandates and funding or revisions of state law. That is the reason they are not included in this bill, she said, although the language contained in the new subsections

Section 15, Subsections 1 and 2 (Pages 15-16, Ex. B):

This new section provides that the Public Service Commission of Nevada (PSCN) shall determine initially that the plan is in conformity. This seemed appropriate, because the PSCN is mandated by state law to initiate the review, the Senator said. However, the PSCN is required to send a utility's plan to the regional planning commission for its review and submission to the governing board.

Section 16 (Page 16, Ex. B):

This new section, Senator Wagner said, exempts the Incline Village General Improvement District from complying with the provisions of sections 2 through 17 of this act, because it is subject to the requirements of the Tahoe Regional Planning Agency, which the subcommittee determined was sufficient.

Section 17 (Page 16, Ex. B):

This new section is important, the Senator said, because any entity that has not already adopted a facilities plan is not required to do so; e.g., a small water company in Washoe County.

Section 18 (Pages 16-18, Ex. B):

This is the new section number for the former section 15, which was otherwise unchanged.

Section 19 (Page 18, Ex. B):

This is the new section number for the former section 16, which was otherwise unchanged.

Section 20 (Pages 18-19, Ex. B):

This new section amends Chapter 704 of Nevada Revised Statutes (NRS) to conform with the

... changed, as indicated, to (a) clarify the provisions of sections 3 and 4 of this act, (b) designate the members of the regional planning commission, and (c) specify the dates of their staggered terms.

Section 25, Subsection 2 (Page 21, Ex. B):

The former section 20 was renumbered, and the time for developing and approving a regional plan was changed from 12 months to 18 months after the effective date of this act which the subcommittee determined would be more reasonable.

Section 26 (Pages 21-22, Ex. B):

This is the new section number for the former section 21, which was otherwise unchanged.

Section 27 (Page 22, Ex. B):

This is the new section number for the former section 21, which was otherwise unchanged.

SENATOR RAGGIO MOVED THAT BDR 22-1380, AS SUBMITTED TO THE WASHOE COUNTY LEGISLATIVE DELEGATION, BE INTRODUCED BY THE WASHOE DELEGATION IN THE SENATE, THAT SENATOR WAGNER'S NAME BE LISTED FIRST AMONG THE INTRODUCERS, AND THAT ALL THE MEMBERS OF THE WASHOE DELEGATION BE INCLUDED ON THE BILL. MOTION SECONDED BY SENATOR TOWNSEND AND CARRIED UNANIMOUSLY.

There being no further business, the meeting was adjourned.

(Transcribed by Ellen R. Nelson,  
Senior Research Secretary, on  
August 7, 1990.)

EN:Washoe Leg.Del.3

AN ACT related to planning; creating a regional planning commission and a governing board in certain counties; providing their duties; requiring the development of a comprehensive regional plan; requiring the inclusion in the plan of certain provisions in substance; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires:*

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation; water or sewer services, solid waste



consisting of:

(a) Three members from the local planning commission of each city in the county whose population is 40,000 or more, appointed by the respective governing bodies of those cities;

(b) One member from the local planning commission of each city in the county whose population is less than 40,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elects...

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board.

4. The governing board shall elect its

The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

Sec. 5. There is hereby created the position of director of regional planning. The director:

1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;

2. Must be selected on the basis of his training, experience, capability and interest in planning;

3. Must have the demonstrated ability to administer a major program relating to planning.

(v) Execute contracts for services and interlocal agreements which are approved by the governing board;

(c) Direct the activities of all other persons employed by the regional planning commission; and

(d) Prepare an annual budget.

Sec. 6. 1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.

2. The plan must consist of written text, appropriate maps and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.

3. In developing the plan, the commission shall:

(a) Review and consider each existing regional plan and master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and any similar plan of a local government, and may seek and consider the advice of each local planning commission and any other affected entity; and

(b) Coordinate the elements of the plan and make them consistent with each

proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. Except as otherwise provided in subsection 8, all requests for amendments to the plan must be studied and considered at public hearings held annually by the commission.

8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.

9. Notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. The notice must be a display advertisement of not less than 3 inches by 5 inches.

Sec. 7. The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and

... relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

4. *Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction, identify the providers of public services within the region and the area within which each must serve, including service territories set by the public service commission of Nevada for public utilities, and must establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development.*

5. *Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of*

the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment. The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board 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.

Sec. 10. 1. Until the comprehensive regional plan is adopted and the master plan for the county or city within whose jurisdiction a project is located is found to be in conformity with the regional plan, any project of regional significance which has not received a special use permit or approval of a tentative map before the effective date of this act must be reviewed by the regional planning commission.

2. Before construction on a project of regional significance described in subsection 1 may begin, the regional planning commission must make a finding

which will require a change in zoning, special use permit, amendment to a master plan, or a tentative map which, if approved, will have an effect on the region of increasing:

- (a) Employment by not less than 938 employees;
- (b) Housing by not less than 625 units;
- (c) Hotel accommodations by not less than 625 rooms;
- (d) Sewage by not less than 187,500 gallons per day;
- (e) Water usage by not less than 625 acre feet per year; or
- (f) Traffic by not less than an average of 6,250 trips daily.

Sec. 11. 1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

2. Before the adoption or amendment of any master plan, facilities plan or



... receipt from an affected entity or local governing body of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

5. An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review.

... regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

2. If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

3. An affected entity or local governing body that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision

regara to an application for development.

Sec. 14. 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 plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.

2. Before submitting a recommendation for proposed legislation 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.

Sec. 15. 1. Any plan of a public utility or amendment thereto which is approved by the public service commission of Nevada and forwarded to the regional planning commission pursuant to the provisions of section 20 of this act, must be reviewed by the regional planning commission, which shall determine whether the utility's plan conforms with the comprehensive regional plan and forward the utility's plan, together with its determination, to the

Sec. 17. *Nothing contained in the provisions of section 2 to 17, inclusive, of this act, requires any entity that has not already adopted a facilities plan to do so.*

Sec. 18. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 to 17, inclusive, of this act*, unless the context otherwise requires:

1. "Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.

2. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

3. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

4. "Commission" means the planning commission of the city, the county or the region, as established by ordinance [.] *or by the provisions of this chapter.*

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor under this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, under the powers granted in NRS 278.010 to 278.630.

inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

Sec. 19. NRS 278.090 is hereby amended to read as follows:

278.090 1. [The] *Except in a county in which a regional planning commission is created pursuant to the provisions of sections 2 to 17, inclusive, of this act, the board of county commissioners of any county alone or in collaboration with the governing body of the incorporated cities in the county or any of them or in collaboration with the board or boards of county commissioners of any adjacent county or counties, or the governing bodies of adjacent cities may establish a regional planning commission to consist of representatives of the county or counties or cities or region within the county or counties where the local government bodies participate in the formation of the regional planning commission.*

2. The commission may also contain representatives of [such] the municipalities to be selected in a manner to be determined by ordinance adopted by the governing bodies of the municipalities, or municipalities and the county or counties concerned.

Sec. 20. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The commission must, before it approves any plan or amendment to a plan submitted to it by a public utility, make a finding that the plan or amendment is in conformance with the provisions of the comprehensive regional plan developed pursuant to the provisions of section 6 of this act.*

2. *The commission shall forward a copy of each plan or amendment approved by it, together with its finding that the plan or amendment conforms with the provisions of the comprehensive regional plan, to the regional planning commission created pursuant to the provisions of section 3 of this act.*

3. *If the plan or amendment is returned to the commission by the governing board for regional planning pursuant to the provisions of section 15 of this act, the plan or amendment must be revised to conform with the provisions of the comprehensive regional plan.*

Sec. 21. Section 1 of chapter 81, Statutes of Nevada 1989, is hereby amended to read as follows:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

*The governing body of each local government whose budget includes any expenditure for the acquisition or maintenance of a capital improvement shall annually prepare a plan for capital improvements which conforms with its master plan and which includes at least the 3 ensuing fiscal years but not more than 5 fiscal years.*

Sec. 22. Each governing board created by section 4 of this act shall report its activities and progress to the sixty-sixth session of the legislature on or before March 1, 1991.

Sec. 23. Each regional planning commission which exists on the effective date of this act pursuant to the provisions of NRS 278.030 to 278.170, inclusive, in a county whose population is 100,000 or more but less than 400,000, is hereby abolished.

Sec. 24. 1. The initial members of each regional planning commission created by section 3 of this act must be appointed by the respective governing

bodies within 30 days after the effective date of this act. Each governing body referred to in paragraphs (a) and (c) of subsection 1 of that section shall appoint:

(a) One member who shall serve until the selection and qualification of his successor in July of 1991;

(b) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(c) One member who shall serve until the selection and qualification of his successor in July of 1993.

2. The initial members of each governing board created by section 4 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act, and:

(a) The board of county commissioners referred to in paragraph (a) of subsection 1 of that section and each governing body referred to in paragraph (c) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) One member who shall serve until the selection and qualification of his successor in July of 1993.

(b) The governing body referred to in paragraph (b) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) Two members who shall serve until the selection and qualification of their successors in July of 1993.

Sec. 25. 1. The local governments represented on a governing board created pursuant to section 4 of this act shall enter into an agreement pursuant

to subsection 7 of section 4 of this act on or before 90 days after the effective date of this act.

2. The regional planning commission created by section 3 of this act shall develop and approve a regional plan as required by section 6 of this act and transmit it to the governing board within 18 months after the effective date of this act.

3. The governing board shall either adopt the plan transmitted pursuant to subsection 2 or submit a proposed amendment to the regional planning commission within 60 days after it receives the plan.

Sec. 26. 1. Except as otherwise provided in subsection 2, a regional plan in existence on the effective date of this act remains in effect until a comprehensive regional plan, or any part of such a plan, is adopted pursuant to the provisions of sections 2 to 17, inclusive, of this act.

2. Any part of a regional plan relating to land use and transportation in existence on the effective date of this act remains in effect until a new land use and transportation portion of a comprehensive regional plan is adopted pursuant to the provisions of sections 2 to 17, inclusive, of this act.

Sec. 27. This act becomes effective upon passage and approval.



WASHOE COUNTY REGIONAL PLANNING  
COMPARISON OF VERSIONS -- BDR 22-1380

April 24, 1989

PREHEARING VERSION - MARCH 23, 1989

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires:*

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, water or sewer services, solid waste, energy generation and distribution, conventions and the promotion of tourism, air quality, flood control or public education.

FINAL VERSION - APRIL 24, 1989

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires:*

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, water or sewer services, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality, flood control or public education. The term does not include:

(a) A state agency; or

(b) A public utility which is subject to regulation by the public service commission of Nevada.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, water or sewer services, solid waste, energy generation and [distribution] conventions and the promotion of tourism, air quality, flood control or public education. A plan for the development of a specific site [together with any related regulations] is not a facilities plan.

Sec. 3. 1. There is hereby created in each county whose population is 100,000 or more but less than 250,000, a regional planning commission consisting of:

(a) Three members from the local planning commission of each city in the county whose population is 40,000 or more, appointed by the respective governing bodies of those cities;

(b) One member from the local planning commission of each city in the county whose population is less than 40,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 2 years. A member must be appointed in July of each odd-numbered year and shall serve until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the [governing body which appointed him] automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, water or sewer services, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality, flood control or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

Sec. 3. 1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a regional planning commission consisting of:

(a) Three members from the local planning commission of each city in the county whose population is 40,000 or more, appointed by the respective governing bodies of those cities;

(b) One member from the local planning commission of each city in the county whose population is less than 40,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is 40,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

Sec. 4. 1. There is hereby created in each county whose population is 100,000 or more but less than 250,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must include at least a portion of the unincorporated area of the county.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is 40,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

Sec. 4. 1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

2. Except for the terms of the initial members of the [commission] the term of each member is [2 years. A member must be appointed in June of each odd-numbered year and shall serve] until the selection and qualification of his successor. A member may be reappointed.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 40,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 40,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby the costs are shared by the local governments in proportion to the number of members that each appoints to the governing board.

Sec. 5. There is hereby created the position of director of regional planning.

The director:

1. Is appointed by the regional planning commission and serves at its pleasure;

2. Must be selected on the basis of his training, experience, capability and interest in planning;

3. Must have the demonstrated ability to administer a major program relating to planning;

4. Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit;

5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

Sec. 5. There is hereby created the position of director of regional planning.

The director:

1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;

2. Must be selected on the basis of his training, experience, capability and interest in planning;

3. Must have the demonstrated ability to administer a major program relating to planning;

4. Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit;

5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;

- 6. Is responsible for administration of the regional planning program;
- 7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and
- 8. May:
  - (a) Appoint professional, technical or clerical staff to positions which are approved by the governing board;
  - (b) Execute contracts for services which are approved by the governing board; and
  - (c) Direct the activities of all other persons employed by the regional planning commission.

Sec. 6. 1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.

2. The plan must consist of written text, appropriate maps, and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.

3. In developing the plan, the commission shall review and consider each existing master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and may seek and consider the advice of each local planning commission and any other affected entity.

- 6. Is responsible for administration of the regional planning program;
- 7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and
- 8. May:
  - (a) Appoint professional, technical or clerical staff to and dismiss them from positions which are approved by the governing board;
  - (b) Execute contracts for services and interlocal agreements which are approved by the governing board;
  - (c) Direct the activities of all other persons employed by the regional planning commission; and
  - (d) Prepare an annual budget.

Sec. 6. 1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.

2. The plan must consist of written text, appropriate maps and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.

3. In developing the plan, the commission shall:

- (a) Review and consider each existing regional plan and master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and any similar plan of a local government, and may seek and consider the advice of each local planning commission and any other affected entity; and

(b) Coordinate the elements of the plan and make them consistent with each other.

4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.

5. Before amending the plan, the commission must hold a public hearing on the proposed amendment at any location in the region, except that if the amendment involves a land use issue a hearing must be held in each area specifically affected by the amendment.

6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total membership.

7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. All requests for amendments to the plan must be studied and considered at public hearings held by the commission on a quarterly basis.

[ 8.] Notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. The notice must be a display advertisement of not less than 3 inches by 5 inches.

4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.

5. Before amending the plan, the commission must hold at least one public hearing on the proposed amendment at a location in the region.

6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total membership.

7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. Except as otherwise provided in subsection 8, all requests for amendments to the plan must be studied and considered at public hearings held annually by the commission.

8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.

9. Notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. The notice must be a display advertisement of not less than 3 inches by 5 inches.

Sec. 7. The comprehensive regional plan must include goals, policies, maps and other documents relating to:

[1.] Conservation, including policies relating to the use and protection of air, water, and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

[2.] Land use and transportation, including the classification of future land uses by [intensity of water usage, waste-water generation and transportation, and describing] the transportation facilities that will be necessary to satisfy the requirements created by those future uses [This portion of the plan] must be based upon the policies and map relating to conservation that are developed pursuant subsection [1.] surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the [projected] population of the area, the characteristics of undeveloped land in the area [and the availability of public services]

[3.] Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must describe the problems and needs of the area relating to public facilities and services and the general facilities that

Sec. 7. The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

2. Conservation, including policies relating to the use and protection of air, water, and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must allow for a variety of uses, describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses and must be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

4. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must describe the problems and needs of the area relating to public facilities and services and the general facilities that



will be required for their solution and satisfaction. identify the providers of public services within the region and delineate the boundaries within which each must operate. Those public facilities and services necessary to support the development relating to land use and transportation must be made available as necessary to satisfy the requirements created by that development. The availability of public facilities and services shall be deemed sufficient if the public facilities and services for a development are phased; or the development is phased, so that the public facilities and services are made available as necessary to satisfy the requirements created by that development.

[4.] Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

[5.] Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan:

Sec. 8. To assist in the formulation of the plan, the governing board and the regional planning commission may establish such advisory committees as they deem necessary. No member of the governing board or the regional planning commission may serve on an advisory committee.

Sec. 9. The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment.

will be required for their solution and satisfaction, identify the providers of public services within the region and the area within which each must serve, including service territories set by the public service commission of Nevada for public utilities, and must establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development.

5. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

6. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

Sec. 8. To assist in the formulation of the plan, the governing board may appoint advisory committees to advise and report to the regional planning commission. No more than three members of the governing board may serve on any advisory committee and they must not constitute more than 20 percent of the membership of the committee.

Sec. 9. The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment.

The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board 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.

Sec. 10. 1. Until the comprehensive regional plan is adopted and all county and city master plans are found to be in conformity with it any project of regional significance which has not received all approvals necessary under any applicable law, regulation or ordinance before the effective date of this act must be approved by the regional planning commission.

2. Before approving a project of regional significance the regional planning commission must make a finding that there is little or no probability that approval and development of the project will impair the value and effectiveness of the regional planning process or the comprehensive regional plan.

The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board 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.

Sec. 10. 1. Until the comprehensive regional plan is adopted and the master plan for the county or city within whose jurisdiction a project is located is found to be in conformity with the regional plan, any project of regional significance which has not received a special use permit or approval of a tentative map before the effective date of this act must be reviewed by the regional planning commission.

2. Before construction on a project of regional significance described in subsection 1 may begin, the regional planning commission must make a finding that there is little or no probability that approval or development of the project will impair the value and effectiveness of the regional planning process or the comprehensive regional plan, and that the project is in conformance with the existing regional plan. If the finding of the commission is otherwise, it may be appealed to the governing board. In making its determination, the commission shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

[3] As used in this section, "project of regional significance" means a project which will require a change in zoning, special use permit, amendment to a master plan, or a tentative map which, if approved, will have an effect on the region of increasing:

- (a) Employment by not less than 938 employees;
- (b) Housing by not less than 625 units;
- (c) Hotel accommodations by not less than 625 rooms;
- (d) Sewage by not less than 187,500 gallons per day;
- (e) Water usage by not less than 625 acre feet per year; or
- (f) Traffic by not less than an average of 6,250 trips daily.

Sec. 11. 1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

3. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, the finding necessary to allow construction on the project to begin shall be deemed to have been made.

4. As used in this section, "project of regional significance" means a project which will require a change in zoning, special use permit, amendment to a master plan, or a tentative map which, if approved, will have an effect on the region of increasing:

- (a) Employment by not less than 938 employees;
- (b) Housing by not less than 625 units;
- (c) Hotel accommodations by not less than 625 rooms;
- (d) Sewage by not less than 187,500 gallons per day;
- (e) Water usage by not less than 625 acre feet per year; or
- (f) Traffic by not less than an average of 6,250 trips daily.

Sec. 11. 1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

[ 2.] Except as otherwise provided in section 12 of this act, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.

[ 3.] If the regional planning commission fails to make a determination within 60 days after its receipt of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

[ 4.] An affected entity which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final

2. Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency, the agency shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment and offer suggestions to the agency regarding the conformance of the plan with the comprehensive regional plan.

3. Except as otherwise provided in section 12 of this act, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.

4. If the regional planning commission fails to make a determination within 60 days after its receipt from an affected entity or local governing body of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

5. An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall

determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

[ 5.] Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

[ 6.] Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

Sec. 12. 1. Following the initial adoption of the comprehensive regional plan or any portion of it, each local planning commission, and any other affected entity shall review its respective master plan, facilities plan and other similar plans, amend them to conform with the provisions of the comprehensive regional plan, and submit them, within 60 days after the adoption of the comprehensive plan, to the regional planning commission. The regional planning commission shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the comprehensive regional plan. The regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

7. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

Sec. 12. 1. Following the initial adoption of the comprehensive regional plan or any portion of it, each local planning commission, and any other affected entity shall review its respective master plan, facilities plan and other similar plans, amend them to conform with the provisions of the comprehensive regional plan, and submit them, within 60 days after the adoption of the comprehensive plan, to the regional planning commission. The regional planning commission shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the comprehensive regional plan. The regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

2. If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

3. An affected entity that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

Sec. 13. Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to

2. If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

3. An affected entity or local governing body that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

Sec. 13. Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to

*the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.*

*Sec. 14. 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 plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.*

*2. Before submitting a recommendation for proposed legislation 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.*

*the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.*

*Sec. 14. 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 plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.*

*2. Before submitting a recommendation for proposed legislation 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.*

*Sec. 15. 1. Any plan of a public utility or amendment thereto which is approved by the public service commission of Nevada and forwarded to the regional planning commission pursuant to the provisions of section 20 of this act, must be reviewed by the regional planning commission, which shall determine whether the utility's plan conforms with the comprehensive regional plan and forward the utility's plan, together with its determination, to the governing board.*

2. If the governing board finds that the utility's plan does not conform with the comprehensive regional plan, it shall specify in its findings those parts of the plan that are not in conformance and why they fail to conform, and shall return the utility's plan and its findings to the public service commission of Nevada for revision in accordance with the provisions of section 20 of this act.

Sec. 16. The region defined in NRS 278.790 is exempt from the provisions of sections 2 to 17, inclusive, of this act.

Sec. 17. Nothing contained in the provisions of section 2 to 17, inclusive, of this act, requires any entity that has not already adopted a facilities plan to do so.

[ Sec. 15.] NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to 14, inclusive, of this act, unless the context otherwise requires:

1. "Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.
2. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.
3. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.
4. "Commission" means the planning commission of the city, the county or the region, as established by ordinance [.] or by the provisions of this chapter.
5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor under this chapter.

Sec. 18. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to 17, inclusive, of this act, unless the context otherwise requires:

1. "Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.
2. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.
3. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.
4. "Commission" means the planning commission of the city, the county or the region, as established by ordinance [.] or by the provisions of this chapter.
5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor under this chapter.



6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, under the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, under the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

[ Sec. 16.] NRS 278.090 is hereby amended to read as follows:

278.090 1. [The] *Except in a county in which a regional planning commission is created pursuant to sections 2 to 14, inclusive, of this act, the board of county commissioners of any county alone or in collaboration with the governing body of the incorporated cities in the county or any of them or in collaboration with the board or boards of county commissioners of any adjacent county or counties, or the governing bodies of adjacent cities may establish a regional planning commission to consist of representatives of the county or counties or cities or region within the county or counties where the local government bodies participate in the formation of the regional planning commission.*

2. The commission may also contain representatives of [such] the municipalities to be selected in a manner to be determined by ordinance adopted by the governing bodies of the municipalities, or municipalities and the county or counties concerned.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

Sec. 19. NRS 278.090 is hereby amended to read as follows:

278.090 1. [The] *Except in a county in which a regional planning commission is created pursuant to the provisions of sections 2 to 17, inclusive, of this act, the board of county commissioners of any county alone or in collaboration with the governing body of the incorporated cities in the county or any of them or in collaboration with the board or boards of county commissioners of any adjacent county or counties, or the governing bodies of adjacent cities may establish a regional planning commission to consist of representatives of the county or counties or cities or region within the county or counties where the local government bodies participate in the formation of the regional planning commission.*

2. The commission may also contain representatives of [such] the municipalities to be selected in a manner to be determined by ordinance adopted by the governing bodies of the municipalities, or municipalities and the county or counties concerned.

Sec. 20. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The commission must, before it approves any plan or amendment to a plan submitted to it by a public utility, make a finding that the plan or amendment is in conformance with the provisions of the comprehensive regional plan developed pursuant to the provisions of section 6 of this act.

2. The commission shall forward a copy of each plan or amendment approved by it, together with its finding that the plan or amendment conforms with the provisions of the comprehensive regional plan, to the regional planning commission created pursuant to the provisions of section 3 of this act.

3. If the plan or amendment is returned to the commission by the governing board for regional planning pursuant to the provisions of section 15 of this act, the plan or amendment must be revised to conform with the provisions of the comprehensive regional plan.

Sec. 21. Section 1 of chapter 81, Statutes of Nevada 1989, is hereby amended to read as follows:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of each local government whose budget includes any expenditure for the acquisition or maintenance of a capital improvement shall annually prepare a plan for capital improvements which conforms with its master plan and which includes at least the 3 ensuing fiscal years but not more than 5 fiscal years.

Sec. 22. Each governing board created by section 4 of this act shall report its activities and progress to the sixty-sixth session of the legislature on or before March 1, 1991.

Sec. 23. Each regional planning commission which exists on the effective date of this act pursuant to the provisions of NRS 278.030 to 278.170, inclusive, in a county whose population is 100,000 or more but less than 400,000, is hereby abolished.

[Sec. 17.] Each governing board created by section 4 of this act shall report its activities and progress to the sixty-sixth session of the legislature on or before March 1, 1991.

[Sec. 18.] Each regional planning commission which exists on the effective date of this act pursuant to the provisions of NRS 278.030 to 278.170, inclusive, in a county whose population is 100,000 or more but less than 250,000, is hereby abolished.

[Sec. 19.] 1. The initial members of each regional planning commission created by section 3 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act and shall serve until the selection and qualification of their successors in July of 1991.]

2. The initial members of each governing board created by section 4 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act and shall serve until the selection and qualification of their successors in June of 1991.]

Sec. 24. 1. The initial members of each regional planning commission created by section 3 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act. Each governing body referred to in paragraphs (a) and (c) of subsection 1 of that section shall appoint:

(a) One member who shall serve until the selection and qualification of his successor in July of 1991;

(b) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(c) One member who shall serve until the selection and qualification of his successor in July of 1993.

2. The initial members of each governing board created by section 4 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act, and:

(a) The board of county commissioners referred to in paragraph (a) of subsection 1 of that section and each governing body referred to in paragraph (c) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) One member who shall serve until the selection and qualification of his successor in July of 1993.

[ Sec. 20.] 1. The local governments represented on a governing board created pursuant to section 4 of this act shall enter into an agreement pursuant to subsection 7 of section 4 of this act on or before 90 days after the effective date of this act.

2. The regional planning commission created by section 3 of this act shall develop and approve a regional plan as required by section 6 of this act within [ 12 months after the effective date of this act and shall transmit the plan to the governing board within 60 days after its approval.]

3. The governing board shall either adopt the plan transmitted pursuant to subsection 2 or submit a proposed amendment to the regional planning commission within 60 days after it receives the plan.

[ Sec. 21.] 1. Except as otherwise provided in subsection 2, a regional plan in existence on the effective date of this act remains in effect until a comprehensive regional plan, or any part of such a plan, is adopted pursuant to the provisions of sections 2 to 14, inclusive, of this act.

(b) The governing body referred to in paragraph (b) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) Two members who shall serve until the selection and qualification of their successors in July of 1993.

Sec. 25. 1. The local governments represented on a governing board created pursuant to section 4 of this act shall enter into an agreement pursuant to subsection 7 of section 4 of this act on or before 90 days after the effective date of this act.

2. The regional planning commission created by section 3 of this act shall develop and approve a regional plan as required by section 6 of this act and transmit it to the governing board within 18 months after the effective date of this act.

3. The governing board shall either adopt the plan transmitted pursuant to subsection 2 or submit a proposed amendment to the regional planning commission within 60 days after it receives the plan.

Sec. 26. 1. Except as otherwise provided in subsection 2, a regional plan in existence on the effective date of this act remains in effect until a comprehensive regional plan, or any part of such a plan, is adopted pursuant to the provisions of sections 2 to 17, inclusive, of this act.

2. Any part of a regional plan relating to land use and transportation in existence on the effective date of this act remains in effect until a new land use and transportation portion of a comprehensive regional plan is adopted pursuant to the provisions of sections 2 to 16, inclusive, of this act.

[Sec. 22.] This act becomes effective upon passage and approval.

2. Any part of a regional plan relating to land use and transportation in existence on the effective date of this act remains in effect until a new land use and transportation portion of a comprehensive regional plan is adopted pursuant to the provisions of sections 2 to 17, inclusive, of this act.

Sec. 27. This act becomes effective upon passage and approval.

THE END

DETAIL LISTING  
FROM FIRST TO LAST STEP

TODAY'S DATE: Feb. 6, 1997  
TIME : 1:35 pm  
LEG. DAY: 89 Regular  
PAGE : 1 OF 1

N E L I S

SB 367 By Wagner PLANNING COMMISSIONS

Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan. (BDR 22-1380)

Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No.

04/25 69 Read first time. Referred to Committee on Govt Affairs. To printer.  
04/26 70 From printer. To committee.  
04/26 70 Dates discussed in Committee: 5/9, 5/17, 5/22 (A&DP)  
05/25 90 From committee: Amend, and do pass as amended.  
05/25 90 (Amendment number 939.)  
05/26✓ 91 Read second time. Amended. To printer.  
05/27 92 From printer. To engrossment.  
05/27 92 Engrossed. First reprint?  
05/29✓ 93 Read third time. Passed, as amended. Title approved. (21 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Assembly.  
05/30 94 In Assembly.  
05/30 94 Read first time. Referred to Sel Washoe Co Affair. To committee.  
05/30 94 Dates discussed in committee: 6/5 (DP)  
06/06 100 From committee: Do pass.  
06/07 101 Read second time.  
06/08✓ 102 Read third time. Passed. Title approved. (42 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Senate.  
06/09 103 In Senate.  
06/09 103 To enrollment.  
06/12 105 Enrolled and delivered to Governor.  
06/17 110 Approved by the Governor.  
06/19 111 Chapter 370.  
Effective June 17, 1989.

(\* = instrument from prior session)

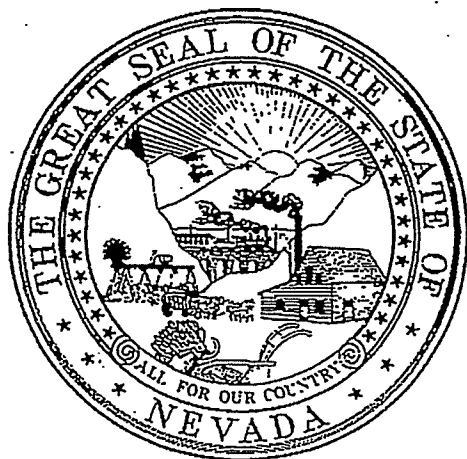
218.NV  
LCB/SOL  
1989

# NEVADA LEGISLATURE

SIXTY-FIFTH SESSION

1989

## SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

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S.B. 367 (chapter 370)

Senate Bill 367 places in state law the requirements for regional planning in Washoe County.

The bill establishes a regional planning commission consisting of three representatives from each of the three local governments in the county. It specifies that these representatives must be members of their respective local planning commissions and that at least two of the county members must reside in the unincorporated portion of the county.

The measure also establishes a governing board for regional planning. This policy board consists of four representatives from the City of Reno, three members from the City of Sparks, and three representatives of Washoe County. Again, at least two of the three county members must represent or reside in the unincorporated portion of the county. Actions of the governing board are taken by a simple majority vote, while substantive actions of the planning commission require a two-thirds majority.

The bill calls for preparation of a comprehensive regional plan and outlines its required elements. Appointment of a director of regional planning is required, and relevant costs are to be shared by the local governments.

All local master plans and all "facilities plans" prepared by "affected entities" must be reviewed and found to be in conformance with the comprehensive regional plan. Proposed amendments to these documents also must be found in conformance. State agency plans and "facilities plans" compiled by utilities are subject to review and comment provisions. During the interim while the new regional plan is being prepared, "projects of regional significance" may not proceed to construction until they are found to be in conformance with the existing regional plan.

The bill calls for the comprehensive regional plan to be completed by the regional planning commission within 18 months after the legislation is signed, and it requires a report of activities and progress to the 1991 session of the legislature.

SENATE BILL NO. 367—SENATORS WAGNER, MELLO, RAGGIO, TOWNSEND,  
BEYER, JOERG AND RHOADS

APRIL 25, 1989

Referred to Committee on Government Affairs

SUMMARY—Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan. (BDR 22-1380)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT related to planning; creating a regional planning commission and a governing board in certain counties; providing their duties; requiring the development of a comprehensive regional plan; requiring the inclusion in the plan of certain provisions in substance; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Chapter 278 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 17, inclusive, of this act.  
3 Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the*  
4 *context otherwise requires:*  
5 1. "Affected entity" means a public utility, franchise holder, local or  
6 regional agency, or any other entity having responsibility for planning or  
7 providing public facilities relating to transportation, water or sewer services,  
8 solid waste, energy generation and transmission, conventions and the promo-  
9 tion of tourism, air quality, flood control or public education. The term does  
10 not include:  
11 (a) A state agency; or  
12 (b) A public utility which is subject to regulation by the public service  
13 commission of Nevada.  
14 2. "Facilities plan" means a plan for the development of public facilities  
15 which will have a regional impact or which will aid in accomplishing regional  
16 goals relating to transportation, water or sewer services, solid waste, energy  
17 generation and transmission, conventions and the promotion of tourism, air  
18 quality, flood control or public education. The term does not include a plan  
19 for the development of a specific site or regulations adopted by an affected  
20 entity to implement the comprehensive regional plan.  
21 Sec. 3. 1. There is hereby created in each county whose population is  
22 100,000 or more but less than 400,000, a regional planning commission  
23 consisting of:

1 (a) Three members from the local planning commission of each city in the  
2 county whose population is 40,000 or more, appointed by the respective  
3 governing bodies of those cities;

4 (b) One member from the local planning commission of each city in the  
5 county whose population is less than 40,000, appointed by the respective  
6 governing bodies of those cities; and

7 (c) Three members from the local planning commission of the county,  
8 appointed by the governing body of the county, at least two of whom must  
9 reside in unincorporated areas of the county.

10 2. Except for the terms of the initial members of the commission, the term  
11 of each member is 3 years and until the selection and qualification of his  
12 successor. A member may be reappointed. A member who ceases to be a  
13 member of the local planning commission of the jurisdiction from which he is  
14 appointed automatically ceases to be a member of the commission. A vacancy  
15 must be filled for the unexpired term by the governing body which made the  
16 original appointment.

17 3. The commission shall elect its chairman from among its members. The  
18 term of the chairman is 1 year. The member elected chairman must have been  
19 appointed by the governing body of the county or a city whose population is  
20 40,000 or more, as determined pursuant to a schedule adopted by the com-  
21 mission and made a part of its bylaws which provides for the annual rotation  
22 of the chairmanship among each of those governing bodies.

23 4. A member of the commission must be compensated at the rate of \$40  
24 per meeting or \$200 per month, whichever is less.

25 Sec. 4. I. There is hereby created in each county whose population is  
26 100,000 or more but less than 400,000, a governing board for regional  
27 planning consisting of:

28 (a) Three representatives appointed by the board of county commissioners,  
29 at least two of whom must represent or reside within unincorporated areas of  
30 the county. If the representative is:

31 (1) A county commissioner, his district must be one of the two districts  
32 in the county with the highest percentage of unincorporated area.

33 (2) Not a county commissioner, he must reside within an unincorpor-  
34 ated area of the county.

35 (b) Four representatives appointed by the governing body of the largest  
36 incorporated city in the county.

37 (c) Three representatives appointed by the governing body of every other  
38 incorporated city in the county whose population is 40,000 or more.

39 (d) One representative appointed by the governing body of each incorpo-  
40 rated city in the county whose population is less than 40,000.

41 2. Except for the terms of the initial members of the governing board, the  
42 term of each member is 3 years and until the selection and qualification of his  
43 successor. A member may be reappointed. A vacancy must be filled for the  
44 unexpired term by the governing body which made the original appointment.

45 3. The governing bodies may appoint representatives to the governing  
46 board from within their respective memberships. A member of a local gov-  
47 erning body who is so appointed and who subsequently ceases to be a member  
48 of that body, automatically ceases to be a member of the governing board.

1 4. The governing board shall elect its chairman from among its members.  
2 The term of the chairman is 1 year. The member elected chairman must have  
3 been appointed by the governing body of the county or a city whose popula-  
4 tion is more than 40,000, as determined pursuant to a schedule adopted by  
5 the governing board and made a part of its bylaws which provides for the  
6 annual rotation of the chairmanship among each of those governing bodies.

7 5. A member of the governing board who is also a member of the gov-  
8 erning body which appointed him shall serve without additional compensa-  
9 tion. All other members must be compensated at the rate of \$40 per meeting  
10 or \$200 per month, whichever is less.

11 6. The governing board may appoint such employees as it deems neces-  
12 sary for its work and may contract with city planners, engineers, architects  
13 and other consultants for such services as it requires.

14 7. The local governments represented on the governing board shall pro-  
15 vide the necessary facilities, equipment, staff, supplies and other usual oper-  
16 ating expenses necessary to enable the governing board to carry out its  
17 functions. The local governments shall enter into an agreement whereby those  
18 costs are shared by the local governments in proportion to the number of  
19 members that each appoints to the governing board. The agreement must also  
20 contain a provision specifying the responsibility of each local government,  
21 respectively, of paying for legal services needed by the governing board or by  
22 the regional planning commission.

23 8. The governing board shall prepare and adopt an annual budget and  
24 transmit it as a recommendation for funding to each of the local governments.

25 Sec. 5. There is hereby created the position of director of regional plan-  
26 ning. The director:

27 1. Is appointed by the governing board from a list of three names submit-  
28 ted by the regional planning commission, and serves at the pleasure of the  
29 governing board;

30 2. Must be selected on the basis of his training, experience, capability and  
31 interest in planning;

32 3. Must have the demonstrated ability to administer a major program  
33 relating to planning;

34 4. Shall devote his entire time and attention to the business of his office  
35 and shall not pursue any other business or occupation or hold any other office  
36 of profit;

37 5. Shall not hold any other position relating to planning with a regional or  
38 local entity in the county or be on leave of absence from any other regional or  
39 local entity in the county while holding the position of director;

40 6. Is responsible for administration of the regional planning program;

41 7. Shall appoint a professional assistant experienced in planning to assist  
42 in administration of the program; and

43 8. May:

44 (a) Appoint professional, technical or clerical staff to, and dismiss them

45 from, positions which are approved by the governing board;

46 (b) Execute contracts for services and interlocal agreements which are  
47 approved by the governing board;

1 (c) Direct the activities of all other persons employed by the regional  
2 planning commission; and

3 (d) Prepare an annual budget.

4 Sec. 6. 1. The regional planning commission shall develop a comprehen-  
5 sive regional plan for the physical development and orderly management of  
6 the growth of the region for the next 20 years.

7 2. The plan must consist of written text, appropriate maps and such goals  
8 and policies, including those addressing current and future problems, as may,  
9 in the opinion of the commission, affect the region as a whole and are proper  
10 for inclusion in the regional plan.

11 3. In developing the plan, the commission shall:

12 (a) Review and consider each existing regional plan and master plan that  
13 has been adopted pursuant to the provisions of this chapter and that applies to  
14 any area in the region, and any similar plan of a local government, and may  
15 seek and consider the advice of each local planning commission and any other  
16 affected entity; and

17 (b) Coordinate the elements of the plan and make them consistent with  
18 each other.

19 4. Before approving the plan, the commission must hold a public hearing  
20 on the proposed plan in each of the cities within the region and in the  
21 unincorporated area of the county.

22 5. Before amending the plan, the commission must hold at least one public  
23 hearing on the proposed amendment at a location in the region.

24 6. The approval of the plan or any amendment to it must be by resolution  
25 of the commission carried by the affirmative votes of not less than two-thirds  
26 of its total membership.

27 7. The regional planning commission shall review the plan annually,  
28 update it not less than every 5 years, and forward its recommendations  
29 regarding proposed amendments to the plan to the governing board for  
30 adoption. Amendments to the comprehensive regional plan may be proposed  
31 only by the regional planning commission, the governing board or a local  
32 governing body. Except as otherwise provided in subsection 8, all requests  
33 for amendments to the plan must be studied and considered at public hearings  
34 held annually by the commission.

35 8. The commission may consider a proposed amendment and determine  
36 whether it is necessary to the health and welfare of the community or substan-  
37 tially benefits the community in general. If the commission determines that the  
38 amendment is necessary, it may schedule a public hearing on the amendment  
39 at any time. Any person may appeal the determination of the commission to  
40 the governing board.

41 9. Notice of the time and place of each hearing required by the provisions  
42 of this section must be given by publication in a newspaper of general  
43 circulation in the region at least 10 days before the day of the hearing. The  
44 notice must be a display advertisement of not less than 3 inches by 5 inches.

45 Sec. 7. The comprehensive regional plan must include goals, policies,  
46 maps and other documents relating to:

47 1. Population, including a projection of population growth in the region  
48 and the resources that will be necessary to support that population.

1 2. Conservation, including policies relating to the use and protection of  
2 air, water, and other natural resources, ambient air quality, natural recharge  
3 areas, floodplains and wetlands, and a map showing the areas that are best  
4 suited for development based on those policies.

5 3. Land use and transportation, including the classification of future land  
6 uses by density or intensity of development based upon the projected necessity  
7 and availability of public facilities and services and natural resources, and  
8 the compatibility of development in one area with that of other areas in the  
9 region. This portion of the plan must allow for a variety of uses, describe the  
10 transportation facilities that will be necessary to satisfy the requirements  
11 created by those future uses and must be based upon the policies and map  
12 relating to conservation that are developed pursuant to subsection 2, surveys,  
13 studies and data relating to the area, the amount of land required to accom-  
14 modate planned growth, the population of the area projected pursuant to  
15 subsection 1, and the characteristics of undeveloped land in the area.

16 4. Public facilities and services, including provisions relating to sanitary  
17 sewer facilities, solid waste, flood control, potable water and ground-water  
18 aquifer recharge which are correlated with principles and guidelines for  
19 future land uses, and which specify ways to satisfy the requirements created  
20 by those future uses. This portion of the plan must describe the problems and  
21 needs of the area relating to public facilities and services and the general  
22 facilities that will be required for their solution and satisfaction, identify the  
23 providers of public services within the region and the area within which each  
24 must serve, including service territories set by the public service commission  
25 of Nevada for public utilities, and must establish the time within which those  
26 public facilities and services necessary to support the development relating to  
27 land use and transportation must be made available to satisfy the require-  
28 ments created by that development.

29 5. Annexation, including the identification of spheres of influence for each  
30 unit of local government, improvement district or other service district and  
31 specifying standards and policies for changing the boundaries of a sphere of  
32 influence and procedures for the review of development within each sphere of  
33 influence. As used in this subsection, "sphere of influence" means an area  
34 into which a political subdivision may expand in the foreseeable future.

35 6. Intergovernmental coordination, including the establishment of guide-  
36 lines for determining whether local master plans and facilities plans conform  
37 with the comprehensive regional plan.

38 Sec. 8. To assist in the formulation of the plan, the governing board may  
39 appoint advisory committees to advise and report to the regional planning  
40 commission. No more than three members of the governing board may serve  
41 on any advisory committee and they must not constitute more than 20 percent  
42 of the membership of the committee.

43 Sec. 9. The governing board shall adopt the plan approved by the  
44 regional planning commission with any amendments it deems necessary.  
45 Before adopting the plan with any amendments the board shall submit each  
46 proposed amendment to the regional planning commission for its review and  
47 comment. The commission shall complete its review and return the plan to the  
48 governing board within 30 days or as specified by the board in 30 days

1 after its receipt of the commission's comments, the governing board shall  
2 consider those comments and adopt the plan with or without amendment. The  
3 adoption of the plan or any amendment must be by resolution of the governing  
4 board carried by a simple majority of its total membership. Before the adop-  
5 tion of the plan or any amendment, the governing board must hold a public  
6 hearing, notice of the time and place of which must be given by publication in  
7 a newspaper of general circulation in the region not later than 10 days before  
8 the day of the hearing.

9 Sec. 10. 1. Until the comprehensive regional plan is adopted and the  
10 master plan for the county or city within whose jurisdiction a project is  
11 located is found to be in conformity with the regional plan, any project of  
12 regional significance which has not received a special use permit or approval  
13 of a tentative map before the effective date of this act must be reviewed by the  
14 regional planning commission.

15 2. Before construction on a project of regional significance described in  
16 subsection 1 may begin, the regional planning commission must make a  
17 finding that there is little or no probability that approval or development of  
18 the project will impair the value and effectiveness of the regional planning  
19 process or the comprehensive regional plan, and that the project is in con-  
20 formance with the existing regional plan. If the finding of the commission is  
21 otherwise, it may be appealed to the governing board. In making its determi-  
22 nation, the commission shall not consider the merits or deficiencies of a  
23 project in a manner other than is necessary to enable it to make that  
24 determination.

25 3. If the commission fails to make any finding regarding a project of  
26 regional significance within 60 days after the project is submitted to it, the  
27 finding necessary to allow construction on the project to begin shall be  
28 deemed to have been made.

29 4. As used in this section, "project of regional significance" means a  
30 project which will require a change in zoning, special use permit, amendment  
31 to a master plan, or a tentative map which, if approved, will have an effect on  
32 the region of increasing:

- 33 (a) Employment by not less than 938 employees;
- 34 (b) Housing by not less than 625 units;
- 35 (c) Hotel accommodations by not less than 625 rooms;
- 36 (d) Sewage by not less than 187,500 gallons per day;
- 37 (e) Water usage by not less than 625 acre feet per year; or
- 38 (f) Traffic by not less than an average of 6,250 trips daily.

39 Sec. 11. 1. Before the adoption or amendment of any master plan, facili-  
40 ties plan or other similar plan, each governing body and any other affected  
41 entity shall submit the proposed plan or amendment to the regional planning  
42 commission, which shall review the plan or amendment at one or more public  
43 hearings held within 60 days after its receipt of that plan or amendment and  
44 determine whether the proposed plan or amendment conforms with the com-  
45 prehensive regional plan. The commission shall specify those parts of the plan  
46 or amendment, if any, that are not in conformance and why they fail to  
47 conform.

1 2. Before the adoption or amendment of any master plan, facilities plan or  
2 other similar plan by a state agency, the agency shall submit the proposed  
3 plan or amendment to the regional planning commission, which shall review  
4 the plan or amendment and offer suggestions to the agency regarding the  
5 conformance of the plan with the comprehensive regional plan.

6 3. Except as otherwise provided in section 12 of this act, a local governing  
7 body or any other affected entity shall not adopt a master plan, facilities plan  
8 or other similar plan, or any amendment to any of those plans, unless the  
9 regional planning commission has determined that the plan or amendment is  
10 in conformance with the comprehensive regional plan. A proposed plan is in  
11 conformance with the comprehensive regional plan if it is not in conflict with  
12 the comprehensive regional plan and it promotes the goals and policies of the  
13 comprehensive regional plan.

14 4. If the regional planning commission fails to make a determination  
15 within 60 days after its receipt from an affected entity or local governing body  
16 of a proposed plan or amendment pursuant to this section, the plan or  
17 amendment shall be deemed to be in conformance with the comprehensive  
18 regional plan.

19 5. An affected entity or a local governing body which has submitted a  
20 proposed plan and which disagrees with the reasons given by the regional  
21 planning commission for making a determination of nonconformance pursu-  
22 ant to this section, may file an objection with the regional planning commis-  
23 sion within 45 days after the issuance of that determination. The affected  
24 entity or local governing body shall attach its reasons why the plan is in  
25 conformance with the comprehensive regional plan. The regional planning  
26 commission shall consider the objection and issue its final determination of  
27 conformance or nonconformance within 45 days after the objection is filed.  
28 The determination may be appealed to the governing board not later than 30  
29 days after its issuance.

30 6. Within 45 days after its receipt of an appeal, the governing board shall  
31 consider the appeal and issue its decision, which must be made by the  
32 affirmative votes of a simple majority of its total membership. If the board  
33 affirms the determination of the commission, the affected entity or local  
34 governing body shall, within 60 days after the issuance of the decision,  
35 propose revisions to the plan and resubmit the plan together with those  
36 proposed revisions to the commission for review in accordance with the  
37 provisions of this section.

38 7. Any determination of conformance made by the commission pursuant to  
39 this section must be made by the affirmative votes of not less than two-thirds  
40 of its total membership.

41 Sec. 12. 1. Following the initial adoption of the comprehensive regional  
42 plan or any portion of it, each local planning commission, and any other  
43 affected entity shall review its respective master plan, facilities plan and other  
44 similar plans, amend them to conform with the provisions of the comprehen-  
45 sive regional plan, and submit them, within 60 days after the adoption of the  
46 comprehensive plan, to the regional planning commission. The regional plan-  
47 ning commission shall review the plans at one or more public hearings held  
48 within 180 days after their submission and determine whether they conform

1 with the comprehensive regional plan. The regional planning commission  
2 shall specify which parts of the plan, if any, are not in conformance and why  
3 they fail to conform.

4 2. If the regional planning commission fails to make a determination  
5 within 180 days after the submission of a plan pursuant to this section, the  
6 plan shall be deemed to be in conformance with the comprehensive regional  
7 plan.

8 3. An affected entity or local governing body that has submitted a plan and  
9 disagrees with the reasons given by the regional planning commission for  
10 making a determination of nonconformance pursuant to this section may file  
11 an objection with the regional planning commission within 45 days after the  
12 issuance of that determination. The affected entity or local governing body  
13 shall attach its reasons why the plan is in conformance with the comprehen-  
14 sive regional plan. The regional planning commission shall consider the  
15 objection and issue its final determination of conformance or nonconformance  
16 within 45 days after the objection is filed. The determination may be appealed  
17 to the governing board not later than 30 days after its issuance.

18 4. Within 45 days after its receipt of an appeal, the governing board shall  
19 consider the appeal and issue its decision. If the board affirms the determina-  
20 tion of the commission, the affected entity or local governing body shall,  
21 within 60 days after the issuance of the decision, propose revisions to the plan  
22 and resubmit the plan together with the proposed revisions to the commission  
23 for review in accordance with this section.

24 Sec. 13. Any action of a local government relating to development, zoning,  
25 the subdivision of land or capital improvements must conform to the  
26 master plan of the local government. In adopting any ordinance or regulation  
27 relating to development, zoning, the subdivision of land or capital improve-  
28 ments, the local government shall make a specific finding that the ordinance  
29 conforms to the master plan. Within 1 year after its adoption of any portion of  
30 a master plan, the local government shall review and, if necessary, amend its  
31 existing ordinances to ensure their conformity with the provisions of the  
32 master plan. If any provision of the master plan is inconsistent with any  
33 regulation relating to land development, the provision of the master plan  
34 governs any action taken in regard to an application for development.

35 Sec. 14. 1. Each local planning commission responsible for the prepara-  
36 tion of a city or county master plan and each affected entity shall prepare and  
37 submit to the regional planning commission and the governing board a  
38 complete report by April 1 of each year indicating any action taken within the  
39 previous calendar year which furthers or assists in carrying out the policies  
40 or programs contained in the comprehensive regional plan, and any work  
41 relating to the comprehensive regional plan that is proposed for the next fiscal  
42 year.

43 2. Before submitting a recommendation for proposed legislation or begin-  
44 ning any program or project relating to the mandatory provisions of the  
45 comprehensive regional plan, a unit of local government or an affected entity  
46 shall file all relevant information relating to that request, program or project  
47 with the governing board.

1 Sec. 15. 1. Any plan of a public utility or amendment thereto which is  
2 approved by the public service commission of Nevada and forwarded to the  
3 regional planning commission pursuant to the provisions of section 20 of this  
4 act, must be reviewed by the regional planning commission, which shall  
5 determine whether the utility's plan conforms with the comprehensive  
6 regional plan and forward the utility's plan, together with its determination,  
7 to the governing board.

8 2. If the governing board finds that the utility's plan does not conform with  
9 the comprehensive regional plan, it shall specify in its findings those parts of  
10 the plan that are not in conformance and why they fail to conform, and shall  
11 return the utility's plan and its findings to the public service commission of  
12 Nevada for revision in accordance with the provisions of section 20 of this  
13 act.

14 Sec. 16. The region defined in NRS 278.790 is exempt from the provisions  
15 of sections 2 to 17, inclusive, of this act.

16 Sec. 17. Nothing contained in the provisions of section 2 to 17, inclusive,  
17 of this act, requires any entity that has not already adopted a facilities plan to  
18 do so.

19 Sec. 18. NRS 278.010 is hereby amended to read as follows:  
20 278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to  
21 17, inclusive, of this act, unless the context otherwise requires:

22 1. "Acre site" consists of 43,560 square feet of land, and includes any  
23 public streets and alleys or other rights of way or easements.

24 2. "Building code" means ordinances, plans, regulations, or rulings  
25 adopted by the governing body for the purpose of regulating and specifying  
26 the soundness of construction of structures.

27 3. "Cities and counties" means all counties and cities located in counties.  
28 Carson City is considered as a county.

29 4. "Commission" means the planning commission of the city, the county  
30 or the region, as established by ordinance [.] or by the provisions of this  
31 chapter.

32 5. "County surveyor" means a person appointed as such or a person  
33 designated by a board of county commissioners or the board of supervisors of  
34 Carson City to perform the duties of a county surveyor under this chapter.

35 6. "Final map" means a map prepared in accordance with the provisions  
36 of NRS 278.010 to 278.630, inclusive, and those of any applicable local  
37 ordinance, which is designed to be placed on record in the office of the county  
38 recorder of the county in which any part of the subdivision is located or the  
39 recorder of Carson City.

40 7. "Governing body" means the city council or other legislative body of  
41 the city or the board of county commissioners or, in the case of Carson City,  
42 the board of supervisors.

43 8. "Improvement" means such street work and utilities to be installed on  
44 land dedicated or to be dedicated for streets and easements as are necessary  
45 for local drainage, local traffic and the general use of property owners in the  
46 subdivision.

47 9. "Local ordinance" means an ordinance enacted by the governing body  
48 of any city or county, under the powers granted in NRS 278.010 to 278.630,

1 inclusive, and within the limitations therein set forth, regulating the design  
2 and improvement of land subdivisions.

3 10. "Lot" means a distinct part or parcel of land which has been divided  
4 to transfer ownership or to build. The term does not include a parcel of land  
5 used or intended solely for use as a location for a water well.

6 11. "Parcel map" means a map as provided in NRS 278.461, 278.462  
7 and 278.464 to 278.467, inclusive.

8 12. "Right of way" includes all public and private rights of way and all  
9 areas required for public use in accordance with any master plan or parts  
10 thereof.

11 13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys,  
12 viaducts, public easements and rights of way, and other ways.

13 14. "Subdivider" means a person who causes land to be divided into a  
14 subdivision for himself or for others.

15 15. "Tentative map" means a map made to show the design of a proposed  
16 subdivision and the existing conditions in and around it.

17 Sec. 19. NRS 278.090 is hereby amended to read as follows:

18 278.090 1. [The] *Except in a county in which a regional planning com-*  
19 *mission is created pursuant to the provisions of sections 2 to 17, inclusive, of*  
20 *this act, the board of county commissioners of any county alone or in*  
21 *collaboration with the governing body of the incorporated cities in the county*  
22 *or any of them or in collaboration with the board or boards of county*  
23 *commissioners of any adjacent county or counties, or the governing bodies of*  
24 *adjacent cities may establish a regional planning commission to consist of*  
25 *representatives of the county or counties or cities or region within the county*  
26 *or counties where the local government bodies participate in the formation of*  
27 *the regional planning commission.*

28 2. The commission may also contain representatives of [such] *the municip-*  
29 *alities to be selected in a manner to be determined by ordinance adopted by*  
30 *the governing bodies of the municipalities, or municipalities and the county*  
31 *or counties concerned.*

32 Sec. 20. Chapter 704 of NRS is hereby amended by adding thereto a new  
33 section to read as follows:

34 1. *The commission must, before it approves any plan or amendment to a*  
35 *plan submitted to it by a public utility, make a finding that the plan or*  
36 *amendment is in conformance with the provisions of the comprehensive*  
37 *regional plan developed pursuant to the provisions of section 6 of this act.*

38 2. *The commission shall forward a copy of each plan or amendment*  
39 *approved by it, together with its finding that the plan or amendment conforms*  
40 *with the provisions of the comprehensive regional plan, to the regional plan-*  
41 *ning commission created pursuant to the provisions of section 3 of this act.*

42 3. *If the plan or amendment is returned to the commission by the gov-*  
43 *erning board for regional planning pursuant to the provisions of section 15 of*  
44 *this act, the plan or amendment must be revised to conform with the provi-*  
45 *sions of the comprehensive regional plan.*

46 Sec. 21. Section 1 of chapter 81, Statutes of Nevada 1989, is hereby  
47 amended to read as follows:

1 Section 1. Chapter 278 of NRS is hereby amended by adding thereto  
2 a new section to read as follows:

3 *The governing body of each local government whose budget includes*  
4 *any expenditure for the acquisition or maintenance of a capital improve-*  
5 *ment shall annually prepare a plan for capital improvements which*  
6 *conforms with its master plan and which includes at least the 3 ensuing*  
7 *fiscal years but not more than 5 fiscal years.*

8 Sec. 22. Each governing board created by section 4 of this act shall report  
9 its activities and progress to the sixty-sixth session of the legislature on or  
10 before March 1, 1991.

11 Sec. 23. Each regional planning commission which exists on the effective  
12 date of this act pursuant to the provisions of NRS 278.030 to 278.170,  
13 inclusive, in a county whose population is 100,000 or more but less than  
14 400,000, is hereby abolished.

15 Sec. 24. 1. The initial members of each regional planning commission  
16 created by section 3 of this act must be appointed by the respective governing  
17 bodies within 30 days after the effective date of this act. Each governing body  
18 referred to in paragraphs (a) and (c) of subsection 1 of that section shall  
19 appoint:

20 (a) One member who shall serve until the selection and qualification of his  
21 successor in July of 1991;

22 (b) One member who shall serve until the selection and qualification of his  
23 successor in July of 1992; and

24 (c) One member who shall serve until the selection and qualification of his  
25 successor in July of 1993.

26 2. The initial members of each governing board created by section 4 of  
27 this act must be appointed by the respective governing bodies within 30 days  
28 after the effective date of this act, and:

29 (a) The board of county commissioners referred to in paragraph (a) of  
30 subsection 1 of that section and each governing body referred to in paragraph  
31 (c) of subsection 1 of that section shall appoint:

32 (1) One member who shall serve until the selection and qualification of  
33 his successor in July of 1991;

34 (2) One member who shall serve until the selection and qualification of  
35 his successor in July of 1992; and

36 (3) One member who shall serve until the selection and qualification of  
37 his successor in July of 1993.

38 (b) The governing body referred to in paragraph (b) of subsection 1 of that  
39 section shall appoint:

40 (1) One member who shall serve until the selection and qualification of  
41 his successor in July of 1991;

42 (2) One member who shall serve until the selection and qualification of  
43 his successor in July of 1992; and

44 (3) Two members who shall serve until the selection and qualification of  
45 their successors in July of 1993.

46 Sec. 25. 1. The local governments represented on a governing board cre-  
47 ated pursuant to section 4 of this act shall enter into an agreement pursuant to

1 subsection 7 of section 4 of this act on or before 90 days after the effective  
2 date of this act.

3 2. The regional planning commission created by section 3 of this act shall  
4 develop and approve a regional plan as required by section 6 of this act and  
5 transmit it to the governing board within 18 months after the effective date of  
6 this act.

7 3. The governing board shall either adopt the plan transmitted pursuant to  
8 subsection 2 or submit a proposed amendment to the regional planning com-  
9 mission within 60 days after it receives the plan.

10 Sec. 26. 1. Except as otherwise provided in subsection 2, a regional plan  
11 in existence on the effective date of this act remains in effect until a compre-  
12 hensive regional plan, or any part of such a plan, is adopted pursuant to the  
13 provisions of sections 2 to 17, inclusive, of this act.

14 2. Any part of a regional plan relating to land use and transportation in  
15 existence on the effective date of this act remains in effect until a new land use  
16 and transportation portion of a comprehensive regional plan is adopted pursu-  
17 ant to the provisions of sections 2 to 17, inclusive, of this act.

18 Sec. 27. This act becomes effective upon passage and approval.

Ⓢ

FISCAL NOTE

BDR 22-1380  
A.B.  
S.B. 367

\* FISCAL EFFECT ON LOCAL GOVERNMENT Date May 11, 1989  
(Legislative Counsel Bureau Use Only)

S.B. 367 will have a fiscal effect on Washoe County entities only  
as follows:

City of Reno	\$ 80,000
City of Sparks	60,000
Washoe County	<u>60,000</u>
Total	\$200,000

Signature [Signature]  
Title Deputy Fiscal Analyst



MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Sixty-fifth Session  
May 9, 1989

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 6:30 p.m., on Tuesday, May 9, 1989, in The Little Theater at Wooster High School, Reno, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman  
Senator Sue Wagner, Vice Chairman  
Senator William J. Raggio  
Senator Charles W. Joerg  
Senator Thomas J. Hickey  
Senator Nicholas J. Horn  
Senator R. Hal Smith

STAFF PRESENT:

Robert E. Erickson, Research Director  
Fred Welden, Chief Deputy Research Director  
Barbara Kightlinger, Committee Secretary

SENATE BILL 367 - Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan.

Senator Sue Wagner, Washoe County Senate District 3, stated support for S.B. 367 and referred to Exhibit C for her testimony. She referred to Exhibit D for a summary of the bill and Exhibit E for a chart of timeframes associated with the proposal. She stated a great deal of time and energy had been devoted to S.B. 367. She indicated the regional plan would be developed and used on an annual basis and must have a 5-year review. The plan was designed for the next 20 years.

Carol Powell, resident of the unincorporated area of Washoe County representing herself, stated she was a member of the present Regional Planning Commission. She referred to Exhibit F for her testimony and suggested amendments. She stated the word "land" should be inserted on page 5, line 2 of S.B. 367.

of Northern Nevada, referred to Exhibit G for his testimony and suggested amendments.

Senator Raggio requested Mr. Jones to be more specific as to what was necessary to tie the three local entities together.

Mr. Jones stated he presupposed the impact fee bill would be approved by the legislature. If that was included in the legislation as a requirement for local governments to do a complete capital improvements plans, designate the value of those capital improvement plans so they would be able to assess the costs for new development to pay proportionate to the demand from those improvements. If each of those governments do those capital improvement plans, they would then be pulled together to form a regional capital improvements plan. Through that they would know what expenses and revenues were necessary to arrive at a conclusion and designate through impact fees, the means to build those capital improvements.

Mr. Jones stated section 3 of S.B. 367 should include expertise in the board. The language he was concerned with in section 6, paragraph 8(a) indicated "and may seek".

Senator Raggio stated that language was intentional in the structure of S.B. 367 to indicate while not mandatory, the commission had the opportunity to seek and consider advice of any local entity affected. It was legislative intent the regional planning commission should avail themselves of that information and expertise. He inquired about section 11, paragraph 2 of S.B. 367 and requested clarification from Mr. Jones.

Mr. Jones stated there was an inclusion in the bill that any amendment to the master plan, facility plan or similar plan, made by an agency; they must submit that proposal to the regional planning commission for review to determine the impact. He suggested if the state or other entities were to come up with any regulatory changes, they should run those past the regional planning commission, as it could impact them in their implementation and effect.

Senator Raggio suggested the speakers may want to address the amendment which had been proposed, otherwise the committee may act on the amendments believing everyone was in agreement.

Mr. Welden indicated it was not mandatory in the impact fee legislation for local governments to participate. He inquired as to what would happen if the local governments in Washoe County decided not to go with that detailed capital improvements planning. Was there still a value in putting together capital improvement plans at the level they were now and forming a regional capital improvement plan.

Mr. Jones stated the capital improvements plan presently being

done, could probably be improved on and done better. He indicated if the impact fee legislation were passed, most entities would utilize that ability to implement impact fees. It was still important to put the capital improvements plan together. The regional transportation commission would be the primary factory which should be interfaced with the other capital improvements program.

Mike Melarkey, Attorney with Avansino, Melarkey & Knobel, stated he represented the Double Diamond Ranch Limited partnership. He indicated a concern with section 10 of S.B. 367 regarding a project already well under way being set back through the regional planning process. He referred to Exhibit H for amendments to S.B. 367. He indicated support for the bill except for the wording in section 10.

Pat Thompson, City Manager of Sparks, stated support of S.B. 367 and commended the committee which worked on development of the proposed legislation. The City of Sparks was prepared to work with the bill and would attempt to make the regional planning a success in the area.

John MacIntyre, County Manager for Washoe County, stated many hours had been spent to establish a commission to allow the community to prepare a regional plan which could be brought into by all entities responsible for implementing the plan. He stated Washoe County supported S.B. 367.

Carole Felty, Washoe County resident, stated concern over the governing board not being elected.

Senator Raggio stated the board was comprised of elected officials, but the governing body would be appointed from the elected members of the city councils of Reno and Sparks and the county commissioners.

Senator Wagner stated the language of the bill made it possible for the governing board to be comprised of members other than elected officials. That issue was discussed in terms of the constitutional question regarding membership. It would be up to the governing body to make those appointments.

Ms. Felty stated she was concerned about not being able to elect the officers to serve on the board. She indicated they were back to a selected board and not elected board.

Senator Wagner stated it was unlikely the local entities would select someone other than an elected official who would be accountable to the people. The residency requirement would be an elected official would have to live in the unincorporated areas and take into consideration the interest and concerns of those living in the unincorporated areas.

Ms. Felty stated concern with the 10 day public notice requirement. She indicated 10 days was a short period of time as it did not allow enough time if a person were on vacation.

Senator Wagner stated the planning statutes typically required notice be published at least 10 days before a hearing date. There were eight references in chapters 278, 278A, 244 and 268 of the Nevada Revised Statutes (NRS) which addressed the 10 day notification. The subcommittee indicated that was the general hearing time laid out in the NRS.

Ms. Felty inquired if public notice would be posted in both newspapers in Washoe County.

Senator Wagner stated it was general and accepted policy the newspapers would carry public notices. The subcommittee did not spell it out in the language of the bill. She further stated it was not appropriate to mandate in statute that night meetings would be held, but the public had expressed a desire to hold meeting at night because of persons working during the day.

Dave Barney, resident of Washoe County, expressed concern over the make up of the board and the indication they would appointed.

Carl Felty, resident of Washoe County, opposed S.B. 367 due to the language indicating the board may have appointed members.

Tom Stevens, Public Service Commission, referred to Exhibit I for his testimony and suggested amendments to section 20 of S.B. 367 and alternatives for amendments to section 15 of S.B. 367.

Elizabeth Elliott, Staff Counsel for the Consumer Advocates Office, referred to Exhibit J for proposed amendments to section 7 of S.B. 367. She indicated section 7, subsection 4 of S.B. 367 appeared to be limited to water and should be applicable to all utilities. She indicated there should also be a consideration of cost and impact on the consumer. As S.B. 367 was written, it could take the Public Service Commission out of the water resources planning business, which could be an appropriate step for putting it back into the planning commissions.

Peggy Manes, Senior Attorney with Sierra Pacific Power Company, stated support of Commissioner Stevens comments. Their concerns were with the potential for delay and conflicting directives to the utility services. If sections 15 and 20 of S.B. 367 were taken as drafted, it appeared there would not be a timeline within which the regional planning commission must review the results of a complex Public Service Commission opinion and order. It could add an additional 6 months to the review process. They supported including the regional planning commission's review of the utilities proposed resource plan within the 105 day period.

Leann McElroy, Planning Director for the City of Reno, referred

to Exhibit K for her testimony and concerns with S.B. 367. She suggested deleting section 5 of S.B. 367.

Mr. Welden stated there was an interim provision on the review of regional projects, but as the bill currently read, if there were a change in a local master plan in the interim, there was not a mechanism to state that change would have to be consistent with the existing regional plan. There was a provision which indicated after the new regional plan was adopted, any subsequent changes in the local master plan would have to be found consistent.

Alex Fittinghoff, resident of Reno and practicing Planning Consultant in the Reno area, stated there should be funding for the regional planning commission to be put into effect during the first 18 months.

Sharalyn Barney, resident of Washoe County, stated there were various representatives from local entities to testify on S.B. 367. There were several concerns expressed by the general public regarding the membership of the board.

Senator Raggio stated an opinion had been received from the Legislative Counsel Bureau they could not structure the bill to automatically mandate the members of the city council or the commission members of the governing body. That would violate the constitution, therefore the language had to be structured as it was written in S.B. 367.

Ms. Barney inquired if the option was considered to have them elected by the people.

Senator Wagner stated the language in S.B. 367 regarding the make-up of the board was a compromise. The subcommittee indicated the regional planning commission's and governing board's structure would be acceptable to most of the people who would be working in that arena.

Ms. Barney stated if the board were comprised of persons elected by the people, they would be more responsible to the people and to the job on the commission.

Senator Wagner stated the subcommittee did not support electing regional planning commissioners or the governing board at large. They indicated the governing board, by being elected officials, would be accountable to the people.

Ms. Barney further inquired about the 10 day notice on public hearings. She stated it was not enough time for an ordinary person to prepare information to be presented for a hearing.

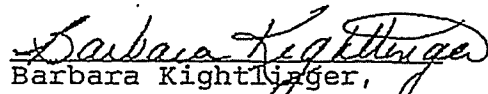
Senator Wagner stated the subcommittee encouraged the local government entities to take into consideration the public's

concern to hold public hearings in the evenings. She stated they would take Ms. Barney's concern regarding the 10 day notice into consideration and consider looking into a possible 30 day notice.


Alyce Williams, a Paiute, Shoshone Indian and Washoe County resident, related to the committee the greenhouse effect growth has had on the world and indicated they needed some kind of planning to regulate growth.

There being no further discussion, Senator O'Connell closed the hearing on S.B. 367.

RESPECTFULLY SUBMITTED:

  
Barbara Kightlinger,  
Committee Secretary

APPROVED BY:

  
\_\_\_\_\_  
Senator Ann O'Connell, Chairman

DATE: May 16, 1989

MIN36

INTRODUCTORY EXPLANATION

SENATE BILL 367 - WASHOE COUNTY REGIONAL PLANNING

*Senate Bill 367 - Washoe County Regional Planning*  
*To amend the laws of the State of Nevada relating to regional planning in Washoe County.*

SENATE BILL 367 PLACES IN STATE LAW THE REQUIREMENTS FOR REGIONAL PLANNING IN WASHOE COUNTY.

CHRONOLOGY OF ACTIVITIES

AS MOST OF YOU ARE AWARE, THIS MEASURE WAS DEVELOPED THROUGH THE WASHOE COUNTY LEGISLATIVE DELEGATION. AFTER RECEIVING AN ORIGINAL DRAFT FROM THE LOCAL GOVERNMENTS, THE DELEGATION APPOINTED A SUBCOMMITTEE TO WORK ON THE PROPOSAL. I FUNCTIONED AS CHAIR OF THE SUBCOMMITTEE. THE OTHER MEMBERS WERE ASSEMBLYMEN <sup>Wm</sup> JAN EVANS AND BOB SADER. *Thanks to Fred Soderstrom & Bob Evans provided*

THE SUBCOMMITTEE MET IN-HOUSE TO DISCUSS THE PROPOSAL ON FIVE OCCASIONS. WE MET THREE TIMES ON A WORKING LEVEL WITH REPRESENTATIVES OF THE LOCAL GOVERNMENTS. (AND, I MUST TELL YOU THAT THE LOCAL ELECTED OFFICIALS AND THEIR STAFFS INVESTED A GREAT DEAL OF TIME AND ENERGY ON THIS EFFORT. THE RELATIONSHIP BETWEEN THE LOCAL OFFICIALS AND THE LEGISLATORS, ALTHOUGH A BIT STRAINED AT TIMES, HAS BEEN VERY PRODUCTIVE.)

IN ADDITION, THE SUBCOMMITTEE HAS REPORTED TO THE FULL WASHOE COUNTY LEGISLATIVE DELEGATION TWICE, AND THE DELEGATION HELD AN EVENING PUBLIC HEARING TO DEVELOP INCREASED INPUT.

AT THIS POINT IN THE PROCESS, THE BILL BEFORE YOU HAS BEEN THROUGH SEVEN DRAFTS.

SUMMARY OF BILL

ALTHOUGH IT WOULD PROBABLY NOT BE USEFUL FOR ME TO TAKE THE TIME TO GO THROUGH THE BILL LINE-FOR-LINE, I WOULD LIKE TO SUMMARIZE THE MAJOR POINTS.

SECTION 3 CREATES THE REGIONAL PLANNING COMMISSION CONSISTING OF THREE REPRESENTATIVES FROM EACH OF THE LOCAL GOVERNMENTS--THAT IS, THREE MEMBERS FROM WASHOE COUNTY, THREE FROM THE CITY OF RENO, AND THREE REPRESENTING THE CITY OF SPARKS. THE BILL SPECIFIES THAT AT LEAST TWO OF THE THREE COUNTY REPRESENTATIVES MUST RESIDE IN THE UNINCORPORATED PORTION OF THE COUNTY. THIS SECTION ALSO SETS UP 3-YEAR, STAGGERED TERMS OF OFFICE FOR THE MEMBERS.

SECTION 4, IN TURN, ESTABLISHES THE GOVERNING BOARD FOR REGIONAL PLANNING. THE COMPOSITION OF THE GOVERNING BOARD INCLUDES THREE



REPRESENTATIVES OF THE COUNTY, FOUR REPRESENTATIVES OF THE CITY OF RENO, AND THREE MEMBERS FROM THE CITY OF SPARKS.

THE MEASURE PROVIDES THAT THE LOCAL ELECTED OFFICIALS MAY APPOINT MEMBERS OF THEIR COUNTY COMMISSION OR CITY COUNCIL TO SERVE ON THIS REGIONAL GOVERNING BOARD. AGAIN, HOWEVER, AT LEAST TWO OF THE THREE COUNTY REPRESENTATIVES MUST RESIDE WITHIN THE UNINCORPORATED PORTION OF THE COUNTY; OR IF THE REPRESENTATIVES ARE COUNTY COMMISSIONERS, THEY MUST BE FROM ONE OF THE TWO DISTRICTS IN THE COUNTY WITH THE HIGHEST PERCENTAGE OF UNINCORPORATED AREA.

SUBSECTION 7 OF SECTION 4 ALSO PROVIDES THAT THE LOCAL GOVERNMENTS ARE TO FINANCE THE PLANNING ACTIVITIES IN PROPORTION TO THE NUMBER OF MEMBERS EACH APPOINTS TO THE GOVERNING BOARD.

SECTION 5 OF THE BILL OUTLINES THE MINIMUM REQUIREMENTS FOR STAFFING. IT CALLS FOR A DIRECTOR WHO IS APPOINTED BY THE GOVERNING BOARD FROM A LIST OF THREE NAMES SUBMITTED BY THE PLANNING COMMISSION. THIS SECTION ALSO REQUIRES THE DIRECTOR TO HIRE AT LEAST ONE PLANNING ASSISTANT.

SECTION 6 PROVIDES THE PROCEDURES FOR ADOPTION AND AMENDMENT OF THE REGIONAL PLAN. IT CALLS FOR A 2/3RDS VOTE OF THE PLANNING COMMISSION TO TAKE SUCH ACTIONS.

SUBSECTION 7 OF THIS SECTION PROVIDES FOR CONSIDERATION OF PROPOSED AMENDMENTS ON AN ANNUAL BASIS. IF, HOWEVER, AN EXTRAORDINARY SITUATION ARISES, THE COMMISSION IS AUTHORIZED THROUGH SUBSECTION 8 TO AMEND THE REGIONAL PLAN ON A MORE FREQUENT BASIS. AN EXAMPLE OF SUCH AN EXTRAORDINARY SITUATION COULD BE APPROVAL OF THE OLYMPICS FOR THE AREA, AT WHICH TIME IT MIGHT BE NECESSARY TO AMEND THE PLAN IN ORDER TO ACCOMMODATE ANY UNFORESEEN CIRCUMSTANCES.

SECTION 7 OUTLINES THE MANDATORY ELEMENTS OF THE REGIONAL PLAN.

SECTION 10 IS OF MAJOR IMPORTANCE IN THAT IT LIMITS THE CONSTRUCTION OF LARGE-SCALE PROJECTS UNTIL THE NEW REGIONAL PLAN CAN BE COMPLETED. THE SECTION DEFINES "PROJECTS OF REGIONAL SIGNIFICANCE" AND REQUIRES THAT THE REGIONAL PLANNING COMMISSION MAKE SPECIFIED FINDINGS BEFORE SUCH LARGE PROJECTS MAY BE CONSTRUCTED DURING THE INTERIM PERIOD WHILE THE PLAN IS BEING COMPILED.

SECTION 11 REQUIRES LOCAL MASTER PLANS AND AMENDMENTS TO THESE LOCAL MASTER PLANS TO BE IN CONFORMITY WITH THE REGIONAL PLAN. IT ALSO PROVIDES THAT OTHER LOCAL AND REGIONAL PLANS MUST BE IN CONFORMITY WITH THE REGIONAL PLAN, AND IT ESTABLISHES A REVIEW MECHANISM FOR STATE PLANS WHICH AFFECT THE REGION SO THAT THE REGIONAL PLANNING COMMISSION MAY COMMENT ON THESE STATE PLANS BEFORE THEY ARE ADOPTED.

SECTIONS 15 AND 20 OUTLINE A REVIEW SYSTEM WHEREBY THE PUBLIC SERVICE COMMISSION OF NEVADA MUST FIND THAT ALL UTILITY PLANS FOR THE AREA CONFORM WITH THE REGIONAL PLAN. THE PUBLIC SERVICE COMMISSION IS CURRENTLY RESPONSIBLE FOR APPROVAL OF THE UTILITY PLANS ON A REGULAR BASIS, AND THIS SECTION ADDS A STEP TO THEIR REVIEW AND APPROVAL PROCESS.

SECTION 16 EXEMPTS THE TAHOE BASIN PORTION OF THE COUNTY FROM THE BILL, AND SECTION 22 REQUIRES A REPORT TO THE NEXT SESSION OF THE LEGISLATURE.

SECTION 25 REQUIRES THE REGIONAL PLANNING COMMISSION TO DEVELOP AND APPROVE THE NEW REGIONAL PLAN WITHIN 18 MONTHS; AND SECTION 26 "GRANDFATHERS" THE CURRENT REGIONAL PLAN AS THE OFFICIAL DOCUMENT UNTIL THE NEW ONE IS ADOPTED PURSUANT TO THE PROVISIONS OF THE BILL.

#### CONCLUDING COMMENTS

I REALIZE THAT WE HAVE ONLY HIT THE HIGHLIGHTS OF S.B. 367, BUT I DID NOT WANT TO TAKE TOO MUCH OF THE PUBLIC HEARING TIME IN EXPLAINING THE BILL. I HAVE A COUPLE OF HANDOUTS WHICH SHOULD BE HELPFUL IN UNDERSTANDING THE MEASURE. ONE IS A SINGLE-PAGE

SUMMARY OF THE BILL. THE SECOND IS A CHART DEPICTING THE  
TIMEFRAMES ASSOCIATED WITH THE PROPOSAL.

WITH THIS OVERVIEW, MADAM CHAIRMAN, I WOULD THANK YOU AND THE  
MEMBERS OF THE SENATE GOVERNMENT AFFAIRS COMMITTEE FOR HOLDING  
THIS SPECIAL HEARING IN RENO AND ATTEMPT TO ANSWER ANY QUESTIONS  
THAT YOU MIGHT HAVE.

W89-1276.1,47

## SUMMARY OF WASHOE COUNTY REGIONAL PLANNING PROPOSAL

Following is a summary of the major points within the Washoe County regional planning proposal.

The proposal places in state law the requirements for regional planning in Washoe County.

1. The bill creates a regional planning commission consisting of three representatives of each of the three local governments. These representatives must be members of their respective local planning commissions.
2. There is also created a governing board for regional planning which consists of three representatives of Washoe County, four representatives of Reno and three representatives of Sparks.
3. The substantive actions of the planning commission are taken by a two-thirds vote, while the actions of the governing board are taken by a simple majority.
4. The bill requires the appointment of a director of regional planning. It also requires that the relevant costs will be shared by the local governments as prescribed through an interlocal agreement.
5. The bill calls for preparation of a comprehensive regional plan and outlines its required elements.
6. The measure provides that all local master plans and all "facilities plans" prepared by "affected entities" must be reviewed and found to be in conformance with the comprehensive regional plan. Amendments to these documents must also be reviewed and found in conformance.
7. During the interim period while the regional plan is being prepared, "projects of regional significance" must be reviewed by the regional planning commission. These large-scale developments may proceed if the commission finds "that there is little or no probability that approval or development of the project will impair the value and effectiveness of the regional planning process or the comprehensive regional plan."
8. The bill calls for the comprehensive regional plan to be completed by the regional planning commission within 18 months after the legislation is signed, and it requires a report of activities and progress to the 1991 session of the legislature.

Amendment of the proposal is anticipated as the bill proceeds through the legislative process. Thus, this summary will be subject to modification as the situation dictates.

FW/llp:G89-298.2,10  
4/10/89

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EXHIBIT D

MAXIMUM TIMEFRAMES ASSOCIATED WITH WASHOE COUNTY REGIONAL PLANNING PROPOSAL

(Based Upon Bill As To Be Introduced)

(April 10, 1989)

MONTHS		ACTIONS TO BE COMPLETED
Cumulative Total	Between Actions	
0	0	Passage and approval of the act.
1*	1*	Governing bodies of local governments to appoint members of the regional planning commission and the governing board.
3*	3*	Local governments enter interlocal agreement for support of regional planning activities.
18*	18*	Regional planning commission holds public hearings on the proposed regional plan in the county and each city, adopts the regional plan, and transmits it to the governing board.
20	2	Governing board holds public hearing and adopts regional plan or submits proposed amendments to the regional planning commission.
21	1	Regional planning commission reviews any amendments proposed by the governing board.
22	1	Governing board holds public hearing, considers regional planning commission comments on amendments, and adopts regional plan with or without amendments.
24**	2**	Local planning commissions and affected entities amend their plans to conform with the regional plan and submit their plans to the regional planning commission.
30	6	Regional planning commission reviews plans from local planning commissions and affected entities, holds public hearing, and determines whether these plans conform with the regional plan.
31 1/2	1 1/2	Local planning commissions and affected entities may file objection with the regional planning commission.
33	1 1/2	Regional planning commission considers objection and issues final determination of conformance or nonconformance.
34	1	Final determination may be appealed to governing board.
35 1/2	1 1/2	Governing board considers appeal and issues its determination.
37 1/2	2	If governing board affirms the regional planning commission's determination, the local planning commission or affected entity proposes revisions to its plan and resubmits the plan and proposed revisions to the regional planning commission.

\* These three activities are being conducted within the same time period.

\*\* Within 1 year after a local government adopts any portion of a master plan, it must review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the local master plan.

WR9-902.1,47,6w

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EXHIBIT E

TO: Nevada Senate Government Affairs Committee  
FROM: Carol Powell  
RE: SB 367  
DATE: May 9, 1989

Comment:

Initially, I would like to compliment the subcommittee and other contributors. SB 367 now better represents regional planning legislation instead of a bill which merely required coordinated infrastructure development in Washoe County.

Also, I would like to thank the subcommittee for accepting some of my suggested changes. However, there are four items I would like to further address for your consideration in an attempt to make good even better!!

Recommendations:

1. Again, I would encourage you to include a Legislative Declaration of Intent and Purpose. It provides insight and direction and has been utilized frequently by the Nevada Legislature when it enacts planning legislation. Attached to my position statement is some potential wording in the event you may wish to pursue this option.
2. No statement is evident in the bill draft which indicates Washoe County's new comprehensive plan and local master plans must be in compliance with Chapter 278 of NRS. To avoid present and future debate on this subject, the bill could be amended as indicated in the Declaration brief or p. 8., Sec. 13. should be amended to read:

Nothing in this act precludes the comprehensive regional plan and local master plans from having to be in compliance with Chapter 278 of NRS.

Footnote: NRS 278.160 now includes some 16 appropriate subjects for inclusion in a regional plan. Local plans under NRS 278.250 must address 8 general land use considerations. This proposed act only requires 6 elements and extends the latitude to the commission to determine what else is proper.

3. The Conservation section by not including the "land" among the list of resources omits, according to textbook planning terminology, consideration of geologic hazard areas as well as a whole category of resources including cultural, scenic, historic, and wildlife. To eliminate this oversight p. 5., line 2 should be changed to read:

air, water, land, and other natural resources etc.

4. Most importantly, this act must specifically require that the comprehensive regional plan be found to be economically sound and feasible upon its adoption by the governing board otherwise the public has no assurance that the plan will be affordable as well as desirable. Therefore, I resubmit my original amendment request and ask that it be included in its entirety p. 4., line 17:

Coordination of the several elements of the comprehensive regional plan shall be a major objective of the planning process. The several elements of the plan shall be consistent, and the plan shall be economically feasible.

Summary:

All of the above amendment requests are fundamental comprehensive planning guidelines. If integrated into the bill draft, they should provide assurance that Washoe County planning efforts will produce a quality, acceptable product and will be consistent with that which is desired by the Legislature statewide.

I thank the Committee for the opportunity to express these opinions.

Submitted by:

Carol Powell *CP*  
10515 Mizpah Circle  
Reno, NV 89506

enc: Legislative Declaration brief

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SUMMARY--Creates regional planning commission and governing board  
in certain counties and requires development of comprehensive  
regional plan. (BDR 22-1380)

Legislative findings and declaration.

1. In conformance with, and in furtherance of, the purposes of Chapter 278 of NRS, it is the purpose of this act to utilize the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and control future development.

2. It is the intent of this act to encourage and assure cooperation between and among municipalities and counties and to encourage and assure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state and federal government in accord with applicable provisions of law.

3. The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development.



# BUILDERS ASSOCIATION OF NORTHERN NEVADA

(702) 329-4611  
1400 Wedekind Rd.  
Reno, NV 89512

May 9, 1989

TO: Senate Government Affairs Committee  
FROM: Builders Association of No. NV/Robert G. Jones  
RE: Proposed Washoe County Regional Plan

After intensive review of the proposed Regional Planning legislation, the Builders Association of Northern Nevada feels the primary problem is still one of "tying together" a specific responsibility for the Regional Planning Commission to develop a specific capital improvement plan, which in essence, is nothing more than a compilation of the three local entity plans. In addition, there must be a budget dedication to enforce and implement the plan. This is alluded to in Section 3, Paragraph 2.

Our second objection is still the makeup of the Planning Commission. The weighing of the membership by entity is not what is important; what is important is their specific expertise. We still believe it should be made up of two planning commissioners, each Public Works Director or designee, the Superintendent of Schools or his designee, the Regional Transportation Director or his designee, and representatives from the Health Department, the Convention Authority, and the Airport Authority, rather than local Planning Commissioners who are political appointees

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- AFFILIATED WITH THE GREATER RENO-SPARKS CHAMBER OF COMMERCE
- AFFILIATED WITH THE NATIONAL ASSOCIATION OF HOME BUILDERS



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EXHIBIT G

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who may have no designated areas of expertise. The use of Advisory Committees has not been successful, as evidenced by the Water Authority.

Section 3 should be altered.

Section 5, Paragraph 8 is still too vague, as it does not specific enough and "recommendation of funding" is not strong enough language, and holds no consequences for those who do not.

Section 6, Paragraph 8(b) should include the approved budget and what enforcement over local government funding measures will be taken.

Section 6, Paragraph 3(a) contains language which could possibly be construed as discretionary with respect to the original plan and it's formation.

Section 7, Paragraph 3 contains the use of the word "intensity", and is unclear and subjective. There is still no mention of all entities working together from the same base data to guarantee the ability for the interpretation and implementation to be consistent. This is absolutely essential, and does not matter whose data base is used, but it must be consistent.

Section 8 should be altered. If the Commission remains as it is presently structured, then the Advisory Committees are essential and must be used, or we simply elevate the political discussion and differences to another level regionally. It is imperative that technically qualified people be used.

Section 10, Paragraph 2 is very vague. It might be better to determine if it is in conformance with the existing plan. That plan has area-wide approval at this point.

Section 11, Paragraph 2 makes no mention of regulatory change which can have significant effect on capital improvement costs.

Section 15, Paragraph 1 and 2 seems unnecessary. Are you suggesting that if the PSC approves and there is a regional difference, that they would change the approval? This example points out the need for the Commission to be made up of different areas of expertise so that this conflict, "after the fact", would not occur.

Section 21 needs some additional work. As was pointed out earlier, these should be put together in a Regional Capital Plan. There should also be an identification from RTC as to regional street jurisdiction so that duplicity on the capital improvement plan, impact fees, and gas tax revenues do not occur.

PROPOSED AMENDMENT  
TO  
SENATE BILL NO. 367

Add to paragraph 4. of Section 10. the following parenthetical language:

..., provided, however, that a "project of regional significance" shall not include any such project which has received local planning commission approval of a request for a master plan amendment, a zone change, a tentative map, or a special use permit prior to the effective date of this act.

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EXHIBIT H

## NEVADA PUBLIC SERVICE COMMISSION

SUBJECT: RECOMMENDED CHANGES TO SB 367  
REGIONAL PLANNING BILL

May 9, 1989

### INTRODUCTION

The Public Service Commission is appreciative of the changes which were made to the prehearing version of SB 367 to accommodate the special requirements of utility planning. Specifically, public utilities regulated by the PSC were taken out of the "affected entity" category and placed in new sections 15 and 20. However, we are recommending that sections 15 and 20 be revised to insure conformance of utility planning with regional planning is a cooperative matter with early input of regional planning concerns into the utility resource planning process.

Before I get into the specifics, I wish to assure you the Public Service Commission is very supportive of regional planning and we strongly believe every reasonable effort should be made to conform complex utility facilities plans with the regional plans. The goal of utility resource planning is to make reasonably priced utility services available when they are needed. Utility service should neither created or restrain development. Growth should be controlled by land use planning, not utility service.

### UTILITY RESOURCE PLANNING:

Electric, gas, and water resource planning is a complex process. For example, the last electric resource plan filed by Sierra Pacific Power Company came in 4 volumes and 45 exhibits were presented at hearings which lasted ten days and were recorded in two thousand pages of transcript. Seven parties examined the plan and were represented at hearing. The Commission's Opinion and Order was sixty pages long.

However, in section 20 of SB 367 these complex utility plans must conform in every respect to the regional plan even though the the regional plan in all likelihood will not consider all the highly technical requirements for provision of utility service. Making compliance absolutely mandatory has the potential for not considering important economic, legal, and technical considerations which could have a significant impact on the reliability and cost of utility service not only in Washoe County but throughout Northern Nevada.

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Therefore we recommend that Section 20 be amended to provide a procedure where serious consideration is given to the regional plan during the PSC's review of utility planning but not give veto power over comprehensive utility planning to a local agency. The procedure we are proposing for considering conformance with regional planning by the PSC is much more formal than that required for other state agencies such as the university or the department of transportation. The PSC would have a specific requirement that the PSC consider the recommendations of the RPC and state why any part of a utility plan was not required to be in conformance with the regional plan. Any such finding by the PSC that a portion of a utility plan need not be in conformance with the regional plan would have to be based on substantial evidence and would be subject to judicial review.

**AMENDMENTS TO SECTION 20:**

**•Section 20.1:** This amendment allows the PSC to deviate from the regional plan but only for good reason and such deviation and reason must be identified by the PSC. Additionally the type of plan referred to needs to be more narrowly defined as a facilities plan. It is strongly recommended that the following amendment be made to this section:

1. The commission (i.e.PSC) must, before it approves any facilities plan or amendment to a plan submitted to it by a public utility, make a finding that the plan or amendment is in conformance with the provisions of the comprehensive regional plan developed pursuant to the provisions of section 6 of this act or identify those portions of that plan or amendment which do not conform and state the reason why the commission did not require conformance.

•**Section 20.2:** The submission to the regional planning commission should be prior to the approval of the plan by the PSC so that full consideration can be given to regional planning before any determinations are made by the PSC. The wording of section 20.2, would be amended as follows:

2. The commission (i.e.PSC) shall forward a copy of each facilities plan or amendment to be approved by it [, together with its findings that the plan or amendment conforms with the provisions of the comprehensive regional plan,] to the regional planning commission created pursuant to the provisions of section 3 of this act for review in accordance with section 15 (or in the alternative section 11) of this act.

•**Section 20.3:** Recommend the following change be made to avoid delay in the utility resource planning process. Review by the RPC only rather than by both the RPC and the RPG is the same procedure as used for other state agency plans. It is also reiterated that the recommendations of the RPC must be given due consideration. :

3. If the plan or amendment is returned to the commission (i.e.PSC) by the regional planning commission [governing body for regional planning] pursuant to the provisions of section 15 (or in the alternative section 11) of this act, the plan or amendment must be reviewed to consider incorporation of the recommendations provided by the regional planning commission. [revised to conform with the provisions of the comprehensive regional plan].



ALTERNATIVES FOR AMENDMENTS TO SECTION 15:

Alternative #1

• **Section 15.1:** The term "facilities' plan is clearly defined in the bill as being "a plan for the development of facilities which have a regional impact or which will aid in accomplishing regional goals related to transportation, water or sewer services, solid waste, energy generation or transmission." As noted above, review by both the RPC and RPG should not be necessary. Additionally a time limit should be set for review so as not to delay the process. The same 60 days provided in Section 11,4 for review of plans of affected entities is recommended for review of PSC submittals. :

15.1. Any facilities plan of a public utility or amendment thereto which is [approved by the public service commission and] forwarded to the regional planning commission pursuant to the provisions of section 20 of this act, must be reviewed by the regional planning commission, which shall determine whether the utilities plan conforms with the comprehensive regional plan and forward the utility's plan and its recommendations [findings] to the public service commission [,together with its determination to the governing board].

15.2. If the regional planning commission fails to make a review within 60 days after its receipt from the public service commission of a facilities plan or amendment pursuant to this section, the plan or amendment shall be deemed to be acceptable.

• **Section 15.2:** The currently proposed subsection 2 of section 15 should be eliminated. As previously noted, requiring an additional review by the regional governing board would delay utility resource planning and such a review by the RPG is not require for plans of other state agencies.

**Alternative #2**

• **Section 15:** This alternative would be to eliminate section 15 in its entirety and simply add plans approved by the PSC to Section 11.2 which deals with state agencies. Review of PSC approved plans should be similar to review of plans of other state agencies. Also, time limits should be set for review of plans from state agencies. Recommend the following amendment be made to **Section 11.2:**

11.2. Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency including facilities plans of public utilities which are to be approved by the public service commission, the agency must submit the plan or amendment to the regional planning commission which shall review the plan or amendment and offer suggestions to the agency regarding the conformance of the plan with the comprehensive regional plan within 60 days after receipt of the plan or amendment.

**CONCLUSION:**

We do not anticipate many changes will have to be made in utility plans in order to conform to regional plans. In the past, public utility service has never failed to meet the regional needs for development. It is certainly in a utility company's financial interest to provide for sales growth. On the other hand if a utility company provides new facilities too far in advance of growth the investment is disallowed in rates as not being used and useful. A delicate balance must be maintained. If facilities are not built in time the result could be brownouts, curtailments, and moratoriums. If the facilities are required to be built too soon the result will be unnecessarily high rates. The Public Service Commission is charged with the responsibility of insuring this balance is maintained. If this bill passes the PSC will also insure that every reasonable effort is made to conform utility plans with regional plans.

FOOTNOTE ON WATER PLANNING:

Water supply for the next century is the toughest issues facing Northern Nevada. The solution goes beyond Washoe county and even the State of Nevada.

With regard to water planning thru the end of this century, all PSC regulated water utilities in Washoe County have adequate water supplies or are taking steps to acquire those supplies. Sierra Pacific Power Company plans for two drought years in a row without the need for conservation. The only reason conservation was required in 1988 was to recognize the possibility an unprecedented third drought year. Thus the drought storage in Independence Lake was not touched in 1988. If Independence water had been used, conservation would not have been required. Water conservation in 1988 was not a planning failure.

The PSC would like to see the Regional Water Planning and Advisory Board of Washoe County become the effective water planning agency it was intended to be when it was created six years ago. We hope to eventually see Sierra Pacific Power Company's Water Resource Plan integrated into the Regional Water Board's proposed planning. It is interesting to note the Regional Water Board has a composition similar to the Regional Governing Board in this bill. (i.e. 3 Reno city council members, 2 Sparks city council members, 3 county commissioners, and a public member versus 4 Reno city council members, 3 Sparks city council members, and 3 county commissioners.)

Attorney General's Office of Consumer Advocate

Proposed Amendments

S.B. 367

May 9, 1989.

**Section 7.**

The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

2. ~~Conservation~~ **Environmental impact**, including policies relating to the **conservation**, use and protection of air, water, and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities and services and natural resources, and the compatibility of development in one areas with that of other areas in the region. This portion of the plan must allow for a variety of uses, describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses and must be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned

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EXHIBIT J

growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

4. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future resources. This portion of the plan must describe the problems and needs of the area relating to public facilities and the general facilities that will be required for their solution and satisfaction, identify the providers of public services within the region and the area within which each must serve, including service territories set by the public service commission of Nevada for public utilities, *analyze the relative costs and impact on consumer rates of all public services studied*, and must establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirement created by that development.

5. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

6. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

May 9, 1989

Madame Chairman, Members of the Committee:

My name is Leann McElroy and I'm the Planning Director for the City of Reno. As you know, S.B. 367 is before you primarily because of the desire of the Washoe Delegation to foster regional planning in the Truckee Meadows. To some extent, all three units of local governments in the Truckee Meadows were allowed to participate in the development of the proposed legislation. Because of that participation, I have only one real concern to discuss with you this evening and that deals with the staffing required under the bill.

Section 5 requires the governing board to appoint a director of regional planning and requires that person to appoint a professional assistant. An earlier draft of the bill which was proposed by the the Washoe Council of Governments simply provided for the governing board to hire staff on an as needed basis. The City supported the language in the WCOG bill. The City believes that enabling legislation should be more general and not mandate the creation of a new bureaucracy. We believe that staffing for regional planning should be a local decision and that the governing board should be permitted to make that decision based on the most effective yet cost efficient method to accomplish the tasks set forth in the legislation. We would therefore urge you to delete Section 5 as Section 4 enables the governing board to hire such employees as are needed.

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EXHIBIT K

From my perspective, there are two other items in the bill which need to be clarified. The first is in Section 5, #8(c). If this section remains in its current form, #8(c) at the top of page 4 may need to be deleted. Since it is the duty of the director to appoint staff as outlined in #8(a) on page 3, I don't believe that it would be desirable for the regional planning commission to also employ staff persons and #8(c) implies that the commission has that authority.

The second item has to do with conformance review of master plan amendments. My understanding was that it was the intent of the Washoe Delegation in this bill to require conformance review by the regional planning commission of amendments to a local master plan from the moment this bill passes. In other words, when the City or a developer proposes to amend the Reno Master Plan, it would be necessary for the regional planning commission to review the proposed amendment and make a determination as to whether or not it conforms to our existing regional plan as an interim measure until the new comprehensive regional plan is adopted. In reading this bill, I don't believe that interim measure was included. If I'm correct in the Delegation's intent, I'll be happy to work with the bill drafter to make sure that that item is clarified.

Thank you for the opportunity to speak on this bill. Are there any questions?

cp10/sb367

MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Sixty-fifth Session  
May 17, 1989

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 1:30 p.m., on Wednesday, May 17, 1989, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman  
Senator Sue Wagner, Vice Chairman  
Senator William J. Raggio  
Senator Charles W. Joerg  
Senator Thomas J. Hickey  
Senator Nicholas J. Horn  
Senator R. Hal Smith

STAFF PRESENT:

Robert E. Erickson, Research Director  
Barbara Kightlinger, Committee Secretary

ASSEMBLY BILL 502 - Authorizes state treasurer to deposit money by electronic transfer.

Darrel R. Daines, State Controller, stated A.B. 502, when first presented in the Assembly, provided direct deposits by the State Controller through electronic transfer to an account of a local government in the state which elected to receive payments in that manner. The initial problem was it would include only local governments to whom the state could make electronic transfers, destroying the state's ability to make electronic transfers to the Federal Government or anyone else they needed to do business with. The Assembly, in the first reprint, dropped all the language except that which gave the State Controller the option of direct deposit of a warrant through electronic funds transfer. On the floor of the Assembly, A.B. 502 was amended again putting back in the language to allow electronic fund transfers upon the receipt of a request to do so. That transaction would be cumbersome if the state had to contact everyone to receive permission to do an electronic funds transfer. He urged the committee to DO PASS the first reprint of A.B. 502, as it would allow the State Controller the ability to do electronic funds



Bureau to establish National Guard  
Training Center at Hawthorne,  
Nevada.

Senator Virgil Getto, Nevada Central Senatorial District, stated support for S.J.R. 22. He indicated there was an identical resolution from the Assembly and requested scheduling and processing of the Assembly resolution to save time. He stated it would be a "boon" to Hawthorne, Nevada, and would be a perfect place to establish a training center since most of the facilities were already located there.

There being no further discussion, Senator O'Connell closed the hearing on S.J.R. 22.

SENATE BILL 367 - Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan.

Senator Wagner referred to Exhibit J for amendments to S.B. 367 and indicated there was a list of recommendations proposed at the hearing which were not proposed in the amendments.

Senator Raggio suggested Washoe County present to the legislature what the county anticipated was an added cost and if necessary, the legislature could grant them the authority to raise the money.

Senator Joerg suggested adding to the amendments language which would address if there was only one newspaper for the publications.

SENATOR RAGGIO MOVED TO AMEND AND DO PASS S.B. 367.

SENATOR WAGNER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

BILL DRAFT REQUEST 17-1624 - Authorizes legislator to perform professional services for the state under certain circumstances.

Senator O'Connell requested a motion for committee introduction of BDR 17-1624.

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DISCUSSION OF AMENDMENTS PROPOSED AT PUBLIC HEARING

(SENATE BILL 367)

The senate committee on government affairs held a public hearing on May 9, 1989, concerning Senate Bill 367 relative to regional planning in Washoe County. A subcommittee of the Washoe County legislative delegation subsequently reviewed the proposed amendments which were submitted at the hearing. Following is a discussion of the subcommittee's conclusions relative to the proposals.

PROPOSALS RECOMMENDED FOR INCLUSION IN BILL

The subcommittee recommends amendment of S.B. 367 in the following ways:

1. Change "regional planning commission" on page 4, lines 1 and 2, to "governing board."
2. Require publication of hearing notices in at least two newspapers of general circulation in the region.
3. Require a notice period of at least 30 days before the initial meeting of the regional planning commission and before the meeting at which the commission takes testimony concerning final approval of the comprehensive regional plan.
4. Add "land" to the list of resources on page 5, line 2, for which policies must be developed under the conservation portion of the regional plan.
5. Delete the requirement relative to the regional planning commission's making a finding "that there is little or no probability that approval or development of the project (of regional significance) will impair the value and effectiveness of the regional planning process or the comprehensive regional plan, and" (page 6, lines 17 through 19) before the project may be constructed during the period while the new comprehensive regional plan is being developed. Retain the requirement concerning the commission's finding that the proposal is in conformance with the existing regional plan.

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EXHIBIT J

6. Include as part of the definition of "project of regional significance" (after page 6, line 38). "provided, however, that a 'project of regional significance' shall not include any project which has received local planning commission approval of a request for a master plan amendment, a zone change, a tentative map, or a special use permit prior to the effective date of this act." (Also make appropriate changes to page 6, lines 12 and 13.)
7. Provide that facilities plans of public utilities which are subject to approval by the public service commission of Nevada must comply with the same review and comment procedures as plans prepared by state agencies (by adding this inclusion on page 7, line 2, and deleting sections 15 and 20 of the bill).
8. Add "within 60 days after receipt of the plan or amendment" to the end of page 7, line 5, to establish a time limit for review of plans and amendments submitted by state agencies.
9. Delete ", or any part of such a plan," on page 12, line 12, and add at the end of page 12, line 17, the provision that "In considering proposed amendments to local master plans before the comprehensive regional plan is adopted, the regional planning commission shall review the proposed amendments for conformance with the land use and transportation portions of the existing regional plan which are in effect when the amendments are being reviewed."

PROPOSALS NOT RECOMMENDED FOR INCLUSION IN THE BILL

Several of the proposals received at the public hearing are not recommended for inclusion in S.B. 367. Following is a summary of the reasons for the decision not to recommend inclusion of these proposals.

1. Proposals which had received previous consideration and for which testimony was not sufficient to reverse earlier decisions:
  - Add legislative declaration of intent and purpose. (Also, did not have a substantive, legal impact on the bill.)

- Specify that the regional transportation commission is an "affected entity." (Also, language is already clear that this commission is an "affected entity.")
  - Change membership of the regional planning commission to add technical experts.
  - Establish the governing board as a separately elected body.
  - Delete the provision which requires hiring of a director of regional planning and a professional assistant.
  - Require evening meetings. (Also, statements were placed in the hearing record that evening meetings should be held whenever feasible.)
  - Delete "intensity" in relationship to land use planning. (Also, the concept of intensity has been further defined, and it is not without precedent as noted in NRS 278.0201.)
  - Require development of a regional capital improvements plan as part of the regional planning process. (Also, already required that local governments prepare capital improvements plans and that these plans be in conformance with the local master plans.)
  - Include a statement indicating that nothing in this act precludes the comprehensive regional plan and local master plans from having to be in conformance with chapter 278 of NRS.
2. Proposals which could not be implemented in a clearly reasonable manner or for which the results of implementation are not clear:
- Make a finding that the plan is economically feasible. (Also, economic feasibility is not defined nor clearly understood.)
  - Require that the comprehensive regional plan prescribe a single data base for use by all entities. (Also, the special duties and responsibilities of some entities preclude this level of uniformity.)

- Include a provision which requires analysis of the relative costs and impact on consumer rates of all public services studied. (Also, this responsibility rests with the public service commission of Nevada.)
  - Provide that state agency regulations must be submitted to the regional planning commission for review as to conformance with the regional plan.
  - Change the title of the "conservation" element of the regional plan to "environmental impact" and include the word "conservation" in the text of the element.
3. Proposal not acceptable due to funding implications and competing needs for revenue:
- Provide specific language to ensure that the local governments fund the regional planning program at the level recommended by the regional governing board.
  - Provide an appropriation of \$245,000 to support the regional planning function.

FW/en:W89-1362,47

MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Sixty-fifth Session  
May 22, 1989.

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:00 p.m., on Monday, May 22, 1989, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman  
Senator Sue Wagner, Vice Chairman  
Senator Charles W. Joerg  
Senator Thomas J. Hickey  
Senator Nicholas J. Horn  
Senator R. Hal Smith

COMMITTEE MEMBERS ABSENT:

Senator William J. Raggio

STAFF PRESENT:

Robert E. Erickson, Research Director  
Barbara Kightlinger, Committee Secretary

SENATE BILL 425 - Limits exemption from state regulations for certain forms of transportation.

Joseph W. Brown, Attorney with Jones, Jones, Close & Brown in Las Vegas, Nevada, referred to Exhibit C for his testimony in support of S.B. 425.

Senator Wagner stated in reviewing the minutes in Exhibit 1 of Exhibit C, she agreed with Mr. Brown the committee had been led to believe the legislation in 1987 was intended for theme parks.

Mr. Brown stated it was clear in reviewing all testimony at each level; that most people, if not all, thought it was something other than what it turned out to be.

There being no further discussion, Senator O'Connell closed the hearing on S.B. 425.

\* \* \* \* \*

Senator O'Connell stated she had received a request to hold S.B. 425 and schedule another hearing so the opposition would have an opportunity to testify.

ASSEMBLY BILL 108 - Provides for merger of special district upon incorporation of city encompassing district.

Senator O'Connell requested a motion on A.B. 108.

SENATOR HICKEY MOVED TO DO PASS A.B. 108.

SENATOR WAGNER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY. (WITH SENATOR RAGGIO ABSENT FOR THE VOTE.)

\* \* \* \* \*

SENATE BILL 357 - Requires appointments by governor to be confirmed by senate.

Senator Wagner requested S.B. 357 be held until she could review the proposed amendments and report back to the committee.

SENATE BILL 344 - Limits requirement that governor approve contracts of Colorado River commission.

SENATE BILL 346 - Grants Colorado River commission general rulemaking authority.

Senator Smith stated he was continuing to work on S.B. 344 and S.B. 346 with the chairman of the board and would report back to the committee.

SENATE BILL 367 - Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan.

Senator Wagner stated she had delivered the amendments to bill.

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drafters and would report back to the committee when the amendments were done.

SENATE BILL 399 - Prohibits altering election precincts during specified periods except under certain circumstances.

Senator O'Connell requested a motion on S.B. 399.

SENATOR WAGNER MOVED TO AMEND AND DO PASS ON S.B. 399.

SENATOR HORN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY. (WITH SENATOR RAGGIO ABSENT FOR THE VOTE.)

\* \* \* \* \*

SENATE BILL 407 - Increases salary of sheriff of Washoe County.

Senator O'Connell stated she had received a request to indefinitely postpone S.B. 407 as the bill had been withdrawn.

SENATOR HORN MOVED TO INDEFINITELY POSTPONE S.B. 407.

SENATOR HICKEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY. (WITH SENATOR RAGGIO ABSENT FOR THE VOTE.)

\* \* \* \* \*

ASSEMBLY JOINT RESOLUTION 9 - Proposes to amend Nevada constitution to provide that Lieutenant Governor becomes Governor when permanent vacancy occurs in office of Governor.

Senator O'Connell requested a motion on A.J.R. 9. She stated A.J.R. 9 had been amended into S.J.R. 18.

SENATOR HICKEY MOVED TO INDEFINITELY POSTPONE A.J.R. 9

SENATOR HORN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WAGNER VOTED NO AND SENATOR



Assembly Bill No. 686.

Senator Rawson moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 732.

Senator Rawson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 733.

Senator Rawson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 739.

Senator Rawson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 745.

Senator Rawson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 754.

Senator Rawson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 761.

Senator Rawson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 768.

Senator Rawson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 939.

Amend sec. 5, page 4, lines 1 and 2, by deleting: "*regional planning commission;*" and inserting "*governing board;*".

Amend sec. 6, page 4, line 41, by deleting "*Notice*" and inserting: "*Except as otherwise provided in this subsection, notice*".

Amend sec. 6, page 4, lines 43 and 44, by deleting "The notice" and inserting: "If there is more than one newspaper of general circulation in the region, notice must be given by publication in at least two such newspapers. Notice of the time and place of the initial meeting of the regional planning commission and the hearing at which the commission receives testimony concerning final approval of the comprehensive regional plan must be given by publication at least 30 days before the day of the meeting or hearing. Notice given pursuant to this subsection".

Amend sec. 7, page 5, line 2, after "air," by inserting "land,".

Amend sec. 10, page 6, by deleting lines 12 through 19 and inserting: "regional significance must be reviewed by the regional planning commission.

2. Before construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in con-".

Amend sec. 10, page 6, between lines 38 and 39, by inserting: "The term does not include any project for which a request for an amendment to a master plan, change in zoning, tentative map or special use permit has been approved by the local planning commission before the effective date of this act.".

Amend sec. 11, page 7, by deleting lines 2 through 4 and inserting: "other similar plan by a state agency or a public utility whose plan must be approved by the public service commission of Nevada, the agency or utility shall submit the proposed plan or amendment to the regional planning commission, which shall, within 60 days after its receipt, review the plan or amendment and offer suggestions to the agency or utility regarding the".

Amend sec. 15, page 9, by deleting lines 1 through 13 and inserting: "Sec. 15. (Deleted by amendment.)".

Amend sec. 20, page 10, by deleting lines 32 through 45 and inserting: "Sec. 20. (Deleted by amendment.)".

Amend sec. 26, page 12, line 12, by deleting: "plan, or any part of such a plan," and inserting "plan".

Amend sec. 26, page 12, line 17, after the period by inserting: "Before a comprehensive regional plan is adopted, the regional planning commission shall review proposed amendments to local master plans for their conformance with the part of the regional plan relating to land use and transportation in effect at the time of the review.".

Senator Wagner moved the adoption of the amendment.

Remarks by Senator Wagner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

5/24/89

(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT

S.B. 367

SENATE BILL NO. 367—SENATORS WAGNER, MELLO, RAGGIO, TOWNSEND,  
BEYER, JOERG AND RHOADS

APRIL 25, 1989

Referred to Committee on Government Affairs

SUMMARY—Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan. (BDR 22-1380)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT related to planning; creating a regional planning commission and a governing board in certain counties; providing their duties; requiring the development of a comprehensive regional plan; requiring the inclusion in the plan of certain provisions in substance; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Chapter 278 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 17, inclusive, of this act.

3 Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the*  
4 *context otherwise requires:*

5 1. "Affected entity" means a public utility, franchise holder, local or  
6 regional agency, or any other entity having responsibility for planning or  
7 providing public facilities relating to transportation, water or sewer services,  
8 solid waste, energy generation and transmission, conventions and the promo-  
9 tion of tourism, air quality, flood control or public education. The term does  
10 not include:

11 (a) A state agency; or  
12 (b) A public utility which is subject to regulation by the public service  
13 commission of Nevada.

14 2. "Facilities plan" means a plan for the development of public facilities  
15 which will have a regional impact or which will aid in accomplishing regional  
16 goals relating to transportation, water or sewer services, solid waste, energy  
17 generation and transmission, conventions and the promotion of tourism, air  
18 quality, flood control or public education. The term does not include a plan  
19 for the development of a specific site or regulations adopted by an affected  
20 entity to implement the comprehensive regional plan.

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1 Sec. 3. 1. There is hereby created in each county whose population is  
2 100,000 or more but less than 400,000, a regional planning commission  
3 consisting of:

4 (a) Three members from the local planning commission of each city in the  
5 county whose population is 40,000 or more, appointed by the respective  
6 governing bodies of those cities;

7 (b) One member from the local planning commission of each city in the  
8 county whose population is less than 40,000, appointed by the respective  
9 governing bodies of those cities; and

10 (c) Three members from the local planning commission of the county,  
11 appointed by the governing body of the county, at least two of whom must  
12 reside in unincorporated areas of the county.

13 2. Except for the terms of the initial members of the commission, the term  
14 of each member is 3 years and until the selection and qualification of his  
15 successor. A member may be reappointed. A member who ceases to be a  
16 member of the local planning commission of the jurisdiction from which he is  
17 appointed automatically ceases to be a member of the commission. A vacancy  
18 must be filled for the unexpired term by the governing body which made the  
19 original appointment.

20 3. The commission shall elect its chairman from among its members. The  
21 term of the chairman is 1 year. The member elected chairman must have been  
22 appointed by the governing body of the county or a city whose population is  
23 40,000 or more, as determined pursuant to a schedule adopted by the com-  
24 mission and made a part of its bylaws which provides for the annual rotation  
25 of the chairmanship among each of those governing bodies.

26 4. A member of the commission must be compensated at the rate of \$40  
27 per meeting or \$200 per month, whichever is less.

28 Sec. 4. 1. There is hereby created in each county whose population is  
29 100,000 or more but less than 400,000, a governing board for regional  
30 planning consisting of:

31 (a) Three representatives appointed by the board of county commissioners,  
32 at least two of whom must represent or reside within unincorporated areas of  
33 the county. If the representative is:

34 (1) A county commissioner, his district must be one of the two districts  
35 in the county with the highest percentage of unincorporated area.

36 (2) Not a county commissioner, he must reside within an unincorpo-  
37 rated area of the county.

38 (b) Four representatives appointed by the governing body of the largest  
39 incorporated city in the county.

40 (c) Three representatives appointed by the governing body of every other  
41 incorporated city in the county whose population is 40,000 or more.

42 (d) One representative appointed by the governing body of each incorpo-  
43 rated city in the county whose population is less than 40,000.

44 2. Except for the terms of the initial members of the governing board, the  
45 term of each member is 3 years and until the selection and qualification of his  
46 successor. A member may be reappointed. A vacancy must be filled for the  
47 unexpired term by the governing body which made the original appointment.

1 3. The governing bodies may appoint representatives to the governing  
2 board from within their respective memberships. A member of a local gov-  
3 erning body who is so appointed and who subsequently ceases to be a member  
4 of that body, automatically ceases to be a member of the governing board.

5 4. The governing board shall elect its chairman from among its members.  
6 The term of the chairman is 1 year. The member elected chairman must have  
7 been appointed by the governing body of the county or a city whose popula-  
8 tion is more than 40,000, as determined pursuant to a schedule adopted by  
9 the governing board and made a part of its bylaws which provides for the  
10 annual rotation of the chairmanship among each of those governing bodies.

11 5. A member of the governing board who is also a member of the gov-  
12 erning body which appointed him shall serve without additional compensa-  
13 tion. All other members must be compensated at the rate of \$40 per meeting  
14 or \$200 per month, whichever is less.

15 6. The governing board may appoint such employees as it deems neces-  
16 sary for its work and may contract with city planners, engineers, architects  
17 and other consultants for such services as it requires.

18 7. The local governments represented on the governing board shall pro-  
19 vide the necessary facilities, equipment, staff, supplies and other usual oper-  
20 ating expenses necessary to enable the governing board to carry out its  
21 functions. The local governments shall enter into an agreement whereby those  
22 costs are shared by the local governments in proportion to the number of  
23 members that each appoints to the governing board. The agreement must also  
24 contain a provision specifying the responsibility of each local government,  
25 respectively, of paying for legal services needed by the governing board or by  
26 the regional planning commission.

27 8. The governing board shall prepare and adopt an annual budget and  
28 transmit it as a recommendation for funding to each of the local governments.

29 Sec. 5. There is hereby created the position of director of regional plan-  
30 ning. The director:

31 1. Is appointed by the governing board from a list of three names submit-  
32 ted by the regional planning commission, and serves at the pleasure of the  
33 governing board;

34 2. Must be selected on the basis of his training, experience, capability and  
35 interest in planning;

36 3. Must have the demonstrated ability to administer a major program  
37 relating to planning;

38 4. Shall devote his entire time and attention to the business of his office  
39 and shall not pursue any other business or occupation or hold any other office  
40 of profit;

41 5. Shall not hold any other position relating to planning with a regional or  
42 local entity in the county or be on leave of absence from any other regional or  
43 local entity in the county while holding the position of director;

44 6. Is responsible for administration of the regional planning program;

45 7. Shall appoint a professional assistant experienced in planning to assist  
46 in administration of the program; and

47 8. May:

1 (a) Appoint professional, technical or clerical staff to, and dismiss them  
2 from, positions which are approved by the governing board;

3 (b) Execute contracts for services and interlocal agreements which are  
4 approved by the governing board;

5 (c) Direct the activities of all other persons employed by the governing  
6 board; and

7 (d) Prepare an annual budget.

8 Sec. 6. 1. The regional planning commission shall develop a comprehen-  
9 sive regional plan for the physical development and orderly management of  
10 the growth of the region for the next 20 years.

11 2. The plan must consist of written text, appropriate maps and such goals  
12 and policies, including those addressing current and future problems, as may,  
13 in the opinion of the commission, affect the region as a whole and are proper  
14 for inclusion in the regional plan.

15 3. In developing the plan, the commission shall:

16 (a) Review and consider each existing regional plan and master plan that  
17 has been adopted pursuant to the provisions of this chapter and that applies to  
18 any area in the region, and any similar plan of a local government, and may  
19 seek and consider the advice of each local planning commission and any other  
20 affected entity; and

21 (b) Coordinate the elements of the plan and make them consistent with  
22 each other.

23 4. Before approving the plan, the commission must hold a public hearing  
24 on the proposed plan in each of the cities within the region and in the  
25 unincorporated area of the county.

26 5. Before amending the plan, the commission must hold at least one public  
27 hearing on the proposed amendment at a location in the region.

28 6. The approval of the plan or any amendment to it must be by resolution  
29 of the commission carried by the affirmative votes of not less than two-thirds  
30 of its total membership.

31 7. The regional planning commission shall review the plan annually,  
32 update it not less than every 5 years, and forward its recommendations  
33 regarding proposed amendments to the plan to the governing board for  
34 adoption. Amendments to the comprehensive regional plan may be proposed  
35 only by the regional planning commission, the governing board or a local  
36 governing body. Except as otherwise provided in subsection 8, all requests  
37 for amendments to the plan must be studied and considered at public hearings  
38 held annually by the commission.

39 8. The commission may consider a proposed amendment and determine  
40 whether it is necessary to the health and welfare of the community or substan-  
41 tially benefits the community in general. If the commission determines that the  
42 amendment is necessary, it may schedule a public hearing on the amendment  
43 at any time. Any person may appeal the determination of the commission to  
44 the governing board.

45 9. Except as otherwise provided in this subsection, notice of the time and  
46 place of each hearing required by the provisions of this section must be given  
47 by publication in a newspaper of general circulation in the region at least 10  
48 days before the day of the hearing. If there is more than one newspaper of

1 general circulation in the region, notice must be given by publication in at  
2 least two such newspapers. Notice of the time and place of the initial meeting  
3 of the regional planning commission and the hearing at which the commission  
4 receives testimony concerning final approval of the comprehensive regional  
5 plan must be given by publication at least 30 days before the day of the  
6 meeting or hearing. Notice given pursuant to this subsection must be a display  
7 advertisement of not less than 3 inches by 5 inches.

8 Sec. 7. The comprehensive regional plan must include goals, policies,  
9 maps and other documents relating to:

10 1. Population, including a projection of population growth in the region  
11 and the resources that will be necessary to support that population.

12 2. Conservation, including policies relating to the use and protection of  
13 air, land, water, and other natural resources, ambient air quality, natural  
14 recharge areas, floodplains and wetlands, and a map showing the areas that  
15 are best suited for development based on those policies.

16 3. Land use and transportation, including the classification of future land  
17 uses by density or intensity of development based upon the projected necessity  
18 and availability of public facilities and services and natural resources, and  
19 the compatibility of development in one area with that of other areas in the  
20 region. This portion of the plan must allow for a variety of uses, describe the  
21 transportation facilities that will be necessary to satisfy the requirements  
22 created by those future uses and must be based upon the policies and map  
23 relating to conservation that are developed pursuant to subsection 2, surveys,  
24 studies and data relating to the area, the amount of land required to accom-  
25 modate planned growth, the population of the area projected pursuant to:  
26 subsection 1, and the characteristics of undeveloped land in the area.

27 4. Public facilities and services, including provisions relating to sanitary  
28 sewer facilities, solid waste, flood control, potable water and ground-water  
29 aquifer recharge which are correlated with principles and guidelines for  
30 future land uses, and which specify ways to satisfy the requirements created  
31 by those future uses. This portion of the plan must describe the problems and  
32 needs of the area relating to public facilities and services and the general  
33 facilities that will be required for their solution and satisfaction, identify the  
34 providers of public services within the region and the area within which each  
35 must serve, including service territories set by the public service commission  
36 of Nevada for public utilities, and must establish the time within which those  
37 public facilities and services necessary to support the development relating to  
38 land use and transportation must be made available to satisfy the require-  
39 ments created by that development.

40 5. Annexation, including the identification of spheres of influence for each  
41 unit of local government, improvement district or other service district and  
42 specifying standards and policies for changing the boundaries of a sphere of  
43 influence and procedures for the review of development within each sphere of  
44 influence. As used in this subsection, "sphere of influence" means an area  
45 into which a political subdivision may expand in the foreseeable future.

46 6. Intergovernmental coordination, including the establishment of guide-  
47 lines for determining whether local master plans and facilities plans conform  
48 with the comprehensive regional plan.

1 Sec. 8. To assist in the formulation of the plan, the governing board may  
2 appoint advisory committees to advise and report to the regional planning  
3 commission. No more than three members of the governing board may serve  
4 on any advisory committee and they must not constitute more than 20 percent  
5 of the membership of the committee.

6 Sec. 9. The governing board shall adopt the plan approved by the  
7 regional planning commission with any amendments it deems necessary.  
8 Before adopting the plan with any amendments the board shall submit each  
9 proposed amendment to the regional planning commission for its review and  
10 comment. The commission shall complete its review and return the plan to the  
11 governing board within 30 days or as specified by the board. Within 30 days  
12 after its receipt of the commission's comments, the governing board shall  
13 consider those comments and adopt the plan with or without amendment. The  
14 adoption of the plan or any amendment must be by resolution of the governing  
15 board carried by a simple majority of its total membership. Before the adop-  
16 tion of the plan or any amendment, the governing board must hold a public  
17 hearing, notice of the time and place of which must be given by publication in  
18 a newspaper of general circulation in the region not later than 10 days before  
19 the day of the hearing.

20 Sec. 10. 1. Until the comprehensive regional plan is adopted and the  
21 master plan for the county or city within whose jurisdiction a project is  
22 located is found to be in conformity with the regional plan, any project of  
23 regional significance must be reviewed by the regional planning commission.

24 2. Before construction on a project of regional significance may begin, the  
25 regional planning commission must make a finding that the project is in  
26 conformance with the existing regional plan. If the finding of the commission  
27 is otherwise, it may be appealed to the governing board. In making its  
28 determination, the commission shall not consider the merits or deficiencies of  
29 a project in a manner other than is necessary to enable it to make that  
30 determination.

31 3. If the commission fails to make any finding regarding a project of  
32 regional significance within 60 days after the project is submitted to it, the  
33 finding necessary to allow construction on the project to begin shall be  
34 deemed to have been made.

35 4. As used in this section, "project of regional significance" means a  
36 project which will require a change in zoning, special use permit, amendment  
37 to a master plan, or a tentative map which, if approved, will have an effect on  
38 the region of increasing:

- 39 (a) Employment by not less than 938 employees;
  - 40 (b) Housing by not less than 625 units;
  - 41 (c) Hotel accommodations by not less than 625 rooms;
  - 42 (d) Sewage by not less than 187,500 gallons per day;
  - 43 (e) Water usage by not less than 625 acre feet per year; or
  - 44 (f) Traffic by not less than an average of 6,250 trips daily.
- 45 The term does not include any project for which a request for an amendment  
46 to a master plan, change in zoning, tentative map or special use permit has  
47 been approved by the local planning commission before the effective date of  
48 this act.

1 Sec. 11. 1. Before the adoption or amendment of any master plan, facili-  
2 ties plan or other similar plan, each governing body and any other affected  
3 entity shall submit the proposed plan or amendment to the regional planning  
4 commission, which shall review the plan or amendment at one or more public  
5 hearings held within 60 days after its receipt of that plan or amendment and  
6 determine whether the proposed plan or amendment conforms with the com-  
7 prehensive regional plan. The commission shall specify those parts of the plan  
8 or amendment, if any, that are not in conformance and why they fail to  
9 conform.

10 2. Before the adoption or amendment of any master plan, facilities plan or  
11 other similar plan by a state agency or a public utility whose plan must be  
12 approved by the public service commission of Nevada, the agency or utility  
13 shall submit the proposed plan or amendment to the regional planning com-  
14 mission, which shall, within 60 days after its receipt, review the plan or  
15 amendment and offer suggestions to the agency or utility regarding the con-  
16 formance of the plan with the comprehensive regional plan.

17 3. Except as otherwise provided in section 12 of this act, a local governing  
18 body or any other affected entity shall not adopt a master plan, facilities plan  
19 or other similar plan, or any amendment to any of those plans, unless the  
20 regional planning commission has determined that the plan or amendment is  
21 in conformance with the comprehensive regional plan. A proposed plan is in  
22 conformance with the comprehensive regional plan if it is not in conflict with  
23 the comprehensive regional plan and it promotes the goals and policies of the  
24 comprehensive regional plan.

25 4. If the regional planning commission fails to make a determination  
26 within 60 days after its receipt from an affected entity or local governing body  
27 of a proposed plan or amendment pursuant to this section, the plan or  
28 amendment shall be deemed to be in conformance with the comprehensive  
29 regional plan.

30 5. An affected entity or a local governing body which has submitted a  
31 proposed plan and which disagrees with the reasons given by the regional  
32 planning commission for making a determination of nonconformance pursu-  
33 ant to this section, may file an objection with the regional planning commis-  
34 sion within 45 days after the issuance of that determination. The affected  
35 entity or local governing body shall attach its reasons why the plan is in  
36 conformance with the comprehensive regional plan. The regional planning  
37 commission shall consider the objection and issue its final determination of  
38 conformance or nonconformance within 45 days after the objection is filed.  
39 The determination may be appealed to the governing board not later than 30  
40 days after its issuance.

41 6. Within 45 days after its receipt of an appeal, the governing board shall  
42 consider the appeal and issue its decision, which must be made by the  
43 affirmative votes of a simple majority of its total membership. If the board  
44 affirms the determination of the commission, the affected entity or local  
45 governing body shall, within 60 days after the issuance of the decision,  
46 propose revisions to the plan and resubmit the plan together with those  
47 proposed revisions to the commission for review in accordance with the  
48 provisions of this section.

1 7. Any determination of conformance made by the commission pursuant to  
2 this section must be made by the affirmative votes of not less than two-thirds  
3 of its total membership.

4 Sec. 12. 1. Following the initial adoption of the comprehensive regional  
5 plan or any portion of it, each local planning commission, and any other  
6 affected entity shall review its respective master plan, facilities plan and other  
7 similar plans, amend them to conform with the provisions of the compre-  
8 hensive regional plan, and submit them, within 60 days after the adoption of the  
9 comprehensive plan, to the regional planning commission. The regional plan-  
10 ning commission shall review the plans at one or more public hearings held  
11 within 180 days after their submission and determine whether they conform  
12 with the comprehensive regional plan. The regional planning commission  
13 shall specify which parts of the plan, if any, are not in conformance and why  
14 they fail to conform.

15 2. If the regional planning commission fails to make a determination  
16 within 180 days after the submission of a plan pursuant to this section, the  
17 plan shall be deemed to be in conformance with the comprehensive regional  
18 plan.

19 3. An affected entity or local governing body that has submitted a plan and  
20 disagrees with the reasons given by the regional planning commission for  
21 making a determination of nonconformance pursuant to this section may file  
22 an objection with the regional planning commission within 45 days after the  
23 issuance of that determination. The affected entity or local governing body  
24 shall attach its reasons why the plan is in conformance with the compre-  
25 hensive regional plan. The regional planning commission shall consider the  
26 objection and issue its final determination of conformance or nonconformance  
27 within 45 days after the objection is filed. The determination may be appealed  
28 to the governing board not later than 30 days after its issuance.

29 4. Within 45 days after its receipt of an appeal, the governing board shall  
30 consider the appeal and issue its decision. If the board affirms the determina-  
31 tion of the commission, the affected entity or local governing body shall,  
32 within 60 days after the issuance of the decision, propose revisions to the plan  
33 and resubmit the plan together with the proposed revisions to the commission  
34 for review in accordance with this section.

35 Sec. 13. Any action of a local government relating to development, zon-  
36 ing, the subdivision of land or capital improvements must conform to the  
37 master plan of the local government. In adopting any ordinance or regulation  
38 relating to development, zoning, the subdivision of land or capital improve-  
39 ments, the local government shall make a specific finding that the ordinance  
40 conforms to the master plan. Within 1 year after its adoption of any portion of  
41 a master plan, the local government shall review and, if necessary, amend its  
42 existing ordinances to ensure their conformity with the provisions of the  
43 master plan. If any provision of the master plan is inconsistent with any  
44 regulation relating to land development, the provision of the master plan  
45 governs any action taken in regard to an application for development.

46 Sec. 14. 1. Each local planning commission responsible for the prepara-  
47 tion of a city or county master plan and each affected entity shall prepare and  
48 submit to the regional planning commission and the governing board a

1 complete report by April 1 of each year indicating any action taken within the  
2 previous calendar year which furthers or assists in carrying out the policies  
3 or programs contained in the comprehensive regional plan, and any work  
4 relating to the comprehensive regional plan that is proposed for the next fiscal  
5 year.

6 2. Before submitting a recommendation for proposed legislation or begin-  
7 ning any program or project relating to the mandatory provisions of the  
8 comprehensive regional plan, a unit of local government or an affected entity  
9 shall file all relevant information relating to that request, program or project  
10 with the governing board.

11 Sec. 15. (Deleted by amendment.)

12 Sec. 16. The region defined in NRS 278.790 is exempt from the provisions  
13 of sections 2 to 17, inclusive, of this act.

14 Sec. 17. Nothing contained in the provisions of section 2 to 17, inclusive,  
15 of this act, requires any entity that has not already adopted a facilities plan to  
16 do so.

17 Sec. 18. NRS 278.010 is hereby amended to read as follows:  
18 278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to  
19 17, inclusive, of this act, unless the context otherwise requires:

20 1. "Acre site" consists of 43,560 square feet of land, and includes any  
21 public streets and alleys or other rights of way or easements.

22 2. "Building code" means ordinances, plans, regulations, or rulings  
23 adopted by the governing body for the purpose of regulating and specifying  
24 the soundness of construction of structures.

25 3. "Cities and counties" means all counties and cities located in counties.  
26 Carson City is considered as a county.

27 4. "Commission" means the planning commission of the city, the county  
28 or the region, as established by ordinance. [...] or by the provisions of this  
29 chapter.

30 5. "County surveyor" means a person appointed as such or a person  
31 designated by a board of county commissioners or the board of supervisors of  
32 Carson City to perform the duties of a county surveyor under this chapter.

33 6. "Final map" means a map prepared in accordance with the provisions  
34 of NRS 278.010 to 278.630, inclusive, and those of any applicable local  
35 ordinance, which is designed to be placed on record in the office of the county  
36 recorder of the county in which any part of the subdivision is located or the  
37 recorder of Carson City.

38 7. "Governing body" means the city council or other legislative body of  
39 the city or the board of county commissioners or, in the case of Carson City,  
40 the board of supervisors.

41 8. "Improvement" means such street work and utilities to be installed on  
42 land dedicated or to be dedicated for streets and easements as are necessary  
43 for local drainage, local traffic and the general use of property owners in the  
44 subdivision.

45 9. "Local ordinance" means an ordinance enacted by the governing body  
46 of any city or county, under the powers granted in NRS 278.010 to 278.630,  
47 inclusive, and within the limitations therein set forth, regulating the design  
48 and improvement of land subdivisions.

1 10. "Lot" means a distinct part or parcel of land which has been divided  
2 to transfer ownership or to build. The term does not include a parcel of land  
3 used or intended solely for use as a location for a water well.

4 11. "Parcel map" means a map as provided in NRS 278.461, 278.462  
5 and 278.464 to 278.467, inclusive.

6 12. "Right of way" includes all public and private rights of way and all  
7 areas required for public use in accordance with any master plan or parts  
8 thereof.

9 13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys,  
10 viaducts, public easements and rights of way, and other ways.

11 14. "Subdivider" means a person who causes land to be divided into a  
12 subdivision for himself or for others.

13 15. "Tentative map" means a map made to show the design of a proposed  
14 subdivision and the existing conditions in and around it.

15 Sec. 19. NRS 278.090 is hereby amended to read as follows:

16 278.090 1. [The] Except in a county in which a regional planning com-  
17 mission is created pursuant to the provisions of sections 2 to 17, inclusive, of  
18 this act, the board of county commissioners of any county alone or in  
19 collaboration with the governing body of the incorporated cities in the county  
20 or any of them or in collaboration with the board or boards of county  
21 commissioners of any adjacent county or counties, or the governing bodies of  
22 adjacent cities may establish a regional planning commission to consist of  
23 representatives of the county or counties or cities or region within the county  
24 or counties where the local government bodies participate in the formation of  
25 the regional planning commission.

26 2. The commission may also contain representatives of [such] the munici-  
27 palities to be selected in a manner to be determined by ordinance adopted by  
28 the governing bodies of the municipalities, or municipalities and the county  
29 or counties concerned.

30 Sec. 20. (Deleted by amendment.)

31 Sec. 21. Section 1 of chapter 81, Statutes of Nevada 1989, is hereby  
32 amended to read as follows:

33 Section 1. Chapter 278 of NRS is hereby amended by adding thereto  
34 a new section to read as follows:

35 *The governing body of each local government whose budget includes*  
36 *any expenditure for the acquisition or maintenance of a capital improve-*  
37 *ment shall annually prepare a plan for capital improvements which*  
38 *conforms with its master plan and which includes at least the 3 ensuing*  
39 *fiscal years but not more than 5 fiscal years.*

40 Sec. 22. Each governing board created by section 4 of this act shall report  
41 its activities and progress to the sixty-sixth session of the legislature on or  
42 before March 1, 1991.

43 Sec. 23. Each regional planning commission which exists on the effective  
44 date of this act pursuant to the provisions of NRS 278.030 to 278.170,  
45 inclusive, in a county whose population is 100,000 or more but less than  
46 400,000, is hereby abolished.

47 Sec. 24. 1. The initial members of each regional planning commission  
48 created by section 3 of this act must be appointed by the respective governing

1 bodies within 30 days after the effective date of this act. Each governing body  
2 referred to in paragraphs (a) and (c) of subsection 1 of that section shall  
3 appoint:

4 (a) One member who shall serve until the selection and qualification of his  
5 successor in July of 1991;

6 (b) One member who shall serve until the selection and qualification of his  
7 successor in July of 1992; and

8 (c) One member who shall serve until the selection and qualification of his  
9 successor in July of 1993.

10 2. The initial members of each governing board created by section 4 of  
11 this act must be appointed by the respective governing bodies within 30 days  
12 after the effective date of this act, and:

13 (a) The board of county commissioners referred to in paragraph (a) of  
14 subsection 1 of that section and each governing body referred to in paragraph  
15 (c) of subsection 1 of that section shall appoint:

16 (1) One member who shall serve until the selection and qualification of  
17 his successor in July of 1991;

18 (2) One member who shall serve until the selection and qualification of  
19 his successor in July of 1992; and

20 (3) One member who shall serve until the selection and qualification of  
21 his successor in July of 1993.

22 (b) The governing body referred to in paragraph (b) of subsection 1 of that  
23 section shall appoint:

24 (1) One member who shall serve until the selection and qualification of.  
25 his successor in July of 1991;

26 (2) One member who shall serve until the selection and qualification of  
27 his successor in July of 1992; and

28 (3) Two members who shall serve until the selection and qualification of  
29 their successors in July of 1993.

30 Sec. 25. 1. The local governments represented on a governing board cre-  
31 ated pursuant to section 4 of this act shall enter into an agreement pursuant to  
32 subsection 7 of section 4 of this act on or before 90 days after the effective  
33 date of this act.

34 2. The regional planning commission created by section 3 of this act shall  
35 develop and approve a regional plan as required by section 6 of this act and  
36 transmit it to the governing board within 18 months after the effective date of  
37 this act.

38 3. The governing board shall either adopt the plan transmitted pursuant to  
39 subsection 2 or submit a proposed amendment to the regional planning com-  
40 mission within 60 days after it receives the plan.

41 Sec. 26. 1. Except as otherwise provided in subsection 2, a regional plan  
42 in existence on the effective date of this act remains in effect until a compre-  
43 hensive regional plan is adopted pursuant to the provisions of sections 2 to  
44 17, inclusive, of this act.

45 2. Any part of a regional plan relating to land use and transportation in  
46 existence on the effective date of this act remains in effect until a new land use  
47 and transportation portion of a comprehensive regional plan is adopted pursu-  
48 ant to the provisions of sections 2 to 17, inclusive, of this act. Before a



1 comprehensive regional plan is adopted, the regional planning commission  
2 shall review proposed amendments to local master plans for their conform-  
3 ance with the part of the regional plan relating to land use and transportation  
4 in effect at the time of the review.  
5 Sec. 27. This act becomes effective upon passage and approval.

Ⓢ

Assembly Bill No. 512.

Bill read second time and ordered to third reading.

Assembly Bill No. 646.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 238.

Bill read third time.

Remarks by Senators Getto, Neal, O'Donnell, Coffin and Hickey.

Roll call on Senate Bill No. 238:

YEAS—21.

NAYS—None.

Senate Bill No. 238 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 354.

Bill read third time.

Remarks by Senators Raggio and O'Connell.

Roll call on Senate Bill No. 354:

YEAS—20.

NAYS—O'Connell.

Senate Bill No. 354 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 363.

Bill read third time.

Roll call on Senate Bill No. 363:

YEAS—21.

NAYS—None.

Senate Bill No. 363 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 367.

Bill read third time.

Remarks by Senators Wagner and Raggio.

Senator Raggio requested that the following remarks be entered in the Journal.

SENATOR WAGNER:

Senate Bill No. 367 places into state law the requirements for regional planning in Washoe County.

As some of you are aware, and I was just asked by our delegation chairman where this came from, this measure was developed through the Washoe County legislative delegation. After receiving an original draft from the local governments, the delegation appointed a subcommittee to work on the proposal. I had the honor of chairing the subcommittee. The other members were Assemblymen Jan Evans and Bob Sador.

The subcommittee met in-house to discuss the proposal on six occasions. We met three times on a working level with representatives of local governments. In addition, the subcommittee has reported to the full Washoe County legislative delegation twice. The delegation held an evening public hearing to develop increased input. The Senate Committee on Government Affairs held a special evening hearing in Reno to take testimony from all interested parties.

At this point in the process, the bill before you has been through eight drafts.

The bill establishes a regional planning commission consisting of three representatives from each of the three local governments in the county. It specifies that these representatives must be members of their respective local planning commissions and that at least two of the county members must reside in the unincorporated portion of the county.

The measure also establishes a governing board for regional planning. This policy board consists of four representatives from the City of Reno, three members from the City of Sparks, and three representatives of Washoe County. Again, at least two of the three county members must represent or reside in the unincorporated portion of the county. Actions of the governing board are taken by a simple majority vote, while substantive actions of the planning commission require a two-thirds majority.

The bill calls for preparation of a comprehensive regional plan and outlines its required elements. Appointment of a director of regional planning is required, and relevant costs are to be shared by the local governments.

All local master-plans and all "facilities plans" prepared by "affected entities" must be reviewed and found to be in conformance with the comprehensive regional plan. Proposed amendments to these documents also must be found in conformance. State agency plans and "facilities plans" compiled by utilities are subject to review and comment provisions. During the interim while the new regional plan is being prepared, "projects of regional significance" may not proceed to construction until they are found to be in conformance with the existing regional plan.

The bill calls for the comprehensive regional plan to be completed by the regional planning commission within 18 months after the legislation is signed and that is on passage and approval. It requires a report of activities and progress to the 1991 session of the legislature.

I would personally like to say that I appreciate all of the participation we had in this effort and believe me, it has been a long time coming. Many of the representatives are here today from local governments, private interest groups, and citizens. I personally think it is a major step forward in planning for the Truckee Meadows, not only for the next five years but actually for the next 20 years.

In addition, I appreciate the work and assistance of the legislative counsel bureau staff.

SENATOR RAGGIO:

Thank you, Mr. President pro Tempore. This bill represented a goal that I personally set some years back when the local entities in Washoe County saw fit to dismantle the regional planning commission that was then in existence. At that time, I indicated, and I strongly felt that that was a regressive step. In fact, it was a step backwards in planning for all of Washoe County. From that point on for a number of years the individual local governments, the county of Washoe, City of Reno and the City of Sparks went off in different directions or at least not in symmetric directions in regional planning efforts.

There were some efforts to try to pull together on some of these issues but as things came to pass that effort, unfortunately, did not develop in the manner in which it should have if we were ever to ensure the residents of our communities some consistent long-term comprehensive planning for the area.

I think it is especially important because the geographic situation is not like many other areas. For all intents and purposes, if you exclude the Incline Village area which this bill does in effect and some of the rural areas, the Reno-Sparks-Washoe County population is largely in a bowl. It is largely a cohesive population within the confines of the mountains surrounding our urban communities. It makes little sense to impose restrictions, limitations and regulations which are tied to artificial geographic boundaries.

With that thought in mind, it seemed necessary if we were ever to achieve comprehensive regional planning to reinstitute a regional planning commission which had the

efficacy and the authority to do so. It was for that reason, in answer to Senator Mello's concern, that I did obtain the bill draft (and I'll take the credit or the blame whatever ultimately comes out of it). The bill draft was obtained for that purpose and with some input from the local entities and when it did surface before the members of this Washoe County delegation it was met, to say the least, with mixed emotions. To the credit of the Washoe County delegation (and I will admit to some urging on my part) we gave these entities a limited time in which to work together for the purpose of coming up with some suggestions that would make the bill draft more appealing and more to the point.

I want to commend not only our Washoe delegation for its cohesiveness and in the gentle nudge that was given to the members of the local entities, but for the first time I think realistically it caused the local governments in Washoe County to work together, to communicate fully, and to bring back suggestions to us for a better bill and one which would serve these needs and further these goals.

I indicated to you that through Senator Wagner's leadership on the subcommittee we instituted a process which I would commend to this Senate and to the legislature for future issues of a complex nature. We had more hearings before a bill was introduced than we ever had here on bills that have been introduced. Then we followed that along with hearings after the bill was introduced. It takes time but this was a bill which should not have been hurried; it is a measure which needed to be processed this session and the result is the best bill that could be hammered out with input not only from local entities, but as well from developers, builders, constituents, people who are concerned with reasonable or unreasonable growth, and all elements of these interests were involved in the process of hammering out the bill that is now here before the Senate for final approval. Likewise, I commend the subcommittee and all of the local governments and the interested people and groups who participated in that process.

I do think this is a realistic, meaningful step for comprehensive planning in the Washoe County area. I think it's something that could well be applied to other areas of the state and certainly to those areas that are experiencing unbridled growth. It certainly serves the purpose for which it has been created.

Roll call on Senate Bill No. 367:

YEAS—21.

NAYS—None.

Senate Bill No. 367 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 455.

Bill read third time.

Remarks by Senator Wagner.

Roll call on Senate Bill No. 455:

YEAS—21.

NAYS—None.

Senate Bill No. 455 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 18:

Resolution read third time.

Remarks by Senators Raggio, Titus, Neal, O'Donnell, Coffin and Joerg.

President pro Tempore Jacobsen requested the following remarks be entered in the Journal.

MINUTES OF THE  
SELECT COMMITTEE ON WASHOE COUNTY AFFAIRS

SIXTY-FIFTH SESSION  
June 5, 1989

The Select Committee on Washoe County Affairs was called to order by Chairman Evans at 7:00 P.M. on Monday, June 5, 1989, in Room 131 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda, Exhibit B is the Attendance Roster.

MEMBERS PRESENT:

Jan Evans, Chairman  
Bruce Bogaert  
Vivian Freeman  
Jim Gibbons  
David Humke  
Bob Kerns  
Joan Lambert  
Robert Sader  
Gary Sheerin  
Courtenay Swain

MEMBERS ABSENT:

John Marvel  
Leonard Nevin

GUEST LEGISLATORS PRESENT:

Senator Wagner

STAFF MEMBERS PRESENT:

Fred Welden, Chief Deputy Research Director

OTHERS PRESENT:

Robert Jones, Builders Association of Northern Nevada;  
Robert Lissner, Home Builder; Clayton Holstine, City of

Reno; Thomas Stephens, Chairman, Public Service Commission of Nevada.

Chairman Evans opened the meeting of June 5, 1989 to hear testimony on S.B. 367.

SENATE BILL 367: Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan.

Chairman Evans introduced Senator Sue Wagner, Washoe County Senate District 3, to make the presentation on SB 367.

Senator Wagner advised Senate Bill 367 places in state law the requirements for regional planning in Washoe County. This measure was developed through the Washoe County Legislative Delegation. After receiving an original draft from the local governments, the delegation appointed a subcommittee to work on the proposal. Senator Wagner functioned as chairman of the subcommittee with Assemblymen Jan Evans and Bob Sader as members.

The Senator continued with her presentation as outlined in (Exhibit C). Two handouts were given to the committee from Senator Wagner to better understand SB 367. One was a single page summary of the bill (Exhibit D), and the second was a chart depicting the time frames associated with the proposal (Exhibit E).

Senator Wagner thanked the members of the delegation board for the opportunity to present SB 367. She also gave a very special thanks to Assemblymen Evans and Sader for the time and work given to the subcommittee. Assemblymen Evans and Sader joined Senator Wagner in thanking Fred Welden and Bob Erickson of the Legislative Research Division for their work and their own time to make SB 367 something to be proud of, and make a difference in the Truckee Meadows for years to come.

Assemblyman Evans thanked Senator Wagner for the hours and labor she has put into the bill. Ms. Evans commented on Senator Wagner's leadership in pulling together such a complex piece of legislation and appreciated her endeavors.

Senator Wagner also expressed her thanks to the many who negotiated SB 367 such as the local governments, private sector and other citizens who participated in the process.

MINUTES OF THE NEVADA STATE LEGISLATURE  
SELECT COMMITTEE ON WASHOE COUNTY AFFAIRS

DATE: June 5, 1989

Page: 3

Assemblyman Swain asked about section 10, subsection 4, and how such specific figures were arrived at. Senator Wagner replied the figures were taken from the present definition of a "project of regional significance" used locally by governments.

Assemblyman Evans called for public testimony on SB 367 but asked for statements to be as brief and concise as possible. There have been lengthy hearings on the bill and there has been ample opportunity for previous testimony.

Robert Jones, Executive Director of the Builders Association of Northern Nevada, testified on SB 367. Mr. Jones felt a couple of issues were not dealt with properly and wished to elucidate on them again at this time. The first area Mr. Jones discussed was section 3, paragraph 1, which deals with the makeup of the commission. The Builders Association has no problem with the numbers or which entity members come from. The association believes it essential that there should be expertise dealing with such things as traffic, water, etc. on the commission, rather than being made up only of representatives from appointed bodies. Mr. Jones stated from the inception of the proposal they recommended the committee be made up of two members from the planning commissions of each of the three entities, each of the public work directors or their designee, the Superintendent of Schools, a representative of regional transportation or his designee, and representatives from the health department, the convention authority and the airport authority which would make up the board. The reasoning behind this recommendation is each of the entities are involved in areawide planning. If the proposed expertise sat specifically on the board, a number of advisory committees and the advisory process could be eliminated. It would possibly help to eliminate intergovernmental disputes at the regional level.

Mr. Jones referred the committee to section 4, paragraph 8 which is relatively vague with respect to funding. It is not specific enough to the recommendations of funding, and it holds no consequence for those who do not fund. Section 5, paragraph 8d, should include the approved budget and what enforcement over local government funding measures can be taken to secure the budget. In section 6, paragraph 3a, the language suggests it may take advice from the local planning commissions, and it was felt this language was too weak. The word "intensity" is

MINUTES OF THE NEVADA STATE LEGISLATURE  
SELECT COMMITTEE ON WASHOE COUNTY AFFAIRS

DATE: June 5, 1989

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used in section 7, paragraph 3. In the building community the word "intensity" is too vague, as a planning mechanism it lends itself to a lot of subjective interpretation and Mr. Jones would prefer it be done differently.

Mr. Jones reiterated, the emphasis on the data base all three entities work from should be consistent when flowing to the regional planning agency. The data base accepted by all entities at present is Sierra Pacific Power's population projections and the counties econometric model for determining growth in other areas. This seems to be the practice, but Mr. Jones felt it should be stated so all three of the local planning agencies are working from the same data base. Section 8 should be altered and the word "may" changed to "shall," if the expertise is not on the planning commission it is essential the word be changed. Section 10 and 11 is a concern voiced at meetings in which the existing regional plan be used as the primary base to operate under until such time as SB 367 is put in place. It is imperative that it not only inferences, as it does in section 10, but says something about the projects that fall below the listed threshold in SB 367. Local governments must deal with projects in a fashion currently used by the regional plan as it exists. Mr. Jones indicated the building association is acquiring information which suggests planning agencies could conceivably stop and wait for 18 months while the new plan is developed, even on projects less than the threshold. The record should indicate this must not be the case. Although Mr. Jones has voiced his remarks previously, he felt they have merit and should be considered.

The next person to testify on SB 367 was Bob Lissner, a homebuilder from Incline Village. Mr. Lissner has proposed a plan for affordable housing in Sun Valley and in anticipation of SB 367, the plans have been scaled back significantly to keep within the guidelines of the threshold. In scaling his plans back Mr. Lissner felt the planning agencies wanted to wait 18 months for the regional plan before they would address his concerns, he is very concerned it not happen. Mr. Lissner would like to see some language put in the bill which states projects under the threshold "shall" be reviewed and dealt with currently under the existing regional plan, and the potential for a new regional plan in 18 months not be used as a reason to withhold approval of projects under the limits.

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Assemblyman Sader questioned Mr. Lissner as to what kind of housing he was proposing in Sun Valley. Mr. Lissner replied, single family residential, manufactured housing with trailer overlay. The price range would be \$68,000 to \$70,000 on land in the Sun Valley basin. Mr. Sader asked if it was in the Sun Valley water and sewer surfaces. No it is not, and that is the source of the problems, trying to get decisions made, stated Mr. Lissner. Mr. Sader asked if Mr. Lissner had been told by Washoe County Planning the project should be put on hold pending the development of the regional plan. No, stated Mr. Lissner, the planning board had not told him specifically. He had been told by Washoe County agencies they are having difficulty determining how to deal with his request while they have the regional plan to deal with at the same time. "No one has flatly told me that they are going to put them on hold."

Assemblyman Evans was troubled by what she heard, language in the bill addresses specifically what Mr. Lissner had to say and until SB 367 is in place what the procedure will be. Ms. Evans felt it would be incumbent on the committee to communicate with the three entities by letter of intent from the legislature that it is important for them to follow what is prescribed in SB 367. The interpretation the three entities are giving, that projects need to be held for 18 months, is outside of the objective of the bill.

Assemblyman Swain agreed fully with Ms. Evans' statement and resented the impression section 10 in any way meant to prohibit growth in the next 18 months.

Mr. Tom Stephens, Chairman, Public Service Commission, assured the committee plans for utilities will be submitted to the regional planning commission and every effort will be made to incorporate suggestions. Mr. Stephens did not believe this would delay resource planning and would incorporate a good regional plan.

Chairman Evans thanked Mr. Stephens for the cooperation from his agency in putting the plan together.

Mr. Clay Holstine, City of Reno, testified in support of SB 367 and expressed appreciation to the delegation over the past five months for the opportunity to participate with the subcommittee in the development of the bill. The only concerns the City of Reno has are those voiced previously regarding the cost of staffing and legal judgments which may come against the board for rulings

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they make.

Assemblyman Freeman asked to have the word "intensity" explained, she remembered there was discussion in earlier hearings and observed the word was still being used. Senator Wagner explained use of the word "intensity" was discussed at great length. It was Senator Wagner's understanding it is a word that is known and recognized by planners and is not totally alien to people who work in this field. The word "intensity" should be part of the bill as people who deal with it understand it. Mr. Sader remarked there seemed to be some difference in opinion among planners that it is an accepted term. Intensity was explained as a word coming in to vogue whereas other language concepts were considered more traditional. Some members of local government felt very strongly about the word "intensity." The committee worked around the word by using other terms as well which have a more traditional connotation and reached somewhat of a compromise. Ms. Freeman asked if the words "intensity and density" were the same. Mr. Sader replied yes, the committee took the advice of those more schooled in the terms.

Assemblyman Freeman asked who will fund the changes. Senator Wagner replied it is spelled out in the bill. Local governments should be able to finance the activities in proportion to the number of members each appoints to the governing board. Local governments did ask for state appropriation of some \$245,000 to fund the program but the committee chose not to do so. Most of the local planners and elected officials the committee had worked with have not had a major problem with the financing. If someone is reluctant to pay as Mr. Jones had suggested, then the legislature would have to do something more specific next session, stated Senator Wagner.

Assemblyman Evans referred to section 10, "...until the comprehensive regional plan is adopted...", which refers to questions by Mr. Jones and Mr. Lissner who felt there had been some intent by at least one local entity to encourage them to wait until the master plan is adopted 18 months down the road. Chairman Evans felt section 10 is adequately spelled out and very clear and asked Senator Wagner for her comments. Senator Wagner also felt the wording and intent of section 10 was very clear. It may need some investigation, but Senator Wagner said she would not want to jump to conclusions based on the testimony heard earlier. Mr. Sader agreed, but felt

Chairman Evans suggestion for a letter of intent on the subject, by the delegation, to the local planning commissions might be appropriate. Senator Wagner agreed with Mr. Sader and felt a letter from the subcommittee or whoever is appropriate would be in order.

ASSEMBLYMAN KERNS MOVED TO DO PASS S.B. 367.

ASSEMBLYMAN SWAIN SECONDED THE MOTION.

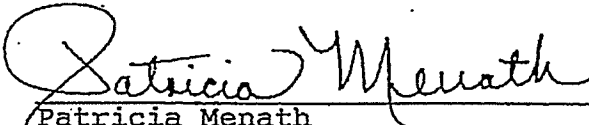
THE MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT.

Mr. Sader asked if authorization could be given to the subcommittee to draft a letter relating to the interim and the questions that have been under discussion. Mr. Humke asked if the letter would be from the joint subcommittee. Mr. Sader replied in the affirmative.

Assemblyman Freeman submitted a letter dated March 30, 1989 from a constituent to be included in the record (Exhibit F).

There being no additional matters to be heard by the committee, Chairman Evans adjourned the meeting at 7:45 p.m.

RESPECTFULLY SUBMITTED,

  
Patricia Menath  
Committee Secretary

ASSEMBLY

Agenda for Committee on SELECT COMMITTEE ON WASHOE COUNTY AFFAIRS

Day MONDAY Date JUNE 5 Time 7:00 p.m. Room 131

(.....) Superseded agenda No. .... for date .....

Number            Summary

SB 367 - Creates regional planning commission and governing board in certain counties and requires development of comprehensive regional plan.

52<sup>8</sup>

EXHIBIT A  
0200



EXPLANATION FOR COMMITTEE

SENATE BILL 367 - WASHOE COUNTY REGIONAL PLANNING

(FIRST REPRINT)

SENATE BILL 367 PLACES IN STATE LAW THE REQUIREMENTS FOR REGIONAL PLANNING IN WASHOE COUNTY.

CHRONOLOGY OF ACTIVITIES

AS MOST OF YOU ARE AWARE, THIS MEASURE WAS DEVELOPED THROUGH THE WASHOE COUNTY LEGISLATIVE DELEGATION. AFTER RECEIVING AN ORIGINAL DRAFT FROM THE LOCAL GOVERNMENTS, THE DELEGATION APPOINTED A SUBCOMMITTEE TO WORK ON THE PROPOSAL. I FUNCTIONED AS CHAIR OF THE SUBCOMMITTEE. THE OTHER MEMBERS WERE ASSEMBLYMEN JAN EVANS AND BOB SADER.

THE SUBCOMMITTEE MET IN-HOUSE TO DISCUSS THE PROPOSAL ON SIX OCCASIONS. WE MET THREE TIMES ON A WORKING LEVEL WITH REPRESENTATIVES OF THE LOCAL GOVERNMENTS. IN ADDITION, THE SUBCOMMITTEE HAS REPORTED TO THE FULL WASHOE COUNTY LEGISLATIVE DELEGATION TWICE, THE DELEGATION HELD AN EVENING PUBLIC HEARING TO DEVELOP INCREASED INPUT, AND THE SENATE COMMITTEE ON GOVERNMENT

AFFAIRS HELD A SPECIAL EVENING HEARING IN RENO TO TAKE TESTIMONY FROM ALL INTERESTED PARTIES.

AT THIS POINT IN THE PROCESS, THE BILL BEFORE YOU HAS BEEN THROUGH EIGHT DRAFTS. I WOULD SUBMIT TO YOU THAT S.B. 367 SHOULD BE IN RELATIVELY GOOD SHAPE.

SUMMARY OF BILL

ALTHOUGH IT WOULD PROBABLY NOT BE USEFUL FOR ME TO TAKE THE TIME TO GO THROUGH THE BILL LINE-FOR-LINE, I WOULD LIKE TO SUMMARIZE THE MAJOR POINTS.

SECTION 3 CREATES THE REGIONAL PLANNING COMMISSION CONSISTING OF THREE REPRESENTATIVES FROM EACH OF THE LOCAL GOVERNMENTS--THAT IS, THREE MEMBERS FROM WASHOE COUNTY, THREE FROM THE CITY OF RENO, AND THREE REPRESENTING THE CITY OF SPARKS. THE BILL SPECIFIES THAT AT LEAST TWO OF THE THREE COUNTY REPRESENTATIVES MUST RESIDE IN THE UNINCORPORATED PORTION OF THE COUNTY. THIS SECTION ALSO SETS UP 3-YEAR, STAGGERED TERMS OF OFFICE FOR THE MEMBERS.

SECTION 4, IN TURN, ESTABLISHES THE GOVERNING BOARD FOR REGIONAL PLANNING. THE COMPOSITION OF THE GOVERNING BOARD INCLUDES THREE

REPRESENTATIVES OF THE COUNTY, FOUR REPRESENTATIVES OF THE CITY OF RENO, AND THREE MEMBERS FROM THE CITY OF SPARKS.

THE MEASURE PROVIDES THAT THE LOCAL ELECTED OFFICIALS MAY APPOINT MEMBERS OF THEIR COUNTY COMMISSION OR CITY COUNCIL TO SERVE ON THIS REGIONAL GOVERNING BOARD. AGAIN, HOWEVER, AT LEAST TWO OF THE THREE COUNTY REPRESENTATIVES MUST RESIDE WITHIN THE UNINCORPORATED PORTION OF THE COUNTY; OR IF THE REPRESENTATIVES ARE COUNTY COMMISSIONERS, THEY MUST BE FROM ONE OF THE TWO DISTRICTS IN THE COUNTY WITH THE HIGHEST PERCENTAGE OF UNINCORPORATED AREA.

SUBSECTION 7 OF SECTION 4 ALSO PROVIDES THAT THE LOCAL GOVERNMENTS ARE TO FINANCE THE PLANNING ACTIVITIES IN PROPORTION TO THE NUMBER OF MEMBERS EACH APPOINTS TO THE GOVERNING BOARD.

SECTION 5 OF THE BILL OUTLINES THE MINIMUM REQUIREMENTS FOR STAFFING. IT CALLS FOR A DIRECTOR WHO IS APPOINTED BY THE GOVERNING BOARD FROM A LIST OF THREE NAMES SUBMITTED BY THE PLANNING COMMISSION. THIS SECTION ALSO REQUIRES THE DIRECTOR TO HIRE AT LEAST ONE PLANNING ASSISTANT.

SECTION 6 PROVIDES THE PROCEDURES FOR ADOPTION AND AMENDMENT OF THE REGIONAL PLAN. IT CALLS FOR A 2/3RDS VOTE OF THE PLANNING COMMISSION TO TAKE SUCH ACTIONS.



SUBSECTION 7 OF THIS SECTION PROVIDES FOR CONSIDERATION OF PROPOSED AMENDMENTS ON AN ANNUAL BASIS. IF, HOWEVER, AN EXTRAORDINARY SITUATION ARISES, THE COMMISSION IS AUTHORIZED THROUGH SUBSECTION 8 TO AMEND THE REGIONAL PLAN ON A MORE FREQUENT BASIS. AN EXAMPLE OF SUCH AN EXTRAORDINARY SITUATION COULD BE APPROVAL OF THE OLYMPICS FOR THE AREA, AT WHICH TIME IT MIGHT BE NECESSARY TO AMEND THE PLAN IN ORDER TO ACCOMMODATE ANY UNFORESEEN CIRCUMSTANCES.

SECTION 7 OUTLINES THE MANDATORY ELEMENTS OF THE REGIONAL PLAN.

SECTION 10 IS OF MAJOR IMPORTANCE IN THAT IT CALLS FOR SPECIAL REVIEW OF THE CONSTRUCTION OF LARGE-SCALE PROJECTS UNTIL THE NEW REGIONAL PLAN CAN BE COMPLETED. THE SECTION DEFINES "PROJECTS OF REGIONAL SIGNIFICANCE" AND REQUIRES THAT THE REGIONAL PLANNING COMMISSION FIND THESE LARGER PROJECTS TO BE IN CONFORMANCE WITH THE EXISTING REGIONAL PLAN BEFORE THEY MAY BE CONSTRUCTED DURING THE INTERIM PERIOD WHILE THE NEW REGIONAL PLAN IS BEING COMPILED.

SECTION 11 REQUIRES LOCAL MASTER PLANS AND AMENDMENTS TO THESE LOCAL MASTER PLANS TO BE IN CONFORMITY WITH THE COMPREHENSIVE REGIONAL PLAN. IT ALSO PROVIDES THAT OTHER LOCAL AND REGIONAL PLANS MUST BE IN CONFORMITY WITH THE REGIONAL PLAN. IN ADDITION, THIS SECTION ESTABLISHES A REVIEW MECHANISM FOR STATE PLANS AND

UTILITY PLANS WHICH ARE SUBJECT TO APPROVAL BY THE STATE'S PUBLIC SERVICE COMMISSION.

SECTION 16 EXEMPTS THE TAHOE BASIN PORTION OF WASHOE COUNTY FROM THE BILL, AND SECTION 22 REQUIRES A REPORT TO THE NEXT SESSION OF THE LEGISLATURE.

SECTION 25 REQUIRES THE REGIONAL PLANNING COMMISSION TO DEVELOP AND APPROVE THE NEW REGIONAL PLAN WITHIN 18 MONTHS; AND SECTION 26 "GRANDFATHERS" THE CURRENT REGIONAL PLAN AS THE OFFICIAL DOCUMENT UNTIL THE NEW ONE IS ADOPTED PURSUANT TO THE PROVISIONS OF THE BILL.

CONCLUDING COMMENTS

I REALIZE THAT WE HAVE ONLY HIT THE HIGHLIGHTS OF S.B. 367, BUT I DID NOT WANT TO TAKE TOO MUCH OF THE PUBLIC HEARING TIME IN EXPLAINING THE BILL. I HAVE A COUPLE OF HANDOUTS WHICH SHOULD BE HELPFUL IN UNDERSTANDING THE MEASURE. ONE IS A SINGLE-PAGE SUMMARY OF THE BILL. THE SECOND IS A CHART DEPICTING THE TIMEFRAMES ASSOCIATED WITH THE PROPOSAL.

WITH THIS OVERVIEW, MADAM CHAIRMAN, I WOULD THANK YOU AND THE MEMBERS OF THE WASHOE COUNTY ASSEMBLY DELEGATION FOR AFFORDING ME

THIS OPPORTUNITY TO SPEAK. IN CLOSING, I WOULD ALSO LIKE TO EXPRESS MY APPRECIATION TO YOU AND MR. SADER FOR THE WORK YOU PUT INTO THIS BILL AND TO PUBLICLY ACKNOWLEDGE YOUR EFFORTS. IT HAS NOT BEEN AN EASY SUBCOMMITTEE TO SIT ON, AND I SINCERELY COMMEND BOTH OF YOU.

WITH THESE COMMENTS, I WOULD BE OPEN TO ANY QUESTIONS THAT YOU MIGHT HAVE.

W89-1489,47

## SUMMARY OF WASHOE COUNTY REGIONAL PLANNING PROPOSAL

Following is a summary of the major points within the Washoe County regional planning bill (Senate Bill 367).

The measure places in state law the requirements for regional planning in Washoe County.

1. The bill creates a regional planning commission consisting of three representatives of each of the three local governments. These representatives must be members of their respective local planning commissions.
2. There is also created a governing board for regional planning which consists of three representatives of Washoe County, four representatives of Reno and three representatives of Sparks.
3. The substantive actions of the planning commission are taken by a two-thirds vote, while the actions of the governing board are taken by a simple majority.
4. The bill requires the appointment of a director of regional planning. It also requires that the relevant costs will be shared by the local governments as prescribed through an interlocal agreement.
5. The bill calls for preparation of a comprehensive regional plan and outlines its required elements.
6. The measure provides that all local master plans and all "facilities plans" prepared by "affected entities" must be reviewed and found to be in conformance with the comprehensive regional plan. Amendments to these documents must also be reviewed and found in conformance.
7. During the interim period while the regional plan is being prepared, "projects of regional significance" may not proceed to construction until the regional planning commission finds that they are in conformance with the existing regional plan.
8. The bill calls for the comprehensive regional plan to be completed by the regional planning commission within 18 months after the legislation is signed, and it requires a report of activities and progress to the 1991 session of the legislature.

This summary addresses Senate Bill 367 as it was voted out of the senate committee on government affairs. Additional amendments are possible as the measure proceeds through the legislative process.

FW/llp:G89-298.2,10  
5/18/89

MAXIMUM TIMEFRAMES ASSOCIATED WITH WASHOE COUNTY REGIONAL PLANNING PROPOSAL

(Based Upon Bill As To Be Introduced)

(April 10, 1989)

MONTHS		ACTIONS TO BE COMPLETED
Cumulative Total	Between Actions	
0	0	Passage and approval of the act.
1*	1*	Governing bodies of local governments to appoint members of the regional planning commission and the governing board.
3*	3*	Local governments enter interlocal agreement for support of regional planning activities.
18*	18*	Regional planning commission holds public hearings on the proposed regional plan in the county and each city, adopts the regional plan, and transmits it to the governing board.
20	2	Governing board holds public hearing and adopts regional plan or submits proposed amendments to the regional planning commission.
21	1	Regional planning commission reviews any amendments proposed by the governing board.
22	1	Governing board holds public hearing, considers regional planning commission comments on amendments, and adopts regional plan with or without amendments.
24**	2**	Local planning commissions and affected entities amend their plans to conform with the regional plan and submit their plans to the regional planning commission.
30	6	Regional planning commission reviews plans from local planning commissions and affected entities, holds public hearing, and determines whether these plans conform with the regional plan.
31 1/2	1 1/2	Local planning commissions and affected entities may file objection with the regional planning commission.
33	1 1/2	Regional planning commission considers objection and issues final determination of conformance or nonconformance.
34	1	Final determination may be appealed to governing board.
35 1/2	1 1/2	Governing board considers appeal and issues its determination.
37 1/2	2	If governing board affirms the regional planning commission's determination, the local planning commission or affected entity proposes revisions to its plan and resubmits the plan and proposed revisions to the regional planning commission.

\* These three activities are being conducted within the same time period.

\*\* Within 1 year after a local government adopts any portion of a master plan, it must review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the local master plan.

WR9-902.1,47,fw

March 30, 1989

Assemblywoman Vivian L. Freeman  
1665 Carlin Street  
Reno, NV 89503

RE: PROPOSED TRUCKEE MEADOWS REGIONAL PLANNING COMMITTEE

Dear Assemblywoman Freeman:

We agree with the proposal of a Regional Planning Committee, however, it should be limited to major issues to include water availability, major transportation network and controlled growth within the Truckee Meadows. We are against the formation of a committee which would add another layer of government at the neighborhood planning level.

Living in the McQueen Area (one of Reno's fastest growing communities), we have dealt extensively with the Reno Planning Department, Reno Planning Commission and Reno City Council. We have had a good rapport and excellent communications with all of these officials. Issues involved included: parks, density, transportation, schools, fire and police protection, and, in general, the quality of our neighborhood. They have always been receptive to our concerns and ideas about the development of our community. We believe the current planning process allows individuals to participate in the development of their neighborhood. If another governmental agency was formed, at the local level, it would probably destroy or gravely hinder this individual input.

We believe, as residents, we want to keep the planning of our neighborhood at the local level as it currently exists. We do not want to give up our planning rights to a Regional Planning Committee. Again, the Reno Planning Officials have been very responsive to our concerns. It is a very difficult job they are performing - trying to satisfy everyone's needs, both residents and developers.

We would like our letter to be included in the public record on the proposed Regional Planning Committee. We are opposed to adding additional layers to the neighborhood planning process.

Thank you for your time and efforts.

Sincerely,

*Ronald M. Hess*

*Rebecca Hess*

Ronald and Rebecca Hess  
1354 Ambassador Dr.  
Reno, NV 89523

747-1843 (H)  
784-6691 (W)

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EXHIBIT F  
0210

Roll call on Assembly Bill No. 865:

YEAS—42.

NAYS—None.

Assembly Bill No. 865 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 875.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 875:

YEAS—42.

NAYS—None.

Assembly Bill No. 875 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 31.

Resolution read third time.

Remarks by Assemblyman Brookman.

Roll call on Assembly Joint Resolution No. 31:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 367:

YEAS—42.

NAYS—None.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 386.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Senate Bill No. 386:

YEAS—42.

NAYS—None.

Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 588.

Bill read third time.

(b) Shall reduce the amount of the fees charged the recipient for services provided by the amount the attorney receives from the reduction of a lien authorized by the administrator pursuant to subsection 5.

Senate Bill No. 373—Committee on Human Resources and Facilities  
CHAPTER 369

AN ACT relating to indigent persons; authorizing payment from the fund for hospital care to indigent persons when an indigent resident of Nevada is injured by a motor vehicle outside of the state; clarifies that payments from that fund are for care furnished in Nevada; and providing other matters properly relating thereto.

[Approved June 17, 1989]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 428.145 is hereby amended to read as follows:

428.145 "Hospital" means an establishment located in Nevada which has the staff and equipment to provide diagnosis, care and treatment of all states of human injury and illness and which provides 24-hour medical care.

Sec. 2. NRS 428.215 is hereby amended to read as follows:

428.215 Whenever hospital care is furnished to a person on account of an injury suffered by the person in a motor vehicle accident, [in this state,] the hospital shall use reasonable diligence to collect the amount of the charges for that care from the patient or any other person responsible for his support. The hospital may request the board of county commissioners of the county in which:

1. The accident occurred, if the person is not a resident of this state [;] and the accident occurred in this state; or

2. The person resides, if the person is a resident of this state, to determine whether the person who received the care is an indigent person.

Sec. 3. NRS 428.255 is hereby amended to read as follows:

428.255 Any reimbursement or partial reimbursement made from the fund for unpaid charges for hospital care furnished to a person which are not greater than \$3,000, is a charge upon the county in which:

1. The accident occurred, if the person is not a resident of this state [;] and the accident occurred in this state; or

2. The person resides, if the person is a resident of this state, and must be paid upon a claim presented by the board as other claims against the county are paid.

Senate Bill No. 367—Senators Wagner, Mello, Raggio, Townsend,  
Beyer, Joerg and Rhoads

CHAPTER 370

AN ACT related to planning; creating a regional planning commission and a governing board in certain counties; providing their duties; requiring the development of a comprehensive regional plan; requiring the inclusion in the plan of certain provisions in substance; and providing other matters properly relating thereto.

[Approved June 17, 1989]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, water or sewer services, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality, flood control or public education. The term does not include:

(a) A state agency; or

(b) A public utility which is subject to regulation by the public service commission of Nevada.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, water or sewer services, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality, flood control or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

Sec. 3. 1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a regional planning commission consisting of:

(a) Three members from the local planning commission of each city in the county whose population is 40,000 or more, appointed by the respective governing bodies of those cities;

(b) One member from the local planning commission of each city in the county whose population is less than 40,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission. A vacancy

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must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is 40,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

Sec. 4. 1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 40,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

Sec. 5. There is hereby created the position of director of regional planning. The director:

1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;

2. Must be selected on the basis of his training, experience, capability and interest in planning;

3. Must have the demonstrated ability to administer a major program relating to planning;

4. Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit;

5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;

6. Is responsible for administration of the regional planning program;

7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and

8. May:

(a) Appoint professional, technical or clerical staff to, and dismiss them from, positions which are approved by the governing board;

(b) Execute contracts for services and interlocal agreements which are approved by the governing board;

(c) Direct the activities of all other persons employed by the governing board; and

(d) Prepare an annual budget.

Sec. 6. 1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.

2. The plan must consist of written text, appropriate maps and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.

3. In developing the plan, the commission shall:

(a) Review and consider each existing regional plan and master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and any similar plan of a local government, and may

seek and consider the advice of each local planning commission and any other affected entity; and

(b) Coordinate the elements of the plan and make them consistent with each other.

4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.

5. Before amending the plan, the commission must hold at least one public hearing on the proposed amendment at a location in the region.

6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total membership.

7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. Except as otherwise provided in subsection 8, all requests for amendments to the plan must be studied and considered at public hearings held annually by the commission.

8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.

9. Except as otherwise provided in this subsection, notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the region, notice must be given by publication in at least two such newspapers. Notice of the time and place of the initial meeting of the regional planning commission and the hearing at which the commission receives testimony concerning final approval of the comprehensive regional plan must be given by publication at least 30 days before the day of the meeting or hearing. Notice given pursuant to this subsection must be a display advertisement of not less than 3 inches by 5 inches.

Sec. 7. The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

2. Conservation, including policies relating to the use and protection of air, land, water, and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities and services and natural resources, and the compatibility of development in one area with that of other areas in the

region. This portion of the plan must allow for a variety of uses, describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses and must be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

4. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and ground-water aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction, identify the providers of public services within the region and the area within which each must serve, including service territories set by the public service commission of Nevada for public utilities, and must establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development.

5. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

6. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

Sec. 8. To assist in the formulation of the plan, the governing board may appoint advisory committees to advise and report to the regional planning commission. No more than three members of the governing board may serve on any advisory committee and they must not constitute more than 20 percent of the membership of the committee.

Sec. 9. The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment. The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board 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.

Sec. 10. 1. Until the comprehensive regional plan is adopted and the master plan for the county or city within whose jurisdiction a project is located is found to be in conformity with the regional plan, any project of regional significance must be reviewed by the regional planning commission.

2. Before construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in conformance with the existing regional plan. If the finding of the commission is otherwise, it may be appealed to the governing board. In making its determination, the commission shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

3. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, the finding necessary to allow construction on the project to begin shall be deemed to have been made.

4. As used in this section, "project of regional significance" means a project which will require a change in zoning, special use permit, amendment to a master plan, or a tentative map which, if approved, will have an effect on the region of increasing:

- (a) Employment by not less than 938 employees;
- (b) Housing by not less than 625 units;
- (c) Hotel accommodations by not less than 625 rooms;
- (d) Sewage by not less than 187,500 gallons per day;
- (e) Water usage by not less than 625 acre feet per year; or
- (f) Traffic by not less than an average of 6,250 trips daily.

The term does not include any project for which a request for an amendment to a master plan, change in zoning, tentative map or special use permit has been approved by the local planning commission before the effective date of this act.

Sec. 11. 1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

2. Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency or a public utility whose plan must be approved by the public service commission of Nevada, the agency or utility shall submit the proposed plan or amendment to the regional planning commission, which shall, within 60 days after its receipt, review the plan or amendment and offer suggestions to the agency or utility regarding the conformance of the plan with the comprehensive regional plan.

3. Except as otherwise provided in section 12 of this act, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is

in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.

4. If the regional planning commission fails to make a determination within 60 days after its receipt from an affected entity or local governing body of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

5. An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

7. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

Sec. 12. 1. Following the initial adoption of the comprehensive regional plan or any portion of it, each local planning commission, and any other affected entity shall review its respective master plan, facilities plan and other similar plans, amend them to conform with the provisions of the comprehensive regional plan, and submit them, within 60 days after the adoption of the comprehensive plan, to the regional planning commission. The regional planning commission shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the comprehensive regional plan. The regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

2. If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

3. An affected entity or local governing body that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file

an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

Sec. 13. Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.

Sec. 14. 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 plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.

2. Before submitting a recommendation for proposed legislation 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.

Sec. 15. (Deleted by amendment.)

Sec. 16. The region defined in NRS 278.790 is exempt from the provisions of sections 2 to 17, inclusive, of this act.

Sec. 17. Nothing contained in the provisions of section 2 to 17, inclusive, of this act, requires any entity that has not already adopted a facilities plan to do so.

Sec. 18. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to 17, inclusive, of this act, unless the context otherwise requires:

1. "Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.

2. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

3. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

4. "Commission" means the planning commission of the city, the county or the region, as established by ordinance [.] or by the provisions of this chapter.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor under this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, under the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

Sec. 19. NRS 278.090 is hereby amended to read as follows:

278.090 1. [The] Except in a county in which a regional planning commission is created pursuant to the provisions of sections 2 to 17, inclusive, of this act, the board of county commissioners of any county alone or in collaboration with the governing body of the incorporated cities in the county or any of them or in collaboration with the board or boards of county commissioners of any adjacent county or counties, or the governing bodies of adjacent cities may establish a regional planning commission to consist of

representatives of the county or counties or cities or region within the county or counties where the local government bodies participate in the formation of the regional planning commission.

2. The commission may also contain representatives of [such] *the* municipalities to be selected in a manner to be determined by ordinance adopted by the governing bodies of the municipalities, or municipalities and the county or counties concerned.

Sec. 20. (Deleted by amendment.)

Sec. 21. Section 1 of chapter 81, Statutes of Nevada 1989, is hereby amended to read as follows:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

*The governing body of each local government whose budget includes any expenditure for the acquisition or maintenance of a capital improvement shall annually prepare a plan for capital improvements which conforms with its master plan and which includes at least the 3 ensuing fiscal years but not more than 5 fiscal years.*

Sec. 22. Each governing board created by section 4 of this act shall report its activities and progress to the sixty-sixth session of the legislature on or before March 1, 1991.

Sec. 23. Each regional planning commission which exists on the effective date of this act pursuant to the provisions of NRS 278.030 to 278.170, inclusive, in a county whose population is 100,000 or more but less than 400,000, is hereby abolished.

Sec. 24. 1. The initial members of each regional planning commission created by section 3 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act. Each governing body referred to in paragraphs (a) and (c) of subsection 1 of that section shall appoint:

(a) One member who shall serve until the selection and qualification of his successor in July of 1991;

(b) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(c) One member who shall serve until the selection and qualification of his successor in July of 1993.

2. The initial members of each governing board created by section 4 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act, and:

(a) The board of county commissioners referred to in paragraph (a) of subsection 1 of that section and each governing body referred to in paragraph (c) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) One member who shall serve until the selection and qualification of his successor in July of 1993.

(b) The governing body referred to in paragraph (b) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) Two members who shall serve until the selection and qualification of their successors in July of 1993.

Sec. 25. 1. The local governments represented on a governing board created pursuant to section 4 of this act shall enter into an agreement pursuant to subsection 7 of section 4 of this act on or before 90 days after the effective date of this act.

2. The regional planning commission created by section 3 of this act shall develop and approve a regional plan as required by section 6 of this act and transmit it to the governing board within 18 months after the effective date of this act.

3. The governing board shall either adopt the plan transmitted pursuant to subsection 2 or submit a proposed amendment to the regional planning commission within 60 days after it receives the plan.

Sec. 26. 1. Except as otherwise provided in subsection 2, a regional plan in existence on the effective date of this act remains in effect until a comprehensive regional plan is adopted pursuant to the provisions of sections 2 to 17, inclusive, of this act.

2. Any part of a regional plan relating to land use and transportation in existence on the effective date of this act remains in effect until a new land use and transportation portion of a comprehensive regional plan is adopted pursuant to the provisions of sections 2 to 17, inclusive, of this act. Before a comprehensive regional plan is adopted, the regional planning commission shall review proposed amendments to local master plans for their conformance with the part of the regional plan relating to land use and transportation in effect at the time of the review.

Sec. 27. This act becomes effective upon passage and approval.

Senate Bill No. 277—Committee on Natural Resources

CHAPTER 371

AN ACT relating to hazardous materials; providing for the regulation of storage tanks; providing a penalty; and providing other matters properly relating thereto.

[Approved June 17, 1989]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in sections 2 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act, have the meanings ascribed to them in those sections.*

**EXHIBIT "6"**

**EXHIBIT "6"**

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# **2012 Truckee Meadows Regional Plan**

Adopted July 18, 2013 (Version 1)  
Amended December 12, 2013 (Version 2)  
Amended December 11, 2014 (Version 3)  
Amended April 9, 2015 (Version 4)  
Amended September 10, 2015 (Version 5)  
Amended February 11, 2016 (Version 6)  
Amended October 20, 2016 (Version 7)  
Amended December 8, 2016 (Version 8)

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For more information regarding the Truckee Meadows Regional Plan please contact:

Truckee Meadows Regional Planning Agency  
1105 Terminal Way, Suite 316  
Reno, Nevada 89502  
Phone: (775) 321-8385  
Fax: (775) 321-8386  
Website: [www.tmrpa.org](http://www.tmrpa.org)  
Email: [input@tmrpa.org](mailto:input@tmrpa.org)

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## **USE OF THIS DOCUMENT**

The comprehensive Truckee Meadows Regional Plan is intended to comply with the statutory requirements of Nevada Revised Statutes (NRS) 278.0274. In addition to the comprehensive Truckee Meadows Regional Plan, the Regional Planning Governing Board (RPGB) has adopted regulations pursuant to NRS 278.0265 that address a variety of topics not addressed in the comprehensive Truckee Meadows Regional Plan. No reliance should be placed on the comprehensive Truckee Meadows Regional Plan without consulting the applicable statutes, regulations adopted by the RPGB, and the guidelines adopted by the Regional Planning Commission (RPC).

## **REGIONAL PLAN - VISION STATEMENT**

*The Truckee Meadows Regional Plan is the foundation for a well-planned community which supports our unique quality of life and promotes a distinctive destination resort and recreation industry, while enabling our economic base to expand and diversify. Mindful of our Western Heritage, the Plan welcomes a diverse and growing population and values our precious waters and majestic Sierra Nevada and high desert country.*

## **ACKNOWLEDGEMENTS**

The Truckee Meadows Regional Planning Agency would like to thank the many individuals who participated in the revisions to the Regional Plan by providing resources, making written comments, facilitating meetings, and participating in public workshops and hearings. Special thanks to the following contributors:

### **REGIONAL PLANNING GOVERNING BOARD**

Chairperson: Charlene Bybee, Sparks City Council  
Vice-Chairperson: David Bobzien, Reno City Council  
Marsha Berkbigger, Washoe County Commission  
Jenny Brekhus, Reno City Council.  
Naomi Duerr, Reno City Council  
Vaughn Hartung, Washoe County Commission  
Jeanne Herman, Washoe County Commission  
Ed Lawson, Sparks City Council  
Mayor Geno Martini, Sparks City Council  
Paul McKenzie, Reno City Council  
LIAISON - Veronica Frenkel, WCSD Board of Trustees

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Chairperson: James Barnes, Washoe County Planning Commission  
Vice-Chairperson: Art Sperber, Sparks Planning Commission  
Larry Chesney, Washoe County Planning Commission  
Sarah Chvilicek, Washoe County Planning Commission  
Peter Gower, Reno Planning Commission  
Tom Lean, Sparks Planning Commission  
Charles Reno, Reno Planning Commission  
Dian VanderWell, Sparks Planning Commission  
Kevin Weiske, Reno Planning Commission

### **TRUCKEE MEADOWS REGIONAL PLANNING AGENCY**

Kimberly H. Robinson, Executive Director  
Norman J. Azevedo Esq., Legal Counsel  
Christine Birmingham, Clerk  
Conni Boyd, Acting Administrative Services Manager  
Damien Kerwin, GIS/Planning Analyst  
Lauren Knox, Regional Planner  
Jeremy Smith, GIS Coordinator  
Chris Tolley, Regional Planner

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## **INTRODUCTION**

The Truckee Meadows Regional Planning Agency (TMRPA) was created in 1989 by the Nevada State Legislature to foster coordination among the three local governments: The Cities of Reno and Sparks and Washoe County.

The TMRPA is comprised of the Regional Planning Governing Board (RPGB), the Regional Planning Commission (RPC), the TMRPA's Director, and staff.

The first comprehensive Truckee Meadows Regional Plan ("Regional Plan") was adopted in March 1991 and updated for the first time as required by law in June 1996. The second update of the plan was completed in May 2002 and the third update was completed in July 2007. Direction from the RPGB regarding the fourth update of the plan was provided in April 2012 and the update is scheduled for completion in July 2013.

## **BACKGROUND**

The area covered by the Regional Plan includes all of Washoe County except the portions within the drainage basin of Lake Tahoe (see Nevada Revised Statutes (NRS) 278.0288) and the lands of federally-recognized tribes. The effective planning area is the developed area in the southern 25% of Washoe County.

Creating and carrying out the Truckee Meadows Regional Plan is a cooperative effort involving a large number of agencies, organizations and individuals. Reno, Sparks, Washoe County and others implement the Regional Plan through their planning and regulatory efforts, capital improvement programs, and other programs.

Nevada law grants the authority and provides the direction for the regional planning process in the Truckee Meadows. The TMRPA, organized under NRS 278.026 - 278.029, was formed to develop and maintain a comprehensive Regional Plan for the jurisdictions of Reno, Sparks, and Washoe County.

Washoe County was established in 1861 and is a political subdivision of the State of Nevada operating under the provisions of the general laws of the State. It has a manager-commission form of government. The County covers an area of 6,600 square miles in the northwest section of the State bordering California and Oregon. The incorporated cities in Washoe County are Reno and Sparks. In 2012, Washoe County's population was 427,704 (Nevada State Demographer's Certified Population Estimates, 2012).

Reno is the largest city in Northern Nevada, covering 106 square miles. It is located in the southern part of Washoe County. Reno was incorporated in 1903 and is governed under a council-manager form of government. Reno's population is 229,859 (NV Demographer, 2012). The City of Sparks borders the City of Reno and was incorporated in 1905. It, too, operates with a council-manager form of government. Sparks covers an area of 36 square miles and has a population of 90,214 (NV Demographer, 2012).

As set forth in the NRS, the RPC develops the Regional Plan and determines whether other plans and projects are in conformance with it (NRS 278.0272). The RPGB adopts the Regional Plan with any amendments it deems necessary, after submitting the amendments to the RPC for review and comment (NRS 278.0276).

Units of local government maintain separate master plans, in conformance with the Regional Plan (NRS 278.0282).

The Regional Plan is a cooperative effort of the local and regional units of government, the major service providers, and the citizens of the Truckee Meadows. It is intended to represent a regional consensus reached through a process of public dialog and decision-making to provide a unifying framework for local and regional policies and services.

State law directs the RPC to update the Regional Plan not less than every five years (NRS 278.0272). The 1996 five-year revision constituted the first comprehensive revision of the 1991 Regional Plan developed by Robert Freilich. The second revision was adopted in May 2002 and the third revision was adopted in July 2007. Direction from the RPGB regarding the fourth update of the plan was provided in April 2012 and the update is scheduled for completion in July 2013.

The Plan focuses on the statutory mandates and measurable goals for addressing those mandates on an annual basis, as well as through the five-year update.

## **ROLES & RESPONSIBILITIES**

The roles and responsibilities are delineated in NRS. Each of the following sections summarizes the roles and responsibilities of each of the entities in regards to the Regional Plan.

### ***Regional Planning Commission (RPC)***

The RPC has nine members, appointed by their respective governing bodies, including three each from the Reno, Sparks, and Washoe County local planning commissions. The members serve three-year terms and may be re-appointed. The RPC elects a chairperson from among its members to a one-year term, which rotates annually among the three jurisdictions.

NRS 278.0272 directs the RPC to develop a comprehensive Regional Plan for physical development and orderly management of growth in the Region for the next 20 years and hold public hearings. The statute also directs the RPC to review the plan annually, update it not less than every five years and forward its recommendations to the RPGB for final adoption.

One of the functions of the RPC is to review Projects of Regional Significance (PRS). The RPC adopts guidelines for determining whether a particular project is a PRS and, before a city or the County gives final approval to a PRS, must find it in conformance with the Regional Plan.

The RPC also reviews master plans, facilities plans, and other similar plans of local governments and affected entities to determine whether they conform to the Regional Plan. In addition, the RPC reviews plans and plan amendments of state agencies and of public utilities regulated by the Public Utilities Commission of Nevada (PUCN) and offers suggestions regarding their conformance with the Regional Plan. The RPC also reviews for conformance the transportation plan prepared by the Regional Transportation Commission and for consistency the water plan prepared by the Northern Nevada Water Planning Commission. Finally, by interlocal agreement, the RPC serves as the annexation commission for involuntary annexation proposals in the region.

Pursuant to the RPGB Regulations on Procedure, the RPC shall oversee processes for conducting and maintaining a regional population forecast for conformance review, and TMSA allocation. The adopted regional population forecast must be consistent with the estimated population that can be supported by the sustainable water resources identified in the Regional Water Management Plan.

### **Regional Planning Governing Board (RPGB)**

The RPGB has ten members. The Washoe County Commission appoints three members (two of whom must reside in or represent the unincorporated area), the Reno City Council appoints four members, and the Sparks City Council appoints three members. The members serve three-year terms and may be re-appointed. The Reno, Sparks, and Washoe County governing bodies may appoint members from among their own members and traditionally have done so. The RPGB elects a chairperson from among its members to a one-year term; the chair rotates among the three jurisdictions.

Upon the recommendation of the RPC, the RPGB adopts the Regional Plan with any amendments that it deems necessary after holding required public hearings. The RPGB has all the powers and obligations that are delineated in NRS 278.0264 and NRS 278.0265.

### **Local Governments**

Reno, Sparks, and Washoe County provide the necessary facilities and money to enable the Truckee Meadows Regional Planning Agency (TMRPA) to carry out its functions. To do this, they enter into an agreement to share the costs of regional planning, according to how many members each unit of government has on the RPGB. Under the NRS, local governments shall amend their master plans, facilities plans and other similar plans to conform to the provisions of the Regional Plan and submit them to the RPC for a finding of conformance. They also submit amendments to these plans for conformance findings.

The law also provides that each local government shall review and amend, if necessary, its existing ordinances to ensure their conformance with the provisions of a master plan that conforms to the Regional Plan. The local governments also prepare and submit annual comprehensive reports to the RPC.

With the involvement and cooperation of Washoe County, Reno and Sparks also adopt master plans for areas within their Spheres of Influence (SOI) designated in the Regional Plan and carry out annexation programs, which must conform with the Regional Plan.



### **Affected Entities**

NRS defines an affected entity as a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to solid waste, air quality, transportation, public education, energy generation and transmission, and conventions and the promotion of tourism. However, the term does not include a State agency or a public utility subject to regulation by the Public Utilities Commission of Nevada (PUCN).

Thus, the list of affected entities includes (but is not limited to) Waste Management, the Reno-Tahoe Airport Authority, the Washoe County School District, the Regional Transportation Commission, the Washoe County Health District, the Reno and Sparks redevelopment agencies, and the Reno-Sparks Convention and Visitors Authority.

Affected entities are responsible for amending their master plans, facilities plans, and other similar plans to conform to the provisions of the Regional Plan. Before adopting or amending a master plan or similar plan, they must submit it to the RPC for a finding of conformance. Affected entities also submit annual reports to the RPC.

### **PURPOSE OF THE PLAN**

The purpose of the Regional Plan is to implement the legislative mandate given to the RPC and RPGB. It is an opportunity to put into place a resource for the region with a collaborative structure that will serve the Truckee Meadows well into the future.

The four modules with their goals and policies focus on the coordination of master planning in Washoe County (less certain areas noted in statute) as it relates to land use, infrastructure provision, resource management, and plan implementation.

The plan includes an agreed upon feedback loop that includes annual monitoring and reporting. The reporting process feeds into the annual amendment cycle, local master plans, TMRPA's technical work program and budget, and the five-year update. The five-year update is a continuous improvement process.

### **RELATIONSHIP TO OTHER PLANS**

As described in Chapter 278 of the Nevada Revised Statutes (NRS) the master plans, facilities plans, and other similar plans of local governments and affected entities must be found in conformance with the comprehensive Regional Plan.

In addition to the Truckee Meadows Regional Planning Agency, two other entities within the region are designated with planning for region-wide facilities, infrastructure or resources; the Northern Nevada Water Planning Commission, and the Regional Transportation Commission.

### **Regional Water Planning**

The Northern Nevada Water Planning Commission (NNWPC) established pursuant to Chapter 531 Statutes of Nevada 2007 of the Nevada Special Acts is required to develop a plan for:

## **MODULE #4:**

# **REGIONAL PLAN IMPLEMENTATION**

## **INTRODUCTION**

The goals and policies under Module #4 address the implementation of the regional planning process. The goals and policies address:

- 1) procedures and requirements for conformance review of master plans, facilities plans, other similar plans and projects of regional significance (PRS);
- 2) procedures and requirements for amending the Regional Plan;
- 3) joint planning and other cooperative planning efforts; and,
- 4) required reports and evaluations.

The Regional Planning Governing Board (RPGGB) establishes regulations on procedures related to conformance review, Regional Plan amendments, joint planning areas, annexation programs, and annexation proposals.

The basis for goal and policy development for implementation of the Regional Plan are the following planning principles:

## **PLANNING PRINCIPLES:**

The Regional Planning Agency will effectively manage growth within the region through the implementation of the Regional Plan where:

- The Regional Plan is a principle-based plan that recognizes the needs of our society, the economy, and the environment are inter-related and decisions affecting one area have implications for the others. The agency will clearly define and uniformly implement regional goals and policies by ensuring that master plans and facilities plans conform to regional policies.
- The Regional Plan and regulations adopted by the RPGGB further identify processes and procedures to allow changes to the Regional Plan.
- The Regional Planning Agency will create a strategic planning process that includes:
  - annual reporting from local governments and affected entities as contemplated in NRS 278.0276 and as further defined by regulations adopted by RPGGB;
  - coordination of discussions between regional stakeholders and regional service providers to anticipate regional trends, issues, and new ideas and provide for amending and/or setting regional priorities; and,
  - the development of a regional action plan that identifies resource requirements for its implementation.

- The Regional Planning Agency will implement, manage, and enforce the Regional Plan and will require consistency of implementation across all regional jurisdictions.
- The Regional Planning Agency will be adequately funded to accomplish its mission.

<b>Regional Planning Commission</b>	The RPC has nine members, including three each from the Reno, Sparks, and Washoe County local planning commissions, appointed by their respective governing bodies (NRS 278.0262).
<b>Regional Planning Governing Board</b>	The RPGB consists of ten members including three from the Washoe County Commission, four from the Reno City Council, and three from the Sparks City Council (NRS 278.0264).
<b>Regional Renewable Energy Source</b>	Energy generated from, but not limited to, solar, geothermal, hydroelectric, biomass, methane, and waste heat recovery sources that generate enough power such that the electricity generated is purchased by a utility provider for region-wide use. This does not apply to local renewable energy sources that produce electricity for immediate on-site use.
<b>Regional Transportation Commission</b>	The Regional Transportation Commission is the designated Metropolitan Planning Organization for Washoe County and is responsible under the Transportation Equity Act for the 21st Century for developing the Regional Transportation Plan.
<b>Regional Transportation Plan</b>	The 2030 RTP serves as the region's long-range transportation plan to accommodate the Regional Form and land-use, master-planned development in the City of Reno, the City of Sparks, and Washoe County.
<b>Regional Utility Corridor</b>	A planning designation assigned to a utility easement that contains or is proposed to contain one or more electrical transmission lines. The width of a regional utility corridor shall be equivalent to the width of the easement required by the responsible utility. The width of the easement may not be less than that specified by the NESC.
<b>Regional Utility Corridor Setback</b>	The minimum distance by which any structure must be set back from the edge of a regional utility corridor.
<b>Regional Water Management Plan</b>	Document which provides the region with an outline of how water will be managed to meet the needs of the citizens into the future. Major components of the plan are identification of future water supply and wastewater facilities, regional flood control and drainage projects, and development of a conservation program. Serves the area generally described as all lands within Washoe County south of T25N, excluding the Lake Tahoe watershed, Pyramid Lake Paiute Indian Reservation, and other tribal trust lands within the planning areas.
<b>Regulation</b>	A rule or order prescribed for management by government.
<b>Renewable Energy</b>	Energy generated from rapidly renewable or inexhaustible sources including, but not limited to, solar, geothermal, hydroelectric, biomass, methane, and waste heat recovery sources.
<b>Resort Destination</b>	A resort facility or development of multiple buildings intended primarily for transient guests where the primary attraction is generally recreational facilities or activities, including, but not limited to snow sports and activities (i.e., ski area residential uses shall be primarily "ski-in / ski-out"), golf, dude and guest ranches, health spas and resorts, backcountry adventures, hunting, fishing, and water sports. A resort destination is generally located in a setting of significant natural amenities, and may include a range of on-site indoor or outdoor recreation facilities.

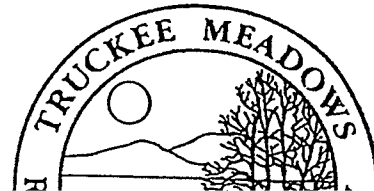


# TRUCKEE MEADOWS REGIONAL PLAN



Approved by the Regional Planning Governing Board  
March 21, 1991

Regional Planning Agency  
1400A Wedekind Road  
Reno, Nevada 89512  
(702) 348-8585



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Rural. Rural development areas include residential uses on lots of over one acre in size, up to ten acres, and supportive non-residential and public development.

Rural Community. Rural Communities shall be those areas generally intended for residential development on over one, up to forty acre lots, with limited supporting nonresidential uses.

Rural Reserve. Those areas which have potential environmental constraints to future development, which are not served at urban or suburban standards, or which may contain possible natural resources of regional significance. Development should occur on larger lots, such as 40 acre parcels.

Quality of Life Indicator. Quantifiable measures addressing critical aspects of quality of life, used to evaluate the Region's progress over time toward specific goals.

Senate Bill (SB) 367. (N.R.S. 278.026 to 278.029) An act adopted by the Nevada Legislature in 1989 related to planning; creating a regional planning commission and a governing board in certain counties; providing their duties; requiring the development of a comprehensive regional plan; requiring the inclusion in the plan of certain provisions in substance; and providing other matters properly relating thereto.

Services of Regional Significance. Services of Regional Significance are those regional services which are provided by the County (or other region-wide entity) but which are provided to urban and suburban areas. Availability and timing of these services is essential to coordinate with annexation. Such services include water, sewer, flood control and storm drainage.

Significant Hydrologic Resources (SHR). Resources which are either Federally Significant (i.e., wetlands meeting Federal definition) or Regionally Significant (stream environments, playas, spring fed stands of riparian vegetation, and non-404 wetlands), as further defined in Exhibit 3.

**REGARDLESS OF HOW WELL EACH PREPARES  
PLANS INDEPENDENTLY, NONE OF THE REGION'S  
MUNICIPALITIES, COUNTY, SPECIAL DISTRICTS,  
AUTHORITIES AND COMMISSIONS WILL EVER BE  
EFFECTIVE IN SHAPING OUR FUTURE AND  
SUPPLYING EFFICIENT PUBLIC SERVICES UNTIL  
IT RECEIVES THE COOPERATION OF ALL OTHERS  
AND ALL MOVE TOWARD COMMON GOALS.**

element, Plan Implementation, does not establish additional policy. Instead, it describes the actions to be taken in implementing the goals and policies found in the other Elements. These action programs are essential if this Regional Plan is to be effective in shaping the area's continuing growth. Seven major actions are identified:

1. Act on the fact finder's recommendations for service provision.
2. Designate (or create) the agencies needed to coordinate Region-wide programs.
3. Prepare and promote a package of State legislation.
4. Bring local governments' Master Plans and development regulations into conformance with the Regional Plan.
5. Prepare or revise Service and Facility Plans in conformance with the Regional Plan.
6. Identify and carry out the highest priority implementation strategies.
7. Establish a process for amending the Regional Plan.

Each of the actions is discussed in detail below.

### **Institutional Changes**

During the preparation of this plan, the Governing Board considered the designation of Regional Service Provider agencies for several services -- sewer, water, flood control, open space and transportation. In each case, the regional nature of the service creates a need for coordination between all agencies involved in the service; the potential benefits of consolidating service provision in a single

...ship, chairman; compensation; operational needs; budget.

1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

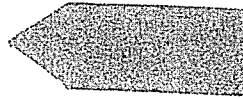
(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 40,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of these counties.

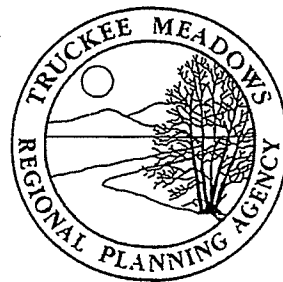


**EXHIBIT "8"**

**EXHIBIT "8"**

# TRUCKEE MEADOWS REGIONAL PLAN

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD  
JUNE 10, 1993



Regional Planning Agency  
1400A Wedekind Road  
Reno, Nevada 89512  
702.348.8585

REGIONAL PLANNING COMMISSION

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# VI.

## INTER- GOVERNMENTAL COORDINATION ELEMENT

Regardless of how well each prepares plans independently, none of the region's municipalities, county, special districts, authorities and commissions will ever be effective in shaping our future and supplying efficient public services until it receives the cooperation of all others and all move toward common goals.

Inter-  
governmental  
Coordination  
Element

Truckee  
Meadows  
Regional  
Plan

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# VII.

## PLAN IMPLEMENTATION ELEMENT

Plan  
Implemen-  
tation  
Element

The first six elements of this Regional Plan describe the Region's goals and establish the policies which will be followed in achieving those goals. This element, Plan Implementation, does not establish additional policy. Instead, it describes the actions to be taken in implementing the goals and policies found in the other Elements. These action programs are essential if this Regional Plan is to be effective in shaping the area's continuing growth. Seven major actions are identified:

1. Act on the fact finder's recommendations for service provision.
2. Designate (or create) the agencies needed to coordinate Region-wide programs.
3. Prepare and promote a package of State legislation.
4. Bring local governments' Master Plans and development regulations into conformance with the Regional Plan.
5. Prepare or revise Service and Facility Plans in conformance with the Regional Plan.
6. Identify and carry out the highest priority implementation strategies.
7. Establish a process for amending the Regional Plan.

Each of the actions is discussed in detail below.

### Institutional Changes

During the preparation of this plan, the Governing Board considered the designation of Regional Service Provider agencies for several services -- sewer, water,

Truckee  
Meadows  
Regional  
Plan

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mission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

(Added to NRS by 1989, 759)

—ANNOTATIONS—

Reviser's Note.

Ch. 370, Stats. 1989, the source of this section, contains the following provision not included in NRS:

"1. The initial members of each regional planning commission created by section 3 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act. Each governing body referred to in paragraphs (a) and (c) of subsection 1 of that section shall appoint:

(a) One member who shall serve until the selection and qualification of his successor in July of 1991;

(b) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(c) One member who shall serve until the selection and qualification of his successor in July of 1993.

2. The initial members of each governing board created by section 4 of this act must be appointed by the respective governing bodies within 30 days after the effective date of this act, and:

(a) The board of county commissioners referred to in paragraph (a) of subsection 1 of

that section and each governing body referred to in paragraph (c) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) One member who shall serve until the selection and qualification of his successor in July of 1993.

(b) The governing body referred to in paragraph (b) of subsection 1 of that section shall appoint:

(1) One member who shall serve until the selection and qualification of his successor in July of 1991;

(2) One member who shall serve until the selection and qualification of his successor in July of 1992; and

(3) Two members who shall serve until the selection and qualification of their successors in July of 1993."

**278.0263 Regional planning commission: Request for assistance.** The regional planning commission shall request assistance from the governing body of a county, the governing body of a city, a state agency or an affected entity as required to perform its duties.

(Added to NRS by 1991, 1732)

**278.0264 Governing board for regional planning: Creation; membership; chairman; compensation; operational needs; authority to sue and be sued; budget.**

1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 40,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

Region. The Region subject to the policies in this Regional Plan. The Region includes Washoe County, except for the Tahoe Planning Area and the far northern and eastern parts of the County. When used in policy statements (i.e., "The Region should"), the term indicates direction by the Region, as expressed by the Regional Planning Governing Board, which should guide actions by one or more of the local governments and other "affected entities" in the Region.

Regional Planning Agency (RPA). The staff agency headed by the Executive Director of the Regional Planning Commission which is responsible for staff support to the Regional Planning Commission and Regional Planning Governing Board, and which has specific responsibilities as defined in the Regional Plan.

Regional Planning Commission (RPC). The commission which is responsible for making recommendations on regional planning issues, for reviewing local plans for conformance with the regional plan, and which has other specific responsibilities as defined in the Regional Plan. The RPC has nine members, with three members from the Sparks Planning Commission, three from the Reno Planning Commission, and three from the Washoe County Planning Commission.

Regional Planning Governing Board (RPGB). The board responsible for adopting the Regional Plan, for acting on other issues of Regional significance, and which has other specific responsibilities as defined in the Regional Plan. The RPGB is comprised of ten members: three representatives appointed by the Board of County Commissioners; four representatives appointed by the Reno City Council; and three representatives appointed by the Sparks City Council.

Regional Services. Regional services are those funded with Countywide resources, such as County ad valorem property taxes, which are available to every County resident on an equal basis. Regional services include, but are not limited to, schools, libraries, health services and open space.

Rural. Rural development areas include residential uses on lots of over one acre in size, up to ten acres, and supportive non-residential and public development.

Rural Community. Rural Communities shall be those areas generally intended for residential development on over one, up to forty acre lots, with limited supporting nonresidential uses.

Rural Reserve. Those areas which have potential environmental constraints to future development, which are not served at urban or suburban standards, or which may contain possible natural resources of regional significance. Development should occur on larger lots, such as 40 acre parcels.

Quality of Life Indicator. Quantifiable measures addressing critical aspects of quality of life, used to evaluate the Region's progress over time toward specific goals.

Senate Bill (SB) 367. (N.R.S. 278.026 to 278.029) An act adopted by the Nevada Legislature in 1989 related to planning; creating a regional planning commission and a governing board in certain counties; providing their duties; requiring the development of a comprehensive regional plan; requiring the inclusion in the plan of certain provisions in substance; and providing other matters properly relating thereto.

Septic Constraint Area. Septic Constraint Areas are areas where the construction of new on-site sewage treatment systems has the potential to create a health hazard.



# REGIONAL PLAN

AMENDED BY THE  
REGIONAL PLANNING GOVERNING BOARD  
JUNE 13, 1996

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Regional Water Planning Commission. Finally, by interlocal agreement, the RPC serves as the annexation commission for annexation proposals in the Region.

### Regional Planning Governing Board

The RPGB has ten members. The Washoe County Commission appoints three members (two of whom must reside in or represent the unincorporated area), the Reno City Council appoints four members and the Sparks City Council appoints three members. The members serve three-year terms and may be reappointed. The Reno, Sparks and Washoe County governing bodies may appoint members from among their own members and traditionally have done so. The RPGB elects a chairperson from among its members to a one-year term; the chair rotates among the three jurisdictions.

The RPGB may hire employees, including an Executive Director, enter into contracts, establish and collect reasonable fees for its services, appoint advisory committees and sue or be sued. The RPGB prepares and adopts an annual budget and transmits it as a recommendation to each local government.

Upon the recommendation of the RPC, the RPGB adopts the Regional Plan with amendments it deems necessary, after holding required public hearings. Another important function of the RPGB is to hear appeals of RPC actions on proposed plan amendments, Projects of Regional Significance, local government actions within spheres of influence, master plan conformance and other matters.

### Regional Planning Agency

NRS Chapter 375 --  
**Tax on Transfers of Real Property**

NRS Chapter 376A --  
**Taxes for Development of Open Space Land**

NRS Chapter 540A --  
**Regional [Water] Planning and Management**

278.170, inclusive, in a county whose population is 100,000 or more but less than 400,000, is hereby abolished.

Sec. 26. 1. Except as otherwise provided in subsection 2, a regional plan in existence on the effective date of this act remains in effect until a comprehensive regional plan is adopted pursuant to the provisions of sections 2 to 17, inclusive, of this act.

commission shall review proposed amendments to local master plans for their conformance with the part of the regional plan relating to land use and transportation in effect at the time of the review."

WEST PUBLISHING CO.

Zoning and Planning ⇐ 13.5.

WESTLAW Topic No. 414.

C.J.S. Zoning and Land Planning § 10.

**278.026 Definitions.** [Effective until July 30, 1997.] As used in NRS 278.026 to 278.029, inclusive, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include:

(a) A state agency; or

(b) A public utility which is subject to regulation by the public service commission of Nevada.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264.

4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.

5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:

(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, cultural or scenic resource;

(b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining

(v) ~~shall~~ by not less than an average of 6,250 trips daily. The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before June 17, 1989.

6. "Project of regional significance," with respect to a project proposed by a public utility, includes:

- (a) An electric substation;
- (b) A transmission line that carries 60 kilovolts or more;
- (c) A facility that generates electricity greater than 5 megawatts;
- (d) Natural gas storage and peak shaving facilities; and
- (e) Gas regulator stations and mains that operate over 100 pounds per square inch.

7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.

(Added to NRS by 1989, 759; A 1991, 1733; 1995, 2662)

**278.026 Definitions.** [Effective July 30, 1997.] As used in NRS 278.026 to 278.029, inclusive, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, water or sewer services, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality, flood control or public education. The term does not include:

- (a) A state agency; or
- (b) A public utility which is subject to regulation by the public service commission of Nevada.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, water or sewer services, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality, flood control or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264

**EXHIBIT "10"**

**EXHIBIT "10"**

# 2002 Truckee Meadows Regional Plan



Version 6

Adopted May 9, 2002  
Amended February 13, 2003





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For more information regarding the 2002 Truckee Meadows Regional Plan please contact:

**Truckee Meadows Regional Planning Agency**  
**One East First Street, Suite 900**  
**Reno, Nevada 89501-1625**



Phone: (775) 321-8385  
Fax: (775) 321-8386  
Website: [www.tmrpa.org](http://www.tmrpa.org)  
Email: [input@tmrpa.org](mailto:input@tmrpa.org)

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## INTRODUCTION

The Truckee Meadows Regional Planning Agency (TMRPA) was created in 1989 by the Nevada State Legislature to foster coordination among the three Local Governments: The Cities of Reno and Sparks and Washoe County.

The TMRPA is comprised of the Regional Planning Governing Board (RPGB), the Regional Planning Commission (RPC), the TMRPA's Director, and staff.

The first comprehensive Truckee Meadows Regional Plan ("Regional Plan") was adopted in March 1991 and updated for the first time as required by law in June 1996. The desired outcome for the 2002 Regional Plan is to create a streamlined, simplified plan and process for coordinating development in the Truckee Meadows.

### Background

The area covered by the Regional Plan includes all of Washoe County except the portions within the drainage basin of Lake Tahoe (see *Nevada Revised Statutes* (NRS) 278.0288) and the lands of the Pyramid Lake Paiute Tribe, but the effective planning area is the developed area in the southern 15% of Washoe County.

Creating and carrying out the Truckee Meadows Regional Plan is a cooperative effort involving a large number of agencies, organizations and individuals. Reno, Sparks, Washoe County and others implement the Regional Plan through their planning and regulatory efforts, capital improvement programs and other programs.

Nevada law grants the authority and provides the direction for the regional planning process in the Truckee Meadows. The TMRPA, organized under NRS 278.026 - 278.029, was formed to develop and maintain a comprehensive Regional Plan for the jurisdictions of Reno, Sparks and Washoe County.

Washoe County was established in 1861 and is a political subdivision of the State of Nevada operating under the provisions of the general laws of the State. It has a manager-commission form of government. The County covers an area of 6,600 square miles in the northwest section of the State bordering California and Oregon. The incorporated cities in Washoe County are Reno and Sparks. Washoe County's population is 339,486. (U.S. Census Bureau – Census 2000).

Reno is the largest city in Northern Nevada, covering 56 square miles. It is located in the southern part of Washoe County. Reno was incorporated in 1903 and is governed under a council-manager form of government. Reno's population is 180,480. The City of Sparks borders the City of Reno and was incorporated in 1905. It, too, operates with a council-

manager form of government. Sparks covers an area of 22 square miles and has a population of 66,346.

As set forth in the NRS, the RPC develops the Regional Plan and determines whether other plans and projects are in conformance with it (NRS 278.0272). The RPGB adopts the Regional Plan with any amendments it deems necessary, after submitting the amendments to the RPC for review and comment (NRS 278.0276).

Units of Local Government maintain separate Master Plans, in conformance with the Regional Plan (NRS 278.0282).

The Regional Plan is a cooperative effort of the local and regional units of government, the major service providers and the citizens of the Truckee Meadows. It is intended to represent a regional consensus reached through a process of public dialog and decision-making to provide a unifying framework for local and regional policies and services.

State law directs the RPC to update the Regional Plan not less than every five years (NRS 278.0272). The 1996 five-year revision constituted the first comprehensive revision of the 1991 Regional Plan developed by Robert Freilich.

The Plan focuses on the statutory mandates and measurable goals for addressing those mandates on an annual basis, as well as through the five-year update.

### **Roles & Responsibilities**

The roles and responsibilities are delineated in NRS. Each of the following sections summarizes the roles and responsibilities of each of the entities in regards to the Regional Plan. For a more complete picture of various institutional roles as they relate to planning and service provision, please see the following table:

**INSTITUTIONAL ROLES RELATED TO THE REGIONAL PLAN  
FOR THE TRUCKEE MEADOWS**

Entities	Regional role	Services provided	Revenue authority	Planning/zoning role
Cities	Main economic drivers; service providers. Home to downtowns and the preponderance of residential, non-residential, and mixed-use development.	City streets and parks; public safety; wastewater collection and treatment; others.	Taxing authority.	Master Plans; development codes; development approvals. Facility Plans and CIPs. Interlocal planning.
County	Service provider. Home to cities and rural area. May include unincorporated communities, which are primarily residential.	County roads and parks; public safety; water planning; wastewater collection and treatment; water purveyor; ground-water remediation; others.	Taxing authority.	Master Plans; development codes; development approvals. Facility Plans and CIPs. Interlocal planning.
RTC	Planning, Service provider.	Regional roads, public transit, others.	Regional road impact fees; transit fares; grants.	Regional transportation plan; related plans.
RWPC	Planning; service coordination.		Fee.	Regional water management plan. Conformance review.
WCSD	Service provider.	K-12 education.	Voter-approved bond issues.	School facility plan.
WCDHD	Planning; service provider.	Public health services.	Fees.	Air quality plan and ordinances; regulation of on-site wastewater disposal.
TMRPA (including RPC, RPGB)	Regional planning; regional forum; studies; wide-region coordination.			Population projections; Regional Form and pattern; Spheres of Influence. Conformance review. Planning coordination. RPC sits as annexation commission.
Other Affected Entities	Service providers.	Water purveyors, wastewater collection and treatment, airports, visitor services, others.	User fees, service charges.	Facility Plans and CIPs.
State agencies; regulated utilities; federal entities	Planning; service providers.	Electric power. Natural gas. Higher education. Public land management. Others.	Taxation, user fees, service charges.	Facility Plans and CIPs.

**Regional Planning Commission (RPC)**

The RPC has nine members, appointed by their respective governing bodies, including three each from the Reno, Sparks and Washoe County local planning commissions. The members serve three-year terms and may be re-appointed. The RPC elects a chairperson from among its members to a one-year term, which rotates annually among the three jurisdictions.

NRS 278.0272 directs the RPC to develop a comprehensive Regional Plan for physical development and orderly management of growth in the Region for the next 20 years and hold public hearings. The statute also directs the RPC to review the plan annually, update it not less than every five years and forward its recommendations to the RPGB for final adoption.

One of the functions of the RPC is to review Projects of Regional Significance (PRS). The RPC adopts guidelines for determining whether a particular project is a PRS and, before a city or the County gives final approval to a PRS, must find it in conformance with the Regional Plan.

The RPC also reviews Master Plans, Facility Plans and other similar plans of Local Governments and Affected Entities to determine whether they conform to the Regional Plan. In addition, the RPC reviews plans and plan amendments of State agencies and of public utilities regulated by the Public Utility Commission of Nevada (PUCN) and offers suggestions regarding their conformance with the Regional Plan. The RPC also reviews for conformance both the water plan prepared by the Regional Water Planning Commission and the transportation plan prepared by the Regional Transportation Commission. Finally, by interlocal agreement, the RPC serves as the annexation commission for involuntary annexation proposals in the Region.

**Regional Planning Governing Board (RPGB)**

The RPGB has ten members. The Washoe County Commission appoints three members (two of whom must reside in or represent the unincorporated area), the Reno City Council appoints four members and the Sparks City Council appoints three members. The members serve three-year terms and may be re-appointed. The Reno, Sparks and Washoe County governing bodies may appoint members from among their own members and traditionally have done so. The RPGB elects a chairperson from among its members to a one-year term; the chair rotates among the three jurisdictions.

Upon the recommendation of the RPC, the RPGB adopts the Regional Plan with any amendments that it deems necessary after holding required public hearings. The RPGB has all the powers and obligations that are delineated in NRS 278.0264 and NRS 278.0265.

### **Local Governments**

Reno, Sparks and Washoe County provide the necessary facilities and money to enable the Truckee Meadows Regional Planning Agency (TMRPA) to carry out its functions. To do this, they enter into an agreement to share the costs of regional planning, according to how many members each unit of government has on the RPGB. Under the NRS, Local Governments shall amend their Master Plans, Facility Plans and other similar plans to conform to the provisions of the Regional Plan and submit them to the RPC for a finding of conformance. They also submit amendments to these plans for conformance findings.

The law also provides that each Local Government shall review and amend, if necessary, its existing ordinances to ensure their conformance with the provisions of a master plan that conforms to the Regional Plan. The Local Governments also prepare and submit annual comprehensive reports to the RPC.

With the involvement and cooperation of the County, Reno and Sparks also adopt Master Plans for areas within their Spheres of Influence designated in the Regional Plan and carry out annexation programs, which must conform with the Regional Plan.

### **Affected Entities**

The NRS define an Affected Entity as a public utility, franchise holder, local or regional agency or any other entity having responsibility for planning or providing public facilities relating to solid waste, air quality, transportation, public education, energy generation and transmission and conventions and the promotion of tourism. However, the term does not include a State agency or a public utility subject to regulation by the Public Utility Commission.

Thus, the list of Affected Entities includes (but is not limited to) Disposal Services, the Airport Authority of Washoe County, the Washoe County School District, the Regional Water Planning Commission, the Regional Transportation Commission, the Washoe County District Health Department, the Reno and Sparks redevelopment agencies and the Reno-Sparks Convention and Visitors Authority.

Affected Entities are responsible for amending their Master Plans, Facility Plans and other similar plans to conform to the provisions of the Regional Plan. Before adopting or amending a master plan or similar plan, they must submit it to the RPC for a finding of conformance. Affected Entities also submit annual reports to the RPC.

### **Purpose of the Plan**

The purpose of the 2002 Regional Plan is to implement the legislative mandate given to the agency. It is an opportunity to put into place a resource for the region with a collaborative structure that will serve the Truckee Meadows well into the new millennium.



## **PLANNING PRINCIPLE #4: REGIONAL PLAN IMPLEMENTATION**

### **Introduction**

The goals and policies under Planning Principle #4 address the implementation of the regional planning process during the period following adoption of the 2002 Regional Plan. The goals and policies address:

- 1) procedures and requirements for conformance review of Master Plans, Facility Plans, other similar plans, and projects of regional significance,
- 2) procedures and requirements for amending the regional plan,
- 3) joint planning and other cooperative planning efforts, and
- 4) required reports and evaluations.

The Regional Planning Governing Board will establish regulations on procedures related to conformance review, Regional Plan amendments, joint planning areas, annexation programs, and annexation proposals.

The basis for goals and policy development for implementation of the Regional Plan are the following Planning Principles:

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### **PLANNING PRINCIPLES:**

**The Regional Planning Agency will effectively manage growth within the region through the implementation of the Regional Plan where:**

- The Regional Plan is a principle-based plan that recognizes the needs of our society, the economy and the environment are inter-related and decisions affecting one area have implications for the others. The agency will clearly define and uniformly implement regional goals and policies by ensuring that Master Plans and Facility Plans conform to regional policies.
- The Regional Plan and regulations to be adopted by the RPGB will further identify processes and procedures to allow changes to the Regional Plan.
- The Regional Planning Agency will create a strategic planning procedure that will include:
  - a) annual reporting from Local Governments and Affected Entities as contemplated in NRS 278.0276 and as further defined by regulations adopted by RPGB;

**APPENDIX 4**

**NEVADA REVISED STATUTES (NRS)**

**Contents:**

NRS 278.026 through 278.029

NRS 268.610 through 268.670

NRS Chapter 376A

NRS Chapter 540A

local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

(Added to NRS by 1989, 760; A 1991, 1734; 2001, 1966)

**NRS 278.0265 Governing board for regional planning:** Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements. The governing board:

1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.

2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:

(a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and

(b) The provisions of chapter 241 of NRS.

3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of NRS 278.026 to 278.029, inclusive.

4. May enter into an agreement pursuant to NRS 277.045 or 277.080 to 277.180, inclusive, for a purpose that is consistent with the provisions of NRS 278.026 to 278.029, inclusive.

(Added to NRS by 1991, 1732; A 1993, 572; 1999, 2126; 2001, 756)

**NRS 278.0266 Director of regional planning: Appointment; qualifications; powers and duties.** There is hereby created the position of director of regional planning. The director:

1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;

2. Must be selected on the basis of his training, experience, capability and interest in planning;

3. Must have the demonstrated ability to administer a major program relating to planning;

4. Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit;

5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;

6. Is responsible for administration of the regional planning program;

7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and

8. May:

(a) Appoint professional, technical or clerical staff to, and dismiss them from, positions which are approved by the governing board;

(b) Execute contracts for services and interlocal agreements which are approved by the governing board;

(c) Direct the activities of all other persons employed by the governing board; and

(d) Prepare an annual budget.

(Added to NRS by 1989, 761)

**NRS 278.0268 Appointment of subcommittees and advisory committees.**

1. The governing board and the regional planning commission may, jointly or separately, appoint subcommittees for any purpose that is consistent with NRS 278.026 to 278.029, inclusive. A subcommittee appointed pursuant to this subsection must be composed only of:

**EXHIBIT "11"**

**EXHIBIT "11"**

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# **2007 Truckee Meadows Regional Plan**

Adopted July 19, 2007 (Version I)

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For more information regarding the Truckee Meadows Regional Plan please contact:

Truckee Meadows Regional Planning Agency  
One East First Street, Suite 1100  
Reno, Nevada 89501-1625

Phone: (775) 321-8385  
Fax: (775) 321-8386  
Website: [www.tmrpa.org](http://www.tmrpa.org)  
Email: [input@tmrpa.org](mailto:input@tmrpa.org)

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## **USE OF THIS DOCUMENT**

The comprehensive Truckee Meadows Regional Plan is intended to comply with the statutory requirements of *Nevada Revised Statutes (NRS) 278.0274*. In addition to the comprehensive Truckee Meadows Regional Plan, the Regional Planning Governing Board (RPGB) has adopted regulations pursuant to *NRS 278.0265* that address a variety of topics not addressed in the comprehensive Truckee Meadows Regional Plan. No reliance should be placed on the comprehensive Truckee Meadows Regional Plan without consulting the applicable statutes, regulations adopted by the RPGB, and the guidelines adopted by the Regional Planning Commission (RPC).

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## **INTRODUCTION**

The Truckee Meadows Regional Planning Agency (TMRPA) was created in 1989 by the Nevada State Legislature to foster coordination among the three local governments: The Cities of Reno and Sparks and Washoe County.

The TMRPA is comprised of the Regional Planning Governing Board (RPGGB), the Regional Planning Commission (RPC), the TMRPA's Director, and staff.

The first comprehensive Truckee Meadows Regional Plan ("Regional Plan") was adopted in March 1991 and updated for the first time as required by law in June 1996. The second update of the plan was completed in May 2002. The third update is scheduled for completion in 2007.

## **BACKGROUND**

The area covered by the Regional Plan includes all of Washoe County except the portions within the drainage basin of Lake Tahoe (see Nevada Revised Statutes (NRS) 278.0288) and the lands of federally-recognized tribes. The effective planning area is the developed area in the southern 25% of Washoe County.

Creating and carrying out the Truckee Meadows Regional Plan is a cooperative effort involving a large number of agencies, organizations and individuals. Reno, Sparks, Washoe County and others implement the Regional Plan through their planning and regulatory efforts, capital improvement programs, and other programs.

Nevada law grants the authority and provides the direction for the regional planning process in the Truckee Meadows. The TMRPA, organized under NRS 278.026 - 278.029, was formed to develop and maintain a comprehensive Regional Plan for the jurisdictions of Reno, Sparks, and Washoe County.

Washoe County was established in 1861 and is a political subdivision of the State of Nevada operating under the provisions of the general laws of the State. It has a manager-commission form of government. The County covers an area of 6,600 square miles in the northwest section of the State bordering California and Oregon. The incorporated cities in Washoe County are Reno and Sparks. In 2005, Washoe County's population was 396,844 (Nevada State Demographer's Certified Population Estimates, 2005).

Reno is the largest city in Northern Nevada, covering 102 square miles. It is located in the southern part of Washoe County. Reno was incorporated in 1903 and is governed under a council-manager form of government. Reno's population is 206,735 (NV Demographer, 2005). The City of Sparks borders the City of Reno and was incorporated in 1905. It, too, operates with a council-manager form of government. Sparks covers an area of 33 square miles and has a population of 85,618 (NV Demographer, 2005).

As set forth in the NRS, the RPC develops the Regional Plan and determines whether other plans and projects are in conformance with it (NRS 278.0272). The RPGB adopts the Regional Plan with any amendments it deems necessary, after submitting the amendments to the RPC for review and comment (NRS 278.0276).

Units of local government maintain separate master plans, in conformance with the Regional Plan (NRS 278.0282).

The Regional Plan is a cooperative effort of the local and regional units of government, the major service providers, and the citizens of the Truckee Meadows. It is intended to represent a regional consensus reached through a process of public dialog and decision-making to provide a unifying framework for local and regional policies and services.

State law directs the RPC to update the Regional Plan not less than every five years (NRS 278.0272). The 1996 five-year revision constituted the first comprehensive revision of the 1991 Regional Plan developed by Robert Freilich. The second revision was adopted in May 2002. The 2007 update will be adopted within the requirements of state law, no later than May 2007.

The Plan focuses on the statutory mandates and measurable goals for addressing those mandates on an annual basis, as well as through the five-year update.

## **ROLES & RESPONSIBILITIES**

The roles and responsibilities are delineated in NRS. Each of the following sections summarizes the roles and responsibilities of each of the entities in regards to the Regional Plan.

### ***Regional Planning Commission (RPC)***

The RPC has nine members, appointed by their respective governing bodies, including three each from the Reno, Sparks, and Washoe County local planning commissions. The members serve three-year terms and may be re-appointed. The RPC elects a chairperson from among its members to a one-year term, which rotates annually among the three jurisdictions.

NRS 278.0272 directs the RPC to develop a comprehensive Regional Plan for physical development and orderly management of growth in the Region for the next 20 years and hold public hearings. The statute also directs the RPC to review the plan annually, update it not less than every five years and forward its recommendations to the RPGB for final adoption.

One of the functions of the RPC is to review Projects of Regional Significance (PRS). The RPC adopts guidelines for determining whether a particular project is a PRS and, before a city or the County gives final approval to a PRS, must find it in conformance with the Regional Plan.



The RPC also reviews master plans, facilities plans, and other similar plans of local governments and affected entities to determine whether they conform to the Regional Plan. In addition, the RPC reviews plans and plan amendments of state agencies and of public utilities regulated by the Public Utility Commission of Nevada (PUCN) and offers suggestions regarding their conformance with the Regional Plan. The RPC also reviews for conformance both the water plan prepared by the Regional Water Planning Commission and the transportation plan prepared by the Regional Transportation Commission. Finally, by interlocal agreement, the RPC serves as the annexation commission for involuntary annexation proposals in the region.

### **Regional Planning Governing Board (RPGB)**

The RPGB has ten members. The Washoe County Commission appoints three members (two of whom must reside in or represent the unincorporated area), the Reno City Council appoints four members, and the Sparks City Council appoints three members. The members serve three-year terms and may be re-appointed. The Reno, Sparks, and Washoe County governing bodies may appoint members from among their own members and traditionally have done so. The RPGB elects a chairperson from among its members to a one-year term; the chair rotates among the three jurisdictions.

Upon the recommendation of the RPC, the RPGB adopts the Regional Plan with any amendments that it deems necessary after holding required public hearings. The RPGB has all the powers and obligations that are delineated in NRS 278.0264 and NRS 278.0265.

### **Local Governments**

Reno, Sparks, and Washoe County provide the necessary facilities and money to enable the Truckee Meadows Regional Planning Agency (TMRPA) to carry out its functions. To do this, they enter into an agreement to share the costs of regional planning, according to how many members each unit of government has on the RPGB. Under the NRS, local governments shall amend their master plans, facilities plans and other similar plans to conform to the provisions of the Regional Plan and submit them to the RPC for a finding of conformance. They also submit amendments to these plans for conformance findings.

The law also provides that each local government shall review and amend, if necessary, its existing ordinances to ensure their conformance with the provisions of a master plan that conforms to the Regional Plan. The local governments also prepare and submit annual comprehensive reports to the RPC.

With the involvement and cooperation of Washoe County, Reno and Sparks also adopt master plans for areas within their Spheres of Influence (SOI) designated in the Regional Plan and carry out annexation programs, which must conform with the Regional Plan.

### **Affected Entities**

NRS defines an affected entity as a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to solid waste, air quality, transportation, public education, energy generation and transmission, and conventions and the promotion of tourism. However, the term does not include a State agency or a public utility subject to regulation by the Public Utility Commission.

Thus, the list of affected entities includes (but is not limited to) Waste Management, the Reno-Tahoe Airport Authority, the Washoe County School District, the Regional Transportation Commission, the Washoe County District Health Department, the Reno and Sparks redevelopment agencies, and the Reno-Sparks Convention and Visitors Authority.

Affected entities are responsible for amending their master plans, facilities plans, and other similar plans to conform to the provisions of the Regional Plan. Before adopting or amending a master plan or similar plan, they must submit it to the RPC for a finding of conformance. Affected entities also submit annual reports to the RPC.

### **PURPOSE OF THE PLAN**

The purpose of the Regional Plan is to implement the legislative mandate given to the RPC and RRGB. It is an opportunity to put into place a resource for the region with a collaborative structure that will serve the Truckee Meadows well into the future.

The four modules with their goals and policies focus on the coordination of master planning in Washoe County (less certain areas noted in statute) as it relates to land use, infrastructure provision, resource management, and plan implementation.

The plan includes an agreed upon feedback loop that includes annual monitoring and reporting. The reporting process feeds into the annual amendment cycle, local master plans, TMRPA's technical work program and budget, and the five-year update. The five-year update is a continuous improvement process.

### **RELATIONSHIP TO OTHER PLANS**

As described in Chapter 278 of the Nevada Revised Statutes (NRS) the master plans, facilities plans, and other similar plans of local governments and affected entities must be found in conformance with the comprehensive Regional Plan.

In addition to the Truckee Meadows Regional Planning Agency, two other entities within the region are designated with planning for region-wide facilities, infrastructure or resources; the Regional Water Planning Commission, and the Regional Transportation Commission.

## **MODULE #4:**

# **REGIONAL PLAN IMPLEMENTATION**

## **INTRODUCTION**

The goals and policies under Module #4 address the implementation of the regional planning process. The goals and policies address:

- 1) procedures and requirements for conformance review of master plans, facilities plans, other similar plans and projects of regional significance (PRS);
- 2) procedures and requirements for amending the Regional Plan;
- 3) joint planning and other cooperative planning efforts; and,
- 4) required reports and evaluations.

The Regional Planning Governing Board (RPGGB) establishes regulations on procedures related to conformance review, Regional Plan amendments, joint planning areas, annexation programs, and annexation proposals.

The basis for goal and policy development for implementation of the Regional Plan are the following planning principles:

## **PLANNING PRINCIPLES:**

The Regional Planning Agency will effectively manage growth within the region through the implementation of the Regional Plan where:

- The Regional Plan is a principle-based plan that recognizes the needs of our society, the economy, and the environment are inter-related and decisions affecting one area have implications for the others. The agency will clearly define and uniformly implement regional goals and policies by ensuring that master plans and facilities plans conform to regional policies.
- The Regional Plan and regulations adopted by the RPGGB further identify processes and procedures to allow changes to the Regional Plan.
- The Regional Planning Agency will create a strategic planning process that includes:
  - annual reporting from local governments and affected entities as contemplated in NRS 278.0276 and as further defined by regulations adopted by RPGGB;
  - coordination of discussions between regional stakeholders and regional service providers to anticipate regional trends, issues, and new ideas and provide for amending and/or setting regional priorities; and,
  - the development of a regional action plan that identifies resource requirements for its implementation.

## APPENDIX 4

### NEVADA REVISED STATUTES (NRS)

*As of the 2005 session of the Nevada State Legislature*

(Statutes will be updated as soon as the 2007 Legislative final changes have been published by the Legislative Counsel Bureau)

#### CONTENTS:

NRS 278.026 through 278.029  
NRS 268.610 through 268.670  
NRS Chapter 376A  
NRS Chapter 540A

#### NRS 278.026 through 278.029

#### REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 100,000 OR MORE BUT LESS THAN 400,000

**NRS 278.026 Definitions.** As used in NRS 278.026 to 278.029, inclusive, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include:

(a) A state agency; or

(b) A public utility which is subject to regulation by the Public Utilities Commission of Nevada.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264.

4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.

5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:

(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, cultural or scenic resource;

(b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;

(c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities, including, without limitation, schools, or the adopted regional form of the region; or

(d) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:

- (1) Employment by not less than 938 employees;
- (2) Housing by not less than 625 units;
- (3) Hotel accommodations by not less than 625 rooms;
- (4) Sewage by not less than 187,500 gallons per day;
- (5) Water usage by not less than 625 acre feet per year; or
- (6) Traffic by not less than an average of 6,250 trips daily.

The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before June 17, 1989.

6. "Project of regional significance," with respect to a project proposed by a utility, includes:
  - (a) An electric substation;
  - (b) A transmission line that carries 60 kilovolts or more;
  - (c) A facility that generates electricity greater than 5 megawatts;
  - (d) Natural gas storage and peak shaving facilities; and
  - (e) Gas regulator stations and mains that operate over 100 pounds per square inch.
7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.  
(Added to NRS by 1989, 759; A 1991, 1733; 1995, 2662; 1997, 1981; 1999, 2124; 2005, 1586)

**NRS 278.0261 Declaration of legislative intent.** The Legislature hereby finds and declares that:

1. The process of regional planning in a county whose population is 100,000 or more but less than 400,000, as set forth in NRS 278.026 to 278.029, inclusive, ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.
2. The process of regional planning set forth in NRS 278.026 to 278.029, inclusive, does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more but less than 400,000.
3. The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:
  - (a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and
  - (b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.
4. It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.  
(Added to NRS by 1999, 2123)

**NRS 278.0262 Regional planning commission: Creation; membership; chairman; compensation; training.**

1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a regional planning commission consisting of:
  - (a) Three members from the local planning commission of each city in the county whose population is 60,000 or more, appointed by the respective governing bodies of those cities;
  - (b) One member from the local planning commission of each city in the county whose population is less than 60,000, appointed by the respective governing bodies of those cities; and
  - (c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is 60,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of \$80 per meeting or \$400 per month, whichever is less.

5. Each member of the commission must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of NRS 278.0265 within 1 year after the date on which his term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his appointment 1 year after the date on which his term of appointment commenced.

(Added to NRS by 1989, 759; A 1999, 2125; 2001, 1965)

**NRS 278.0263 Regional planning commission: Request for assistance.** The regional planning commission shall request assistance from the governing body of a county, the governing body of a city, a state agency or an affected entity as required to perform its duties.

(Added to NRS by 1991, 1732)

**NRS 278.02632 Regional planning commission: Study and development of incentives for certain types of development.** The regional planning commission shall continue to study and develop methods to provide incentives for:

1. Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this subsection, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

2. Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.

(Added to NRS by 2005, 1583)

**NRS 278.0264 Governing board for regional planning: Creation; membership; chairman; compensation; operational needs; authority to sue and be sued; budget.**

1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 60,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

(Added to NRS by 1989, 760; A 1991, 1734; 2001, 1966)

**NRS 278.0265 Governing board for regional planning: Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements.** The governing board:

1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.

2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:

(a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and

(b) The provisions of chapter 241 of NRS.

3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of NRS 278.026 to 278.029, inclusive.

4. May enter into an agreement pursuant to NRS 277.045 or 277.080 to 277.180, inclusive, for a purpose that is consistent with the provisions of NRS 278.026 to 278.029, inclusive.

(Added to NRS by 1991, 1732; A 1993, 572; 1999, 2126; 2001, 756; 2005, 1587)

**EXHIBIT "12"**

**EXHIBIT "12"**





# WASHOE COUNTY

## OFFICE OF THE COUNTY MANAGER

1001 E. 9th Street  
P.O. Box 11130  
Reno, Nevada 89520-0027  
Phone: (775) 328-2000  
Fax: (775) 328-2491  
www.washoecounty.us

August 31, 2016

RECEIVED

AUG 31 2016

TRUCKEE MEADOWS  
REGIONAL PLANNING AGENCY

Kimberly Robinson  
Executive Director  
Truckee Meadows Regional Planning Governing Board  
1105 Terminal Way, Suite 316  
Reno, NV 89502

Dear Ms. Robinson,

Per NRS 278.0286, Washoe County has provided the Truckee Meadows Regional Governing Board relevant information relating to a request for proposed legislation. Attached hereto is the Local Government Bill Draft Request for the 2017 Legislative Session form that will be submitted to the Legislative Counsel Bureau on September 1, 2016 per NRS 218D.205.

Please contact with me any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Slaughter".

John Slaughter  
County Manager

cc: Board of County Commissioners  
Steve Driscoll, City Manager, City of Sparks  
Bill Thomas, Assistant City Manager, City of Reno

**LOCAL GOVERNMENT  
BILL DRAFT REQUEST  
FOR THE  
2017 LEGISLATIVE SESSION**

**\* Person or Entity Authorized to Submit BDR:**

Washoe County

**\* Name of Person Submitting Request:**

Al Rogers

**\* 1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):**

Washoe County is seeking a comprehensive review of the Regional Planning Agency as defined in NRS 278.0264- Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget, as part of that review, the structure of the Governing Board, Washoe County Board composition and review the authority of the agency.

**2. Any additional information that may be helpful in drafting the bill (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document):**

N/A

**\* Required fields.**

**3. NRS Title(s), Chapter(s) and Section(s) affected and/or Nevada Constitutional provisions affected:**

NRS 278- Planning and Zoning

**4. Effective Date:**

- Default (October 1, 2017)
- July 1, 2017
- January 1, 2018
- Upon Passage and Approval
- Other

**\* 5. Person(s) to be consulted if more information is needed:**

Name: Al Rogers, Director of Management Services, County Manager's Office

Phone Number(s): (775) 328-2000 office and (775) 527-2264 cell

E-mail Address: Arogers@washoecounty.us

**6. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

N/A

**7. If this bill draft request is required to be approved in a public meeting, please list the entity that approved the request and the date on which the request was approved:**

It was approved by the Washoe County Board of County Commissioners on August 23, 2016.

**REQUIRED PREFILING:**

**Non-Legislators:** A bill draft requested by any entity other than a legislator or a legislative committee is required to be prefiled on or before the third Wednesday of November preceding the regular legislative session (Wednesday, November 16, 2016). By statute, a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701, by e-mail at [erdoes@lcb.state.nv.us](mailto:erdoes@lcb.state.nv.us) or by fax at (775) 684-6761.

\* Required fields.

**EXHIBIT "13"**

**EXHIBIT "13"**



## REGIONAL PLANNING GOVERNING BOARD

Charlene Bybee, Chair • David Bobzien, Vice-Chair • Marsha Berkgigler • Jenny Brekhus • Naomi Duerr • Vaughn Hartung • Jeanne Herman • Ed Lawson • Geno Martini • Paul McKenzie • Kimberly H. Robinson, Executive Director  
• LIAISON - Veronica Frenkel, WCD Board of Trustees

### MINUTES REGIONAL PLANNING GOVERNING BOARD (RPGGB) Regular Meeting

Thursday, October 20, 2016, 2:00 p.m.

The Regional Planning Governing Board (RPGGB) met in regular session in the Reno City Council Chambers, 1 East First Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Charlene Bybee at 2:00 p.m.

#### **1. ROLL CALL**

The clerk called the roll and RPGGB Members in attendance were: Charlene Bybee, David Bobzien, Marsha Berkgigler, Jenny Brekhus (*present at 2:15 p.m.*), Naomi Duerr, Vaughn Hartung, Jeanne Herman, Geno Martini, and Paul McKenzie.

Members absent: Ed Lawson and non-voting member Veronica Frenkel, Washoe County School District.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Kimberly H. Robinson, Executive Director of Regional Planning; Norman Azevedo, Legal Counsel; Lauren Knox; Damien Kerwin; Nate Kusha; Jeremy Smith; and Chris Tolley.

#### **2. SALUTE TO THE FLAG**

Member Martini led the Pledge of Allegiance.

#### **3. [For possible action] APPROVAL OF THE AGENDA**

MEMBER DUERR MADE A MOTION TO APPROVE THE AGENDA, SECONDED BY MEMBER BERKBIGLER. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

#### **4. APPROVAL OF THE MINUTES**

A. [For possible action] August 11, 2016, RPGGB Meeting

B. [For possible action] August 29, 2016, RPGGB Meeting

C. [For possible action] September 15, 2016, RPGGB Meeting

MEMBER BERKBIGLER MADE A MOTION TO APPROVE THE ABOVE MEETING MINUTES, SECONDED BY MEMBER HARTUNG. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

5. PUBLIC COMMENT

None

6. CONSENT AGENDA

- A. [For possible action] Consideration and possible acceptance of the FY 2015-16 fourth quarter and FY 2016-17 first quarter budget and work programs reports

MEMBER MARTINI MADE A MOTION TO APPROVE THE CONSENT AGENDA, SECONDED BY MEMBER HARTUNG. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

7. BUSINESS OF THE DAY

- A. [For possible action] PUBLIC HEARING – Regional Plan Amendment (RPA16-001) – Consideration and possible action to adopt RPGB Resolution 16-07 regarding an amendment to the boundaries of the Reno-Stead Corridor Joint Plan, located on Map 6 of the Regional Plan, by removing a ±55.5 acre parcel located along the south side of Sky Vista Parkway, ±900 feet east of its intersection with Trading Post Road

Lauren Knox, Regional Planner, presented information included in the staff report for this item.

Member McKenzie discussed traffic and school capacity issues and stated that he cannot make the finding regarding infrastructure availability but that is something that will be discussed and resolved as this project moves forward.

*[The public comment portion of the hearing was opened.]* There were no requests to speak.

*[The public comment portion of the hearing was closed.]*

MEMBER HARTUNG MADE A MOTION TO ADOPT RPGB RESOLUTION 16-07 TO REMOVE A ±55.5 ACRE SITE FROM THE RENO-STEAD CORRIDOR JOINT PLAN DETAILED ON MAP 6 OF THE 2012 REGIONAL PLAN AS DETAILED IN THE STAFF REPORT, SECONDED BY MEMBER BERKBIGLER. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- B. [For possible action] Consideration and possible action on compensation for the Executive Director of Regional Planning

Norm Azevedo, Legal Counsel, presented information included in the staff report regarding the performance evaluation and compensation for the Executive Director of Regional Planning.

*[Member Brekhus present at 2:15 p.m.]*

Mr. Azevedo answered questions from Board Members regarding past compensation for the Director and Regional Planning staff members. There was discussion regarding parity with the

RPGb SPECIAL MEETING MINUTES  
OCTOBER 20, 2016  
PAGE 3

past Director of Regional Planning and Directors of other agencies. A summary of the current Director's performance evaluation was also considered.

MEMBER BOBZIEN MADE A MOTION TO APPROVE A FIVE PERCENT (5%) COMPENSATION INCREASE FOR THE EXECUTIVE DIRECTOR OF REGIONAL PLANNING, SECONDED BY MEMBER BREKHUS.

There was discussion regarding the need to consider increasing staff compensation as well. Mr. Azevedo recommended including a request for that discussion under Agenda Item 9.

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

C. [For possible action] Consideration and possible direction regarding the 2017 Truckee Meadows Regional Plan Update

Kimberly H. Robinson, Executive Director of Regional Planning, presented information included in the staff report regarding the 2017 Truckee Meadows Regional Plan Update process including the following components: Values; Regional Partnerships; Data Gathering; Community Engagement; Technical Analysis; and Regional Plan Development. Next steps and staff recommendations were also presented. The recommendation that was approved by the Regional Planning Commission (RPC) on Tuesday, October 18, 2016, is that staff will draft a report that will be taken to the RPC in November that can then be transmitted to the RPGb meeting in December. Staff will share today's feedback from the RPGb with the RPC.

Member Martini expressed concern regarding what happened in the last legislative session with regard to an entity trying to do away with regional planning. This year there is a Bill Draft Request (BDR) going to the legislative session from the same entity to change the makeup of the RPGb or possibly do away with it. He stated that he is not prepared to vote in favor of spending any money on a Regional Plan Update until they find out exactly what will happen at the legislature.

Member Brekhus discussed the need to include an Issues Identification component to the update process.

Member Berkbigler discussed the Washoe County BDR stating that it will address changes the County wants to the statutes that directly impact the County and not the cities. The goal is not to eliminate the RPGb. Washoe County is in the process of working on language for the BDR and as soon as it is ready it will be provided to the RPGb.

Member Martini expressed concerns regarding the fact that the BDR language is not available.

Member Bobzien asked Member Berkbigler how she sees this discussion going forward with the Board of County Commissioners.

RPGb SPECIAL MEETING MINUTES  
OCTOBER 20, 2016  
PAGE 4

Member Berkbigler explained that a number of issues were put on the table and the County Commission Chair recommended that County staff come back with language that specifically addresses the issues that directly impact the County that make the County a side entity and not really part of the team. That information should come back at the November 29, 2016, County Commission meeting.

Member Brekhus discussed approaching this as mediating conflict and suggested that staff prepare a report on potential areas of conflict that need to be mediated. This governance issue may be a good starting point but we need to go into the substantive land use conflicts that are driving this debate.

Member McKenzie agreed that the issues need to be identified in order to resolve them.

MEMBER HARTUNG MADE A MOTION TO ACCEPT THE INFORMATION INCLUDED IN THE STAFF REPORT, SECONDED BY MEMBER BOBZIEN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

**8. REPORTS**

A. [For possible action] Members' and Director's reports

Director Robinson will poll the Governing Board Members privately to determine when they would like to hold a workshop to identify what they feel are issues with the Regional Plan.

The next RPGb meeting will be held on December 8, 2016, and the location is to be determined.

B. [For possible action] Legal counsel's report

Discussion and possible action on Norman J. Azevedo transitioning his law firm into the Dyer, Lawrence, Flaherty, Donaldson & Prunty law firm in Carson City, Nevada

Norm Azevedo, Legal Counsel, discussed his transition into the law firm Dyer, Lawrence, Flaherty, Donaldson & Prunty and reported that no conflicts were found.

MEMBER HARTUNG MADE A MOTION TO RETAIN MR. AZEVEDO'S SERVICES AS LEGAL COUNSEL, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

**9. [For possible action] REQUESTS FOR FUTURE AGENDA ITEMS**

Future agenda items will include: discussion of BDR language; overview of areas of potential conflict; status of the Regional Plan Update.

**10. PUBLIC COMMENT**

None



RPGB SPECIAL MEETING MINUTES  
OCTOBER 20, 2016  
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11. WRITTEN CORRESPONDENCE

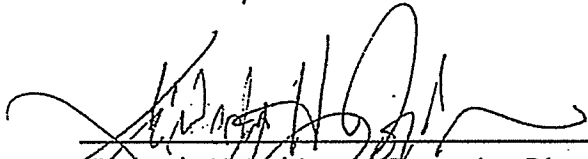
None

12. ADJOURNMENT

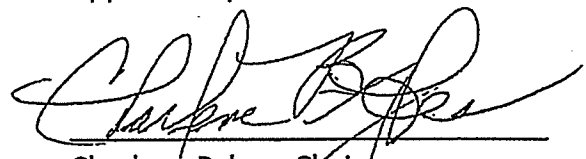
The meeting was adjourned at 3:06 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

  
\_\_\_\_\_  
Kimberly H. Robinson, Executive Director  
Truckee Meadows Regional Planning Agency

Approved by:

  
\_\_\_\_\_  
Charlene Bybee, Chair  
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON

Dec 8, 2016.

**EXHIBIT "14"**

**EXHIBIT "14"**

**COUNTY COMMISSIONERS**

Chair, Kitty Jung, District 3  
 Vice-Chair, Bob Lucey, District 2  
 Marsha Berkbigler, District 1  
 Vaughn Hartung, District 4  
 Jeanne Herman, District 5

**COUNTY MANAGER**

John Slaughter

**ASSISTANT DISTRICT ATTORNEY**

Paul Lipparelli

**COUNTY CLERK**

Nancy Parent

**NOTICE OF MEETING AND AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS  
 HEALTH DISTRICT BOARD ROOM, BUILDING B - 1001 E. 9th Street, Reno, Nevada**

**November 29, 2016  
 10:00 a.m.**

**NOTE:** Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. The Consent is a single agenda item and is considered as a block and will not be read aloud. The Board of County Commissioners may take breaks approximately every 90 minutes.

**Accessibility.** The Washoe County Health District Board Room is accessible to the disabled. If you require special arrangements for the meeting, call the Office of the County Manager, (775) 328-2000, 24-hours prior to the meeting.

**Public Transportation.** Public transportation is available to this meeting site: RTC Routes 2, 2S, 5 and 15 serve this location. For eligible RTC ACCESS reservations call (775) 348-5438.

**Time Limits.** Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. Persons may not allocate unused time to other speakers.

**Forum Restrictions and Orderly Conduct of Business.** The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

**Responses to Public Comments.** The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item:

**"\*Commissioners'/Manager's Announcements; Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".**

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street, Bldg. A), Washoe County Courthouse-Second Judicial District Court (75 Court Street

Washoe County - Reno Downtown Library (301 South Center Street); Sparks Justice Court (1675 East Prater Way); [www.washoecounty.us/bcc/board\\_committees/](http://www.washoecounty.us/bcc/board_committees/) and <https://notice.nv.gov>.

Support documentation for the items on the agenda, provided to the Washoe County Board of Commissioners is available to members of the public at the County Manager's Office (1001 E. 9th Street, Bldg. A, 2<sup>nd</sup> Floor, Reno, Nevada) Marilyn Kramer, Assistant to the County Manager, (775) 328-2000 and on Washoe County's website [www.washoecounty.us/bcc/board\\_committees/](http://www.washoecounty.us/bcc/board_committees/)

All items numbered or lettered below are hereby designated for possible action as if the words "for possible action" were written next to each item (NRS 241.020). An item listed with asterisk (\*) next to it is an item for which no action will be taken.

- 10:00 a.m. \*1. Salute to the flag.
- \*2. Roll call.
- \*3. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
- \*4. Commissioners'/Manager's announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)
- \*5. Declaration of Canvass of Vote (Recount of Assembly District 31) and execute Order of the Recount. Registrar of Voters. (All Commission Districts.)

#### Consent Items

- 6.A. Approve minutes of the regular Washoe County Board of Commissioners concurrent meeting of October 25, 2016.
- 6.B. Approve adding two (2) education incentives pays for the non-represented Chief Investigator (DA) classification to include the 1.25% Management P.O.S.T. pay, effective October 3, 2016, for attaining a Nevada Management P.O.S.T. certification, and the 1.25% Supervisor P.O.S.T. pay, effective July 1, 2016, for attaining Nevada Supervisor P.O.S.T. certification. FY 16/17 [fiscal impact is estimated at \$4,322.] District Attorney. (All Commission Districts).
- 6.C. Approve to acknowledge a grant award to support the Sober24 program, from the Nevada Office of Traffic Safety to the Reno Justice Court [\$45,000.00, 20% in-kind match required], retroactive to October 1, 2016 through September 30, 2017; and direct the Comptroller to make the appropriate budget adjustments. Reno Justice Court. (All Commission Districts.)
- 6.D. Approve to Acknowledge receipt of the Washoe County Comprehensive Annual Financial Report (CAFR), auditor's report, and report on internal control for the fiscal year ended June 30, 2016 as presented; approve the [re-appropriation of \$28,738,390 for the fiscal year 2017 budget, consisting of \$13,102,196 for purchase order encumbrances committed in fiscal year 2016 and \$15,636,194 for spending of restricted contributions and fees;] and, authorize the Comptroller to proceed with distribution of the CAFR for public record, as required by law. Comptroller. (All Commission Districts.)

- 6.E. Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2013/2014, 2014/2015, 2015/2016 and 2016/2017 secured tax roll and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$105,988.27]. Assessor. (Parcels are in Commission Districts 1, 2 & 5.)
- 6.F. Approve State Collection Development funds from the State of Nevada in the amount of [\$7,013., no local match required] for a retroactive term of October 1, 2016 through June 30, 2017 for the augmentation of Library Collections, direct the Comptroller's Office to make the necessary budget amendments and authorize the Director to sign the grant award document. (All Commission Districts.)
- 6.G. Approve the Continuum of Care – Permanent Supportive Housing Program Grant from the United States Department of Housing and Urban Development (HUD), in the amount of [\$84,619; \$23,607 County match] to provide housing and supportive services for homeless families; retroactively for the period of September 1, 2016 through August 31, 2017; authorize the Department to execute the grant agreement and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

#### Manager

- 6.H.1. Approve the attached resolution authorizing the waiver of Washoe County's unused portion of available volume cap for the issuance of Qualified Energy Conservation Bonds and affirming the transfer of this waived volume cap to the State of Nevada, Department of Business and Industry [no fiscal impact]. (All Commission Districts.)
- 6.H.2. Approve a 2014 Supplemental Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management for [\$20,000.00 retroactive] for the period of October 26, 2016 through December 31, 2016; [requires a match in the amount of \$20,000.00 by applying the salary expense of Washoe County Sheriff Search and Rescue positions]; and if accepted, and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)
- 6.H.3. Approve recommendation for Commission District Special Fund disbursement [in the amount of \$4,775] for Fiscal Year 2016-2017; District 5 Commissioner Jeanne Herman recommends [\$4,000] designated specifically towards the purchase a Self-Loading Gurney for the Gerlach Fire Department, and [\$775 grant] to Friends of Washoe County Library for the North Valleys Library remodel; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary budget appropriation transfers. (Commission District 5.)
- 6.H.4. Approve to Acknowledge the status report on collection of AB 104 gaming taxes through the first quarter of Fiscal Year 2016-17 [no fiscal impact]. (All Commission Districts.)
- 6.H.5. Confirm appointment of two County Commissioners, Commissioner Herman and Commissioner Lucey, to the Washoe County School District Capital Funding Protection Committee. (All Commission Districts.)
- 6.H.6. Approve a General Fund Contingency transfer of [\$150,000] to the Capital Improvement Fund to provide FY 2016/17 appropriation authority for capital improvements to the Board of County Commissioners Chambers project and direct the Comptroller to make the appropriate budget appropriation transfers. (All Commission Districts.)

#### Health

- 6.I.1. Approve amendments totaling an increase of [\$34,793.00] in both revenue and expense to the FY17 Assistant Secretary for Preparedness and Response (ASPR) BP5 Carryover Grant Program, IO 11343; and

if approved direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)

- 6.I.2. Approve amendments totaling an increase of [\$30,843.00] in both revenue and expense to the FY17 Centers for Disease Control and Prevention (CDC) BP5 Carryover Grant Program, IO 11344; and if approved direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)

Sheriff

- 6.J.1. Approve the Joining Forces 2017 grant from the Nevada Office of Traffic Safety (OTS) to cover overtime costs related to conducting Traffic Enforcement Checkpoints and events and for limited travel expenses, [\$120,000.00, No cash match required; 25% in-kind match required] for the retroactive grant term of 10/1/16 through 9/30/17 and if approved, direct Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 6.J.2. Approve acceptance of reimbursement costs [up to \$30,000.00, no match required] for overtime and other expenses incurred by deputies assigned to work with the U.S. Immigration and Customs Enforcement Homeland Security Investigations (ICE-HSI) Regional Gang Unit. Funds are available retroactively for the period of 09/01/2016 – 09/01/2017. If approved, direct the Comptroller's Office to make the necessary budget amendments and authorize the Sheriff to execute the Agreement between Federal Law Enforcement Agency Participating in the Treasury Forfeiture Fund and State or Local Law Enforcement Agency for the Reimbursement of Expenses in Joint Operations. Sheriff. (All Commission Districts.)
- 6.J.3 Acknowledge Receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Committee for First Quarter for Fiscal Year 16/17. (All Commission Districts.)
- 6.J.4 Approve acceptance of third year funding of a grant award [\$57,000.00, no match required] from the Las Vegas Metropolitan Police Department and Amendment #2 to the Interlocal Contract between the Las Vegas Metropolitan Police Department and the Washoe County Board of County Commissioners On Behalf Of The Washoe County Sheriff's Office for reimbursement of expenses associated with Internet Crimes Against Children investigations, for the retroactive grant period of 10/1/14 through 6/30/17, and if approved, direct Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 6.J.5 Approve acceptance of [up to \$17,548.00, no County match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Safe Streets Task Force (SSTF). Washoe County will be reimbursed for overtime and benefit costs directly related to activities in conjunction with the FBI SSTF. Funds are available retroactively from Federal Fiscal Year 10/1/16-9/30/17. If approved, direct Comptroller's Office to make necessary budget amendments. (All Commission Districts.)
- 6.J.6 Approve the Law Enforcement industry practice of selling older trained canines that have met their useful life, or upon retirement of the handler, to their handler for [\$1.00]. (All Commission Districts.)

End of Consent Items

- \*7. Department presentation by the Health District highlighting services and operations. [10 minutes.]
8. Approve the removal of uncollectible accounts receivable [totaling \$3,202,367.73.] Comptroller. (All Commission Districts.)
9. Award Request for Proposal (RFP) #2991-17 for the Differential Response program for child abuse and neglect cases, to the lowest responsible, responsive proposer, meeting specification, The Children's

- Cabinet, 1090 S. Rock Blvd., Reno, NV 89502, in the estimated amount up to \$300,000.00 for the first year, on behalf of Washoe County Department of Social Services; and further to recommend that the Purchasing and Contracts Manager be authorized to enter into this Agreement for one (1) year, commencing December, 1, 2016 through November 30, 2017, with the provision for up to two (2) - one (1) year extensions at Washoe County's option at an [approximate annual amount between \$250,000 and \$300,000.] Social Services. (All Commission Districts.)
10. Adopt a Resolution declaring Washoe County's intent to sell Truckee River Water Rights (362 acre-feet) Claim DTR-014 to the Pyramid Lake Paiute Tribe; and set a public hearing for December 13, 2016 at 10:00 a.m. pursuant to NRS 277.050 to hear any objections. Community Services. (Commission District 4.)
  11. Request by the County Manager through the County Clerk pursuant to Washoe County Code 2.03 to approve a request to amend the Washoe County Code (Chapter 20) to enact the increase to the County's sales and use tax rate as approved by voters in Washoe County on November 8, 2016, and direct the Clerk to submit the request to the District Attorney for preparation of a proposed ordinance pursuant to Washoe County Code 2.04. Manager. (All Commission Districts.)
  12. Request by the County Manager through the Washoe County Clerk pursuant to WCC 2.030 for the Board of County Commissioners to initiate proceedings to amend Washoe County Code Chapter 110 (Development Code) at Article 304, Use Classification System, to expand the current definition of Outdoor Entertainment (Commercial Recreation, Commercial Use Type) to include other types of outdoor entertainment venues such as amphitheaters, race tracks, golf courses, ski resorts, and/or other appropriate venues; and to incorporate a wider range of typical uses such as sporting events, concerts, outdoor plays, outdoor music festivals with live or recorded music, and/or other appropriate uses. Additionally, initiate amendments to Washoe County Code Chapter 110 at Article 302, Allowed Uses, to potentially expand the regulatory zones within which the outdoor entertainment use type is allowed or allowed with the approval of an appropriate discretionary permit. Further, to direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Sections 2.030 and 2.040. Manager. (All Commission Districts.)
  13. Possible action to find that the 800 MHz System and any future similar system of radio communication which is owned or operated by Washoe County is a matter of local concern for the effective operation of local government, and motion to introduce and conduct a first reading of an ordinance amending chapter 5 of the Washoe County Code, Section 5.456, to authorize the Chief Information Officer to negotiate and execute agreements with other public and private entities as are required to assure the continued present and future operation of Washoe County's emergency radio system(s) and to present such agreements to the Washoe County Board of Commissioners for final approval when required by law or policy; describing that such agreements may include, without limitation, provisions for sharing the use, governance, operation, maintenance, and upgrade of any Washoe County radio system with other public or private entities, unless otherwise prohibited by law; changing the title of Chief Information Management Officer to Chief Information Officer; and providing for other matters properly relating thereto, And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for December 13, 2016. Technology Services. (All Commission Districts.)
  14. Discussion and possible action on suspension of Rules and Procedures of the Board of County Commissioners pursuant to Rule 3 to allow reconsideration of denial of an application from GTI Nevada, LLC dba Rise Incline Village to move a medical marijuana dispensary establishment from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). Manager. (Commission District 4.)
  15. Discussion and possible reconsideration of denial of an application from GTI Nevada, LLC dba Rise Incline Village to move a medical marijuana dispensary establishment from the location issued a State of

Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). Manager. (Commission District 4.)

16. Discussion and possible action to approve a new franchise agreement under NRS 244.187-188 for the collection and disposal of garbage and other waste with Reno Disposal Co., a Nevada corporation doing business as Independent Sanitation Company and Waste Management, including but not limited to possible changes to the franchise fee, possible changes to the length of time during which the franchise will be in effect, and the possible addition of certain recyclables to the scope of the franchise. Manager. (All Commission Districts.)
17. Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District per NRS 288.220.
- \*18. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
- \*19. Commissioners'/Manager's announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)

Adjournment.

Various boards/commissions the Washoe County Commissioners may be a member of or liaison to:

Chair Jung

Community Assistance Center Transitional Governing Board  
 District Board of Health  
 Internal Audit Committee  
 Investment Committee  
 Medical Marijuana Working Group  
 Nevada Works (alternate)  
 Truckee Meadows Water Authority Board (alternate)  
 Truckee River Flood Management Authority (alternate)  
 Washoe County Criminal Justice Advisory Committee  
 Washoe County Stadium Authority

Vice-Chair Lucey

EDAWN (Economic Development Authority of Western Nevada) (alternate)  
 Nevada Association of Counties Board of Directors (NACO)  
 Nevada Commission for the Reconstruction of the V&T Railway (alternate)  
 Nevada Tahoe Regional Planning Agency Board (alternate)  
 Regional Transportation Commission  
 Reno-Sparks Convention & Visitors Authority  
 Tahoe Regional Planning Agency Governing Board (alternate)  
 Tahoe Transportation District Board of Directors (alternate)  
 Tahoe Transportation Commission (alternate)  
 Truckee Meadows Water Authority Board (alternate)  
 Truckee River Flood Management Authority  
 Washoe County Criminal Justice Advisory Committee (alternate)



Washoe County Debt Management Commission  
 Washoe County Library Board of Trustees  
 Washoe County School District Capital Funding Protection Committee  
 Washoe County School District Oversight Panel  
 Washoe County Stadium Authority (alternate)  
 Western Regional Water Commission

Commissioner Berkbigler

Economic Development Authority of Western Nevada (EDAWN)  
 Nevada Tahoe Conservation District Board of Supervisors  
 Nevada Tahoe Regional Planning Agency Board  
 Public Schools Overcrowding and Repair Needs Committee  
 Regional Transportation Commission  
 Tahoe Prosperity Center Board of Directors  
 Tahoe Regional Planning Agency Governing Board  
 Tahoe Transportation District Board of Directors  
 Tahoe Transportation Commission  
 Truckee Meadows Water Authority Board (alternate)  
 Truckee River Flood Management Authority (alternate)  
 Washoe County Legislative Liaison  
 Washoe County Organizational Effectiveness Committee  
 Washoe County Stadium Authority  
 Western Nevada Development District (WNDD)y

Commissioner Hartung

Truckee Meadows Regional Planning Agency Governing Board  
 Truckee Meadows Water Authority Board  
 Truckee River Flood Management Authority  
 Washoe County Investment Committee  
 Washoe County Senior Services Advisory Board Liaison (alternate)  
 Washoe County Stadium Authority (alternate)  
 Western Regional Water Commission

Commissioner Herman

Nevada Association of Counties Board of Directors (NACO)  
 Nevada Commission for the Reconstruction of the V&T Railway  
 NevadaWorks  
 State Land Use Planning Advisory Council (SLUPAC)  
 Truckee Meadows Regional Planning Agency Governing Board  
 Truckee Meadows Water Authority Board  
 Truckee River Flood Management Authority (alternate)  
 Vya Conservation District  
 Washoe County Open Space and Regional Parks Commission Liaison  
 Washoe County Senior Services Advisory Board Liaison  
 Washoe County School District Capital Funding Protection Committee  
 Washoe County School District Oversight Panel  
 Washoe County Stadium Authority (alternate)  
 Washoe-Storey Conservation District  
 Western Regional Water Commission



NOTICE OF MEETING AND AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS  
WASHOE COUNTY LIBRARY BOARD OF TRUSTEES  
COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada

**PLEASE NOTE NEW TIME**

October 25, 2016

9:00 a.m.

**NOTE:** Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. The Consent is a single agenda item and is considered as a block and will not be read aloud. The Board of County Commissioners may take breaks approximately every 90 minutes.

**Accessibility.** The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the Office of the County Manager, (775) 328-2000, 24-hours prior to the meeting.

**Public Transportation.** Public transportation is available to this meeting site: RTC Routes 2, 25, 5 and 15 serve this location. For eligible RTC ACCESS reservations call (775) 348-5438.

**Time Limits.** Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. Persons may not allocate unused time to other speakers. To preserve time and increase efficiency representatives of recognized groups may be given more than 3 minutes as determined by the presiding officer.

**Forum Restrictions and Orderly Conduct of Business.** The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive conduct may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

12. Acknowledge status report on agreement with It's My Community Store for Office Supplies and Office Consumables and provide direction to staff regarding initiation of the second of two optional one year renewals of the agreement from November 17, 2016 to November 16, 2017. [\$261,000 estimate]. Manager. (All Commission Districts.)
13. Approve, tentatively, an Agreement for License and Professional Management Services at Washoe Golf Course between Washoe County and the most qualified proposer [staff recommends Billy Casper Golf], for full management of the Washoe Golf Course for a four and one half year period commencing on January 1, 2017 through June 30, 2021; and if tentatively approved, authorize the Community Services Department Director to further negotiate and sign the Agreement consistent with the selected vendor's proposal. (Commission District 1.)
14. Update and possible direction to staff on future code changes regarding possible restriction of adult use/recreational marijuana. Manager. (All Commission Districts.)
15. Update and acknowledgement of the Washoe County FY16-18 Strategic Plan, including status thru first quarter of Fiscal Year 2016-17 goals and initiatives [No fiscal impact]. Manager. (All Commission Districts.)
16. Discussion and direction to staff regarding Washoe County's Bill Draft Request of proposed changes to regional planning for the 2017 Nevada Legislative Session and other legislative issues proposed by legislators, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)
17. Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Public Hearings. (Note: Due to public testimony and discussion, time expended on the item in this category can vary.)



Nancy Parent, County Clerk  
John Slaughter, County Manager  
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 9:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

John Slaughter, County Manager, announced a portion of the meeting would be a joint meeting of the Board of County Commissioners and the Washoe County Library Board of Trustees for the first few items on the agenda. He stated public comment related to the Library Board would take place first and after the Library Board adjourned, public comment would be heard for other topics of interest.

In response to Chair Jung's question as to whether the Board could proceed in the matter as described by Mr. Slaughter, Paul Lipparelli, Legal Counsel, replied the Board would never get into trouble by offering more time for public comment.

Chair Jung echoed Mr. Slaughter's comments regarding public comment to the audience.

16-0910 AGENDA ITEM 5 Washoe County Board of Commissioners and Washoe County Library. – see separate Notice of Joint Meeting and Agenda.

AGENDA ITEM 10 Discussion and direction to staff regarding Washoe County's Bill Draft Request of proposed changes to regional planning for the 2017 Nevada Legislative Session and other legislative issues proposed by legislators, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)

Al Rogers, Management Services Director, stated the deadline to submit Bill Draft Requests (BDRs) to the Legislative Counsel Bureau was fast approaching. He noted there were a couple of options which the County Manager would discuss.

John Slaughter, County Manager, thought it would be beneficial for the Board to make a motion with specific direction to staff at the end of the discussion. He said Option A would change the governance model. Under Option A, guidelines and requirements for Washoe County's appointees to the Regional Planning Governing Board would be removed, and the number of representatives from each of the jurisdictions would be equalized. He noted there would be no requirements as to who the Board appointed. The Governing Board would consist of three Washoe County members, three City of Sparks members, and three City of Reno members. He stated Option B would utilize the existing Clark County model, and would change the population threshold from 700,000 or more to 100,000 or more. He added the Clark County model was more advisory in nature. He submitted the proposed regional planning legislations, which were placed on file with the Clerk.

Commissioner Berkbigler thought Option A was the most appropriate option since it would resolve the County's concerns about not being treated equally. She added she did not have a problem with the people currently on the Governing Board.

Garth Elliott stated for several legislative sessions the County had kept quiet in regards to BDRs. He said the County needed to correct planning issues; such as, the lack of infrastructure, through BDRs.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that staff submit a Bill Draft Request containing Option A, to change the governance of the Regional Planning Governing Board, which would abolish the Nevada Revised Statute directive regarding the County's appointees, and equalize the representatives of each jurisdiction.

16-0937      AGENDA ITEM 17 Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Bill Whitney, Planning and Development Division Director, reported he already spoke to the Reno City Council. He added he and Commissioner Lucey met with off-road vehicle enthusiasts regarding their concerns. He said he would be speaking to the Sun Valley General Improvement District to talk about the Public Lands Bill. He noted the next large public meeting would be held on November 2nd.

Commissioner Lucey added he and Mr. Whitney also met with the Friends of Nevada Wilderness. He said the community involvement had been great and was much appreciated.

There was no public comment or action on this item.

16-0938      AGENDA ITEM 21 Possible Closed Session for the purpose of



County Board of Commissioners during the meeting

held on 10-25-16

by John Slaughter

for Agenda Item No. 16

and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.

REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 100,000 OR MORE BUT LESS THAN  
700,000

**NRS 278.026 Definitions.** As used in NRS 278.026 to 278.029, inclusive, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include:

(a) A state agency; or

(b) A public utility which is subject to regulation by the Public Utilities Commission of Nevada.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264.

4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.

5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:

(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, paleontological, cultural or scenic resource;

(b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;

(c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities, including without

(e) Gas regulator stations and mains that operate over 100 pounds per square inch.

7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.

(Added to NRS by 1989, 759; A 1991, 1733; 1995, 2662; 1997, 1981; 1999, 2124; 2005, 1586; 2009, 378)

**NRS 278.0261 Legislative findings and declaration.** The Legislature hereby finds and declares that:

1. The process of regional planning in a county whose population is 100,000 or more but less than 700,000, as set forth in NRS 278.026 to 278.029, inclusive, ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.

2. The process of regional planning set forth in NRS 278.026 to 278.029, inclusive, does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more but less than 700,000.

3. The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:

(a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and

(b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.

4. It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.

(Added to NRS by 1999, 2123; A 2011, 1179)

**NRS 278.0262 Regional planning commission: Creation; membership; chair; compensation; training.**

1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a regional planning commission consisting of:

or her term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his or her appointment 1 year after the date on which his or her term of appointment commenced.

(Added to NRS by 1989, 759; A 1999, 2125; 2001, 1965; 2011, 1179)

**NRS 278.0263 Regional planning commission: Request for assistance.** The regional planning commission shall request assistance from the governing body of a county, the governing body of a city, a state agency or an affected entity as required to perform its duties.

(Added to NRS by 1991, 1732)

**NRS 278.02632 Regional planning commission: Study and development of incentives for certain types of development.** The regional planning commission shall continue to study and develop methods to provide incentives for:

1. Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this subsection, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

2. Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.

(Added to NRS by 2005, 1583)

**NRS 278.0264 Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget.**

1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, ~~at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:~~

~~(1) A county commissioner, his or her district must be one of the two districts in the county with the highest percentage of unincorporated area.~~

~~(2) Not a county commissioner, he or she must reside within an unincorporated area of the~~

The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him or her shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

(Added to NRS by 1989, 760; A 1991, 1734; 2001, 1966; 2011, 1180)

**NRS 278.0265 Governing board for regional planning: Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements.** The governing board:

1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.
2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:

(a) State statutes and regulations and local ordinances, resolutions and regulations concerning land

7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and

8. May:

(a) Appoint professional, technical or clerical staff to, and dismiss them from, positions which are approved by the governing board;

(b) Execute contracts for services and interlocal agreements which are approved by the governing board;

(c) Direct the activities of all other persons employed by the governing board; and

(d) Prepare an annual budget.

(Added to NRS by 1989, 761)

**NRS 278.0268 Appointment of subcommittees and advisory committees.**

1. The governing board and the regional planning commission may, jointly or separately, appoint subcommittees for any purpose that is consistent with NRS 278.026 to 278.029, inclusive. A subcommittee appointed pursuant to this subsection must be composed only of:

(a) Members of the governing board or regional planning commission, as appropriate, if the subcommittee is appointed separately; or

(b) Members from both the governing board and the regional planning commission, if the subcommittee is appointed jointly.

2. To assist in the formulation and the implementation of the comprehensive regional plan, the governing board and the regional planning commission may, jointly or separately, appoint advisory committees to advise and report to the governing board, regional planning commission, director of regional planning or a combination of such entities.

3. The governing board and the regional planning commission may, jointly or separately, appoint advisory committees to examine issues that affect the county in which the governing board and regional planning commission are located. The governing board and regional planning commission may appoint persons from outside the county in which the governing board and regional planning commission are located and from outside this State to serve on an advisory committee appointed pursuant to this section. An advisory committee appointed pursuant to this subsection may:

(a) Identify, examine and discuss regional issues that affect the county in which the governing board

4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.

5. Before amending the plan, the commission must hold at least one public hearing on the proposed amendment at a location in the region.

6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total membership.

7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. Except as otherwise provided in subsection 8, all requests for amendments to the plan must be studied and considered at public hearings held annually by the commission.

8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.

9. Except as otherwise provided in this subsection, notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the region, notice must be given by publication in at least two such newspapers. Notice of the time and place of the initial meeting of the regional planning commission and the hearing at which the commission receives testimony concerning final approval of the comprehensive regional plan must be given by publication at least 30 days before the day of the meeting or hearing. Notice given pursuant to this subsection must be a display advertisement of not less than 3 inches by 5 inches.

(Added to NRS by 1989, 761)

**NRS 278.0274 Contents of regional plan.** The comprehensive regional plan must include goals, policies, maps and other documents relating to:

taking into account the location, purpose and stated mission of the primary institution;

(b) Allow for a variety of uses;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area:

5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:

(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;

(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;

(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and

(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:

(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and

(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.

6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision



**NRS 278.0277 Project of regional significance: Adoption of guidelines and procedures for review of proposal.** The regional planning commission shall adopt guidelines and procedures for the review of whether a proposal for the use of land submitted to a county or city located in the region is a project of regional significance. The county or city shall use the guidelines and procedures adopted by the regional planning commission to determine if a proposal for the use of land is a project of regional significance.

(Added to NRS by 1991, 1731)

**NRS 278.0278 Project of regional significance: Finding of conformance with adopted regional plan required before final approval and commencement of construction; appeal of determination to governing board.**

1. Before a project of regional significance is approved finally by the county or city and before construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in conformance with the adopted regional plan. In making its determination, the commission shall limit its review to the substance and content of the adopted comprehensive regional plan and shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

2. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, it shall be deemed that the commission has made a finding that the project conforms with the regional plan.

3. If the commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the governing board within 45 days after the determination is made. The governing board shall consider the appeal and may reverse the determination of the commission or recommend that the county or city take actions to make the proposal consistent with the comprehensive regional plan. The county or city shall, within 45 days after receipt, consider any such recommendations and direct such changes in the project as are necessary to assure the consistency of the proposal with the adopted regional plan.

4. The limits on time imposed in subsection 2 of NRS 278.315, subsection 5 of NRS 278.330 and subsection 2 of NRS 278.340 are extended by 60 days or such period as may be necessary to complete

commission shall jointly hold at least one public hearing thereon. Notice of the time and place of the hearing must be given by at least one publication in a newspaper of general circulation in the county at least 10 days before the day of the hearing.

2. The recommendation of the master plan for a joint planning area must be by resolution of each affected local planning commission in the joint planning area carried by the affirmative votes of not less than two-thirds of the total membership of each commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the county planning commission and the planning commission of each city in the joint planning area to constitute the recommended master plan for the joint planning area.

3. The master plan for the joint planning area that is recommended by the affected local planning commissions must be considered for adoption by each affected local governing body.

4. The affected local governing bodies may adopt such parts thereof as may practicably be applied to the development of the joint planning area. The master plan for the joint planning area becomes effective upon the approval by a majority of the membership of each affected local governing body.

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

(Added to NRS by 1991, 1732)

**NRS 278.02788 Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.**

1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city

and submit them, within 60 days after the adoption of the comprehensive plan, to the regional planning commission. The regional planning commission shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the comprehensive regional plan. The regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

2. If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

3. An affected entity or local governing body that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

(Added to NRS by 1989, 765)

**NRS 278.0282 Review of proposed adoption or amendment of master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.**

1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings

disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

7. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

(Added to NRS by 1989, 764; A 1997, 1983)

**NRS 278.0284 Conformity of local ordinances and regulations to master plan.** Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.

(Added to NRS by 1989, 766)

**NRS 278.0286 Annual report by local planning commission; local government to file information relating to proposed actions concerning regional plan.**



**NRS 278.02514 Regional planning coalition: Establishment.** In a county whose population is 700,000-100,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county shall establish a regional planning coalition by cooperative agreement pursuant to chapter 277 of NRS.

(Added to NRS by 1999. 1973; A 1999. 3374; 2011. 1178)

### Comprehensive Regional Policy Planning

#### **NRS 278.02521 Legislative intent.**

1. The Legislature recognizes the need for innovative strategies of planning and development that:
  - (a) Address the anticipated needs and demands of continued urbanization and the corresponding need to protect environmentally sensitive areas; and
  - (b) Will allow the development of less populous regions of this State if such regions:
    - (1) Seek increased economic development; and
    - (2) Have sufficient resources of land and water to accommodate development in a manner that is environmentally sound.
2. The Legislature further recognizes that innovative strategies of planning and development may be superior to conventional strategies of planning and development with respect to:
  - (a) Protecting environmentally sensitive areas;
  - (b) Maintaining the economic viability of agricultural and other predominantly rural land uses; and
  - (c) Providing cost-effective public facilities and services.
3. It is the intent of the Legislature that each comprehensive regional policy plan adopted or amended pursuant to this chapter should set forth a process of planning which:
  - (a) Allows for:
    - (1) The efficient use of land within existing urban areas; and
    - (2) The conversion of rural lands to other uses, if such other uses are appropriate and consistent with the provisions of this chapter and the master plan of each affected city and county.
  - (b) Uses innovative and flexible strategies of planning and development and creative techniques of land use planning which promote sustainable growth, including, without limitation, establishment of new

balanced economic, social, physical, environmental and local development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.

2. In developing the plan, the coalition:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall ensure that the comprehensive regional policy plan includes goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, standardized projections for population growth in the region.

(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region, and that the plan addresses, if applicable:

(I) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(II) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation.

(4) Transportation.

(5) The efficient provision of public facilities and services, including, without limitation, roads, water and sewer service, police and fire protection, mass transit, libraries and parks.

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersing of new housing and businesses in established neighborhoods;

(II) The preservation of historic neighborhoods; and

(III) Development in areas in which public services are available.

3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition:

(a) Carried by the affirmative votes of not less than two-thirds of its total membership; and

are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

(Added to NRS by 1999. 1928; A 1999. 3371; 2005. 1585)

**NRS 278.02542 Regional planning coalition: Powers; establishment of definition for term “project of regional significance.”**

1. The regional planning coalition may:

(a) Coordinate sources of information.

(b) Recommend measures to increase the efficiency of governmental entities and services.

(c) Make recommendations regarding the disposal of federal land.

(d) Establish methods for resolving issues related to annexation, boundaries and other matters that arise between jurisdictions.

(e) At least every 5 years, review:

(1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body, regional agency, state agency or public utility that is located in whole or in part within the region; and

(2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to NRS 278.0226.

(f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region.

(g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance.

(h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally assisted programs or projects.

(i) Designate allowable future land uses for each part of the county, including, without limitation, the identification of each category of land use in which the construction and operation of a public school is permissible. The identification of a category of land use in which the construction and operation of a public school is permissible must be carried out in consultation with the county school district and include a



2. Each regional agency and state agency that is located in whole or in part within the region shall, to the extent practicable, ensure that all its master plans, facilities plans and other similar plans and decisions pertaining to the use of land are consistent with:

(a) The comprehensive regional policy plan developed and adopted by the regional planning coalition pursuant to NRS 278.02528; and

(b) The master plans, facilities plans and other similar plans of a city or county which have been certified by the regional planning coalition pursuant to subsection 4 of NRS 278.02577 as being in substantial conformance with the comprehensive regional policy plan.

(Added to NRS by 1999. 1929; A 1999. 3372; 2001. 2117)

**NRS 278.02556** Certain public entities prohibited from adopting or amending certain plans after March 1, 2001, unless regional planning coalition afforded opportunity to make recommendations; exception. In counties whose population is 700,000 or more, and ~~Except except~~ as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

(Added to NRS by 1999. 1929; A 2009. 2759; 2013. 1499)

**New Section: Certain public entities prohibited from adopting or amending certain plans after March 1, 2018, unless regional planning coalition afforded opportunity to make recommendations; exception. In counties whose population is between 100,000 and 700,000, and except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2008, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional**

1. At least every 5 years, the regional planning coalition shall review the master plans, facilities plans and other similar plans that it receives pursuant to NRS 278.02549, and determine whether those plans are in substantial conformance with the comprehensive regional policy plan.

2. If the regional planning coalition determines that a plan reviewed pursuant to subsection 1 is not in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall return the plan to the submitting entity accompanied by recommendations regarding the manner in which the submitting entity may bring the plan into substantial conformance with the comprehensive regional policy plan.

3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:

(a) Manner in which the submitting entity changed the plan to be in substantial conformance with the comprehensive regional policy plan; or

(b) Reasons of the submitting entity for not bringing the plan into substantial conformance.

4. If the regional planning coalition determines that all the plans that a city or county is required to submit pursuant to NRS 278.02549 are in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall issue to the city or county a certificate or other indicia of that determination. Upon receipt of such a certificate or other indicia, the city or county, until the next time the regional planning coalition reviews the plans of the city or county pursuant to subsection 1, is entitled to establish its own policies and procedures with respect to regional planning, to the extent that those policies and procedures do not conflict with federal or state law.

5. The regional planning coalition may, within the limits of legislative appropriations and other available money, provide grants to a city or county if the regional planning coalition has issued to the city or county a certificate or other indicia pursuant to subsection 4 of the determination of the regional planning coalition that all the plans that the city or county is required to submit pursuant to NRS 278.02549 are in substantial conformance with the comprehensive regional policy plan. Grants provided to a city or county pursuant to this subsection must be expended by the city or county only to pay the costs of establishing, maintaining and carrying out programs related to land use planning.

(Added to NRS by 1999, 1930: A. 1999, 3372; 2001, 2117)

affected entity to implement the comprehensive regional plan.

~~3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264.~~

~~4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.~~

~~5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:~~

~~(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, paleontological, cultural or scenic resource;~~

~~(b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;~~

~~(c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities, including, without limitation, schools, or the adopted regional form of the region; or~~

~~(d) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:~~

~~(1) Employment by not less than 938 employees;~~

~~(2) Housing by not less than 625 units;~~

~~(3) Hotel accommodations by not less than 625 rooms;~~

~~(4) Sewage by not less than 187,500 gallons per day;~~

~~(5) Water usage by not less than 625 acre feet per year; or~~

~~(6) Traffic by not less than an average of 6,250 trips daily.~~

~~↳ The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before June 17, 1989.~~

~~6. "Project of regional significance," with respect to a project proposed by a utility, includes:~~

~~(a) An electric substation;~~

~~3. The problem of the premature expansion or development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:~~

~~(a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and~~

~~(b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.~~

~~4. It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.~~

~~(Added to NRS by 1999, 2123; A 2011, 1179)~~

~~**NRS 278.0262 Regional planning commission: Creation; membership; chair; compensation; training.**~~

~~1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a regional planning commission consisting of:~~

~~(a) Three members from the local planning commission of each city in the county whose population is 60,000 or more, appointed by the respective governing bodies of those cities;~~

~~(b) One member from the local planning commission of each city in the county whose population is less than 60,000, appointed by the respective governing bodies of those cities; and~~

~~(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.~~

~~2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he or she is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.~~

~~3. The commission shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws, which provides for the annual rotation of the chair among each of those~~

development which minimizes the negative impact on the environment. As used in this subsection, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

~~— 2. Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.~~

~~— (Added to NRS by 2005, 1583)~~

~~— NRS 278.0264 Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget.~~

~~— 1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a governing board for regional planning consisting of:~~

~~— (a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:~~

~~— (1) A county commissioner, his or her district must be one of the two districts in the county with the highest percentage of unincorporated area.~~

~~— (2) Not a county commissioner, he or she must reside within an unincorporated area of the county.~~

~~— (b) Four representatives appointed by the governing body of the largest incorporated city in the county.~~

~~— (c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.~~

~~— (d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.~~

~~— 2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.~~

~~— 3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The~~

government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

~~— 8. The governing board may sue or be sued in any court of competent jurisdiction.~~

~~— 9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.~~

~~— (Added to NRS by 1989, 760; A 1991, 1734; 2001, 1966; 2011, 1180)~~

~~— NRS 278.0265 — Governing board for regional planning: Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements. — The governing board:~~

~~— 1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.~~

~~— 2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:~~

~~— (a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and~~

~~— (b) The provisions of chapter 241 of NRS.~~

~~— 3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of NRS 278.026 to 278.029, inclusive.~~

~~— 4. May enter into an agreement pursuant to NRS 277.045 or 277.080 to 277.180, inclusive, for a purpose that is consistent with the provisions of NRS 278.026 to 278.029, inclusive.~~

~~— (Added to NRS by 1991, 1732; A 1993, 572; 1999, 2126; 2001, 756; 2005, 1587)~~

~~— NRS 278.0266 — Director of regional planning: Appointment; qualifications; powers and duties. There is hereby created the position of director of regional planning. The director:~~

~~— 1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;~~

~~— 2. Must be selected on the basis of his or her training, experience, capability and interest in planning;~~

~~— 3. Must have the demonstrated ability to administer a major program relating to planning;~~

~~— 4. Shall devote his or her entire time and attention to the business of that office and shall not pursue~~

~~subcommittee appointed pursuant to this subsection must be composed only of:~~

~~—(a) Members of the governing board or regional planning commission, as appropriate, if the subcommittee is appointed separately; or~~

~~—(b) Members from both the governing board and the regional planning commission, if the subcommittee is appointed jointly.~~

~~2. To assist in the formulation and the implementation of the comprehensive regional plan, the governing board and the regional planning commission may, jointly or separately, appoint advisory committees to advise and report to the governing board, regional planning commission, director of regional planning or a combination of such entities.~~

~~3. The governing board and the regional planning commission may, jointly or separately, appoint advisory committees to examine issues that affect the county in which the governing board and regional planning commission are located. The governing board and regional planning commission may appoint persons from outside the county in which the governing board and regional planning commission are located and from outside this State to serve on an advisory committee appointed pursuant to this section. An advisory committee appointed pursuant to this subsection may:~~

~~—(a) Identify, examine and discuss regional issues that affect the county in which the governing board and regional planning commission are located, including, without limitation, issues relating to land use, fiscal matters, air quality and infrastructure; and~~

~~—(b) Make recommendations to the governing board, regional planning commission, or both, concerning regional issues.~~

~~—(Added to NRS by 1989, 763; A 2001, 757)~~

~~NRS 278.0272 Development, review and amendment of regional plan; public hearings required.~~

~~1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.~~

~~2. The plan must consist of written text, appropriate maps and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.~~

~~8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.~~

~~9. Except as otherwise provided in this subsection, notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the region, notice must be given by publication in at least two such newspapers. Notice of the time and place of the initial meeting of the regional planning commission and the hearing at which the commission receives testimony concerning final approval of the comprehensive regional plan must be given by publication at least 30 days before the day of the meeting or hearing. Notice given pursuant to this subsection must be a display advertisement of not less than 3 inches by 5 inches.~~

~~(Added to NRS by 1989, 761)~~

~~NRS 278.0274 Contents of regional plan. The comprehensive regional plan must include goals, policies, maps and other documents relating to:~~

~~1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.~~

~~2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.~~

~~3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to the interspersing of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.~~

~~4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area~~

~~with that of other areas in the region. This portion of the plan must:~~



~~—(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;~~

~~—(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and~~

~~—(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:~~

~~—(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and~~

~~—(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.~~

~~—6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.~~

~~—7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.~~

~~—8. Any utility project required to be reported pursuant to NRS 278.145.~~

~~—(Added to NRS by 1989, 762; A 1991, 953; 1997, 1982; 1999, 2126; 2005, 1587; 2007, 340; 2009, 2759; 2011, 3744)~~

~~—NRS 278.0276 Adoption of regional plan.—The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment. The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board passed by a simple majority of its total membership. Before the adoption of the plan or any~~

plan and shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

—2. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, it shall be deemed that the commission has made a finding that the project conforms with the regional plan.

—3. If the commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the governing board within 45 days after the determination is made. The governing board shall consider the appeal and may reverse the determination of the commission or recommend that the county or city take actions to make the proposal consistent with the comprehensive regional plan. The county or city shall, within 45 days after receipt, consider any such recommendations and direct such changes in the project as are necessary to assure the consistency of the proposal with the adopted regional plan.

—4. The limits on time imposed in subsection 2 of ~~NRS 278.315~~, subsection 5 of ~~NRS 278.330~~ and subsection 2 of ~~NRS 278.349~~ are extended by 60 days or such period as may be necessary to complete the review and any appeal provided for in this section.

—(Added to NRS by 1989, 764; A 1991, 1735)

—~~NRS 278.02784 Joint planning area: Designation in regional plan; master plan required for area:~~

—1. The regional planning commission may designate one or more joint planning areas in the comprehensive regional plan.

—2. If an area is designated a joint planning area, the county and the affected cities shall jointly adopt a master plan for the area.

—3. The master plan for a joint planning area must:

—(a) Be consistent with the comprehensive regional plan;

—(b) Designate the portion of the area, if any, that is included within the sphere of influence of a city;

—(c) Designate the portion of the area, if any, that is subject to the jurisdiction of the county for planning and zoning and development decisions; and

—(d) Be submitted to the regional planning commission for review pursuant to NRS 278.028.

effective upon the approval by a majority of the membership of each affected local governing body.

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

— (~~Added to NRS by 1991, 1732~~)

— ~~NRS 278.0278~~ Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.

— 1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, within its sphere of influence.

— 2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

— 3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, within the sphere of influence of a city must be consistent with the comprehensive regional plan.

— 4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

~~4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.~~

~~(Added to NRS by 1989, 765)~~

~~NRS 278.0282 Review of proposed adoption or amendment of master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.~~

~~1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.~~

~~2. Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency or a public utility whose plan must be approved by the Public Utilities Commission of Nevada, the agency or utility shall submit the proposed plan or amendment to the regional planning commission, which shall, within 60 days after its receipt, review the plan or amendment and offer suggestions to the agency or utility regarding the conformance of the plan with the comprehensive regional plan.~~

~~3. Except as otherwise provided in NRS 278.028, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.~~

made by the affirmative votes of not less than two thirds of its total membership.

— (Added to NRS by 1989, 764; A 1997, 1983)

— ~~NRS 278.0284 Conformity of local ordinances and regulations to master plan.~~ Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.

— (Added to NRS by 1989, 766)

— ~~NRS 278.0286 Annual report by local planning commission; local government to file information relating to proposed actions concerning regional plan.~~

— 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 plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.

— 2. Before submitting a recommendation for proposed legislation 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.

— (Added to NRS by 1989, 766)

— ~~NRS 278.0288 Exempted region.~~ The region defined in NRS 278.790 is exempt from the provisions of NRS 278.026 to 278.029, inclusive, and 278.145.



**From:** Kim Robinson [<mailto:KRobinson@tmrpa.org>]  
**Sent:** Monday, December 19, 2016 11:23 AM  
**To:** Norman Azevedo <[Norm@nevadatatlawyers.com](mailto:Norm@nevadatatlawyers.com)>  
**Subject:** FW: Washoe County BDR



Kimberly H. Robinson, MUP  
Executive Director  
Truckee Meadows Regional Planning Agency  
1105 Terminal Way Suite 316  
Reno, NV 89502  
775.321.8393  
[www.tmrpa.org](http://www.tmrpa.org)

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**From:** Slaughter, John [<mailto:JSlaughter@washoecounty.us>]  
**Sent:** Monday, November 07, 2016 12:09 PM  
**To:** Kim Robinson  
**Subject:** Washoe County BDR

Kim-

Attached please find final language of the Washoe County BDR submitted to LCB for drafting.  
Please let me know if you have any questions.

John Slaughter  
County Manager  
[jslaughter@washoecounty.us](mailto:jslaughter@washoecounty.us) | o (775) 328-2060 | 1001 E. Ninth St., Reno, NV 89520

**\* Name of Person Submitting Request:**

Al Rogers

**\* 1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):**

Washoe County is seeking a comprehensive review of the Regional Planning Agency as defined in NRS 278.0264- Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget, as part of that review, the structure of the Governing Board, Washoe County Board composition and review the authority of the agency.

**2. Any additional information that may be helpful in drafting the bill (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document):**

N/A



Upon passage and approval

Other

**\* 5. Person(s) to be consulted if more information is needed:**

Name: Al Rogers, Director of Management Services, County Manager's Office

Phone Number(s): (775) 328-2000 office and (775) 527-2264 cell

E-mail Address: Arogers@washoecounty.us

**6. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

N/A

**7. If this bill draft request is required to be approved in a public meeting, please list the entity that approved the request and the date on which the request was approved:**

It was approved by the Washoe County Board of County Commissioners on August 23, 2016 and on October 25, 2016.

**REQUIRED PREFILING:**

**Non-Legislators:** A bill draft requested by any entity other than a legislator or a legislative committee is required to be prefiled on or before the third Wednesday of November preceding the regular legislative session (**Wednesday, November 16, 2016**). By statute, a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him or her shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also



**EXHIBIT "18"**

**EXHIBIT "18"**

## Jessica Prunty


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**From:** Rhonda Azevedo  
**Sent:** Thursday, December 15, 2016 3:38 PM  
**To:** Jessica Prunty  
**Subject:** FW: Bill introduced

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**From:** Kim Robinson [<mailto:KRobinson@tmrpa.org>]  
**Sent:** Thursday, December 15, 2016 3:16 PM  
**To:** Norman Azevedo <[Norm@nevadataxlawyers.com](mailto:Norm@nevadataxlawyers.com)>  
**Subject:** FW: Bill introduced

This is the email I received from Jessica Ferrato when she let me know the bill was out.

 Kimberly H. Robinson, MUP  
Executive Director  
Truckee Meadows Regional Planning Agency  
1105 Terminal Way Suite 316  
Reno, NV 89502  
775.321.8393  
[www.tmrpa.org](http://www.tmrpa.org)

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**From:** Jessica Ferrato [<mailto:jessica@crowleyandferrato.com>]  
**Sent:** Monday, November 28, 2016 10:41 AM  
**To:** Kim Robinson  
**Cc:** Tim Crowley  
**Subject:** Bill introduced

Hi Kim,  
The bill is out. Here is the language. <http://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB39.pdf>

Thanks,

Jessica Ferrato  
Crowley & Ferrato Public Affairs  
550 W. Plumb Ln., Suite B, B424  
Reno, NV 89509  
(775)742-4836  
[www.crowleyandferrato.com](http://www.crowleyandferrato.com)

**EXHIBIT "19"**

**EXHIBIT "19"**



## REGIONAL PLANNING GOVERNING BOARD

Charlene Bybee, Chair • David Bobzien, Vice-Chair • Marsha Berkgigler • Jenny Brekhus • Naomi Duerr • Vaughn Hartung • Jeanne Herman • Ed Lawson • Geno Martini • Paul McKenzie • Kimberly H. Robinson, Executive Director • LIAISON – Veronica Frenkel, WCCSD Board of Trustees

### MINUTES REGIONAL PLANNING GOVERNING BOARD (RPGB) Regular Meeting

Thursday, December 8, 2016, 2:00 p.m.

The Regional Planning Governing Board (RPGB) met in regular session at 1105 Terminal Way, 1<sup>st</sup> Floor Conference Room, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Charlene Bybee at 2:00 p.m.

#### 1. ROLL CALL

The clerk called the roll and RPGB Members in attendance were: Charlene Bybee, David Bobzien (*present at 2:01 p.m.*), Marsha Berkgigler, Jenny Brekhus (*present at 2:03 p.m.*), Naomi Duerr, Vaughn Hartung, Jeanne Herman, Ed Lawson, Geno Martini, and Paul McKenzie. Non-voting member Veronica Frenkel, Washoe County School District, was also present at 2:09 p.m.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Kimberly H. Robinson, Executive Director of Regional Planning; Norman Azevedo, Legal Counsel; Lauren Knox; Damien Kerwin; Nate Kusha; Jeremy Smith; and Chris Tolley.

#### 2. SALUTE TO THE FLAG

Member Herman led the Pledge of Allegiance.

*(Member Bobzien present at 2:01 p.m.)*

#### 3. [For possible action] APPROVAL OF THE AGENDA

Kimberly H. Robinson, Executive Director of Regional Planning, requested that Item 6.B be pulled from the Consent Agenda for discussion.

MEMBER DUERR MADE A MOTION TO APPROVE THE AGENDA AS AMENDED, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

#### 4. APPROVAL OF THE MINUTES

A. [For possible action] October 20, 2016, RPGB Meeting

MEMBER BERKBIGLER MADE A MOTION TO APPROVE THE OCTOBER 20, 2016, MEETING MINUTES, SECONDED BY MEMBER MCKENZIE. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

#### 5. PUBLIC COMMENT

**RPGM MEETING MINUTES  
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None

**6. CONSENT AGENDA**

*(Member Brekhus present at 2:03 p.m.)*

MEMBER BERKBIGLER MADE A MOTION TO PULL ITEM 6.A FROM THE CONSENT AGENDA FOR DISCUSSION, SECONDED BY MEMBER DUERR. THE MOTION CARRIED UNANIMOUSLY WITH TEN (10) MEMBERS PRESENT.

- A. [For possible action] Local government status report regarding detailed recommendations for the implementation of concurrency

This item was pulled from the Consent Agenda for discussion.

Member Berkbigler asked what implementation of concurrency by local government means.

Member Brekhus explained that concurrency means making land use decisions based upon the adequacy of infrastructure and services.

Lauren Knox, Regional Planner, further explained that in 2006 the RPGM adopted a policy for concurrency that discusses public facilities and services that come into play before development can occur. Since that time the RPGM choose to have an annual update on the status of the implementation in each jurisdiction.

Member Berkbigler asked if that means infrastructure has to be in before a subdivision is approved.

Ms. Knox explained that part of the process is that there are facilities and services adequate to support development before that development can occur.

Director Robinson further explained that generally means that development can be approved without the infrastructure being in place and the expectation is that it needs to be there when the first resident is ready to move in. The conversation around when infrastructure and services need to be in place compared to land use is an ongoing conversation.

*(Non-voting Member Frenkel present at 2:09 p.m.)*

Chair Bybee stated that this agenda item is for a status report, giving an update on all three entities in relation to concurrency.

Member Berkbigler asked if any project from the three entities has to come to the RPGM to make sure it is consistent with the concurrency policy.

Director Robinson explained that what this report is focused on is what was implemented in the 2007 Regional Plan regarding each jurisdiction being responsible for implementing concurrency management. That is something the City of Reno accomplished in 2008. The City of Sparks was



**RPGGB MEETING MINUTES  
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using the NNSOI to provide concurrency so they were meeting that goal as well. That is an item we are still waiting on from Washoe County.

MEMBER HARTUNG MADE A MOTION TO ACCEPT THE CONCURRENCY STATUS REPORT AS PRESENTED BY STAFF, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH TEN (10) MEMBERS PRESENT.

- B. [For possible action] Possible adoption of the advance schedule of RPGGB meeting dates for calendar year 2017

This item was pulled from the Consent Agenda for discussion.

Director Robinson pointed out an error on the meeting dates for the 2017 advance schedule of the RPGGB and stated that the December 2017 meeting date should be December 14, 2017.

MEMBER BERKBIGLER MADE A MOTION TO ADOPT THE 2017 ADVANCE SCHEDULE OF MEETING DATES LISTED IN THE STAFF REPORT WITH THE CORRECTION TO THE DECEMBER DATES AS STATED BY STAFF, SECONDED BY MEMBER HARTUNG. THE MOTION CARRIED UNANIMOUSLY WITH TEN (10) MEMBERS PRESENT.

- C. [For possible action] Consideration and possible action to extend a Memorandum of Understanding (MOU) with the USDA, Forest Service, Humboldt-Toiyabe National Forest, establishing the TMRPA as a cooperating agency for the purpose of preparing the Bordertown Transmission Line Environmental Impact Statement (EIS)

MEMBER MCKENZIE MADE A MOTION TO APPROVE ITEM 6.C AS PART OF THE CONSENT AGENDA, SECONDED BY MEMBER BERKBIGLER. THE MOTION CARRIED UNANIMOUSLY WITH TEN (10) MEMBERS PRESENT.

**7. BUSINESS OF THE DAY**

- A. [For possible action] PUBLIC HEARING – Regional Plan Amendment (RPA16-002) – Consideration and possible action to adopt RPGGB Resolution 16-08 regarding an amendment to Policy 1.1.5 relating to the allowance of additional density on a portion of the Gerlach Suburban Character Management Area in the Rural Development Area (RDA) (RPA16-002)

Lauren Knox, Regional Planner, presented information included in the staff report regarding RPGGB Resolution 16-08.

*[The public comment portion of the hearing was opened.]* There were no requests to speak.  
*[The public comment portion of the hearing was closed.]*

MEMBER HARTUNG MADE A MOTION TO APPROVE RPGGB RESOLUTION 16-08 WHICH AMENDS POLICY 1.1.5 RELATING TO THE ALLOWANCE OF ADDITIONAL DENSITY ON A PORTION OF THE

**RPGb MEETING MINUTES  
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PAGE 4**

GERLACH SUBURBAN CHARACTER MANAGEMENT AREA IN THE RURAL DEVELOPMENT AREA (RDA) AS DETAILED IN THE STAFF REPORT, SECONDED BY MEMBER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH TEN (10) MEMBERS PRESENT.

- B. [For possible action] Consideration and possible direction to staff about the Washoe County Bill Draft Request (BDR) regarding the Truckee Meadows Regional Planning Agency

Director Robinson presented information included in the staff report regarding the language changes requested in Washoe County's BDR.

There was discussion among the RPGb Members and Norm Azevedo, Legal Counsel, regarding whether or not the Washoe County BDR is a legal action in light of the 2002 Settlement Agreement.

Mr. Azevedo will provide a written opinion within two weeks on the issue of whether or not Washoe County's submittal of the BDR is a legal action. The RPGb will then consider that opinion and determine whether or not to direct Mr. Azevedo to pursue a court decision. Legal Counsel's written opinion will also include: confirmation that the composition of the voting structure was pursuant to a recommendation by all three governing bodies; the process to move forward with legislation as a fundamental provision of the settlement agreement; potential risks involved if it is determined that the Settlement Agreement has been violated; and whether any legislation that would change the makeup of the RPGb must be approved by a majority of the RPGb before being submitted to the legislature, even if it is submitted by a party outside of the RPGb.

MEMBER LAWSON MADE A MOTION TO DIRECT COUNSEL TO PROVIDE A WRITTEN OPINION BASED ON THE DISCUSSION UNDER THIS ITEM AND PROVIDE IT TO THE RPGb WITHIN TWO WEEKS, SECONDED BY MEMBER BOBZIEN.

Member Bobzien discussed the need to schedule a special meeting to review the written legal opinion.

Member Martini stated that he will not support the motion and that he would be in favor of the County pulling the BDR.

THE MOTION CARRIED WITH NINE (9) IN FAVOR AND ONE (1) OPPOSITION BY MEMBER MARTINI.

- C. [For possible action] Presentation and discussion on the Truckee Meadows Housing Study final report

Director Robinson and Jeremy Smith, Ph.D., GIS Coordinator, presented the final report for the Truckee Meadows Regional Housing Study. The presentation included information on the

**RPGGB MEETING MINUTES  
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following topics: Current Supply of Housing and Residential Land; Housing Needs; Future Housing Scenarios; Evaluation of Scenarios; and Implications for Public Policy.

**8. REPORTS**

A. [For possible action] Members' and Director's reports

None

B. [For possible action] Legal counsel's report

Norm Azevedo, Legal Counsel, introduced Jessica Prunty with Dyer, Lawrence, Flaherty, Donaldson & Prunty.

**9. [For possible action] REQUESTS FOR FUTURE AGENDA ITEMS**

None

**10. PUBLIC COMMENT**

Non-voting Member Frenkel expressed appreciation on behalf of the school district that WC1 was passed.

Chair Bybee expressed appreciation for the communication from the school district regarding the recent situation at Hug High School.

**11. WRITTEN CORRESPONDENCE**

None

**12. [For possible action] ADJOURNMENT**

The meeting was adjourned at 3:51 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

\_\_\_\_\_  
Kimberly H. Robinson, Executive Director  
Truckee Meadows Regional Planning Agency

\_\_\_\_\_  
Charlene Bybee, Chair  
Regional Planning Governing Board

**APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON  
\_\_\_\_\_, 2017.**

**EXHIBIT "20"**

**EXHIBIT "20"**

SANDRA G. LAWRENCE\*  
FRANCIS C. FLAHERTY  
THOMAS J. DONALDSON  
JESSICA C. PRUNTY  
NORMAN J. AZEVEDO

\* ALSO ADMITTED IN CALIFORNIA




**DYER ♦ LAWRENCE**  
**FLAHERTY ♦ DONALDSON ♦ PRUNTY**  
Attorneys and Counselors At Law

SUE S. MATUSKA\*  
CASEY A. GILLHAM  
KIRK R. BRENNAN\*

OF COUNSEL  
MICHAEL W. DYER

## MEMORANDUM

TO: Regional Planning Governing Board

FROM: Norman J. Azevedo, Esq., Dyer Lawrence Law Firm 

CC: Kimberly H. Robinson, Executive Director  
Truckee Meadows Regional Planning Agency

RE: AB 39

DATE: December 19, 2016

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### I. INTRODUCTION

The Truckee Meadows Regional Planning Governing Board ("Board") has requested an opinion on the propriety of the actions of Washoe County ("County") in requesting a bill be drafted for submission to the 2017 Nevada Legislature which changes the composition of the membership of the Board. In particular, the Board requested an analysis of the bill, Assembly Bill 39 ("AB 39"), in light of a settlement agreement reached by the City of Reno ("Reno"), City of Sparks ("Sparks"), the County, and the Board in 2002 to resolve litigation ("2002 SA"). One provision of the 2002 SA addresses the ability and process for the three local governments to propose legislation affecting regional planning matters. We have analyzed the 2002 SA and related documents, pertinent statutes, regulations and cases, as well as the legislative history of the statutes governing regional planning in the County.

### II. EXECUTIVE SUMMARY

In sum, our conclusion is that the County violated the 2002 SA, NRS 278.0286(2) and Board Regulation on Procedure X in proposing legislation without filing relevant factual information with the Board or making any effort to discuss or collaborate with the Board, Reno and Sparks *before* requesting the drafting of what is now AB 39.

The proposed legislative changes adversely impact Reno and Sparks and benefit the County. If the Board chooses to pursue a legal action against the County, a cause of action exists and there are sufficient grounds to pursue the same. But in the wake of the County's violation of State statute, Board regulation and the SA 2002, the remedy is uncertain. The court may enjoin the

County from pursuing AB 39 in the 2017 Session, or it may simply order the parties to inform the Legislature of the difference in positions on AB 39 and direct the County to comply with the informational filing requirements in the future.

### **III. FACTS**

#### **A. The County's Bill**

The composition of the Board is governed by NRS 278.0264(1), which provides:

1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a governing board for regional planning consisting of:

(a) *Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:*

(1) *A county commissioner, his or her district must be one of the two districts in the county with the highest percentage of unincorporated area.*

(2) *Not a county commissioner, he or she must reside within an unincorporated area of the county.*

(b) *Four representatives appointed by the governing body of the largest incorporated city in the county.*

(c) *Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.*

(d) *One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.*

Emphasis added.

The express language of AB 39 would amend NRS 278.0264(1) by changing the number of representatives appointed by Reno from four to three. *See Attach. 1.* AB 39 would also eliminate the "unincorporated" representation requirements for the County in that the County would no longer be required to appoint representatives from the unincorporated areas of the County (except if an appointee is not a County Commissioner, then that representative must reside in the unincorporated area of the County).

#### **B. The Procedural History of AB 39**

On August 31, 2016, at 4:57 p.m. the County hand-delivered a letter to Truckee Meadows Regional Planning Agency ("TMRPA") Executive Director Kimberly H. Robinson, informing her

that it “has provided to the Truckee Meadows Regional Governing Board relevant information relating to a request for proposed legislation.” *See* Attach. 2. The County attached a “Local Government Bill Draft Request” (“BDR”) and stated the BDR would be submitted to the Legislative Counsel Bureau (“LCB”) on September 1, 2016. *Id.* The BDR contained no specific information regarding the nature of the legislative proposal and stated in general that “Washoe County is seeking a comprehensive review of the Regional Planning Agency as defined in NRS 278.0264- Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget, as part of that review, the structure of the Governing Board, Washoe County Board composition and review of the authority of the agency.” *Id.*

At the Board’s October 20, 2016 meeting, the Board members discussed the fact that the County had submitted the BDR and concerns were expressed that the language of the BDR had not been made available to the Board members. *See* Attach. 3 (October 20, 2016, Board Minutes). Member Berkbigler stated:

...that [the BDR] will address changes the County wants to the statutes that directly ***impact the County and not the cities***. The goal is not to eliminate the RPGB. Washoe County is in the process of working on language for the BDR and as soon as it is ready it will be provided to the RPGB.

*Id.* at 3 (emphasis added). She further explained “that a number of issues were put on the table and the County Commission Chair recommended that County staff come back with language that specifically addresses the issues that directly impact the County that make the County a side entity and not really part of the team. That information should come back at the November 29, 2016, County Commission meeting.” *Id.* at 4.

The agenda for the County Board of Commissioners’ November 29, 2016, meeting contains no reference to the BDR. *See* Attach. 4. However, the County Board of Commissioners did discuss the item during their meeting on October 25, 2016. In that meeting, the Commissioners considered two different language options and voted to submit a BDR containing one of the options with proposed changes regarding composition of the Board. *See* Attach. 5, Item 16 (Board of County Commissioners October 25, 2016, Meeting - Pertinent Portions of Agenda, Minutes and Supporting Materials).<sup>1</sup>

The County Manager emailed the Executive Director on November 7, 2016 attaching the BDR and stating that it was providing the “final language of the Washoe County BDR submitted

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<sup>1</sup> It is also noteworthy that during the Board of County Commissioners’ October 11, 2016 meeting, it was discussed that on August 23, 2016, the Commissioners had decided to submit a BDR regarding Regional Planning. In the October 11, 2016 meeting, County staff requested clear direction as to the specifics of the legislative proposal.

to LCB for drafting.” See Attach. 6. On November 28, 2016, the TMRPA Executive Director received an email from the TMRPA’s lobbying firm, Crowley and Ferrato, who independently informed her the bill was out. The bill was pre-filed with the Legislature on November 16, 2016. See Attach. 1.

#### IV. ANALYSIS

##### A. **Impact of Change Sought by County**

NRS 278.0264(1) was enacted in 1989, as part of originating regional planning legislation for areas within Washoe County (Senate Bill (“SB”) 367) and it has not been amended since its adoption. SB 367 was arrived at through a cooperative process engaged in by all three local governments. A review of the legislative history of SB 367 reveals that the legislation was a resolution to planning and jurisdictional disputes amongst the three local governments. Statements in the legislative history make it clear that fair representation of the local governments was a concern, and one that was obviously resolved through the agreed-upon composition of both the Board and the Planning Commission.

Citizens that reside in areas of the County that fall within the boundaries of the incorporated cities of Reno and Sparks are provided representation on regional concerns through those City representatives on the Board. But, there was also a need to ensure that citizens residing in the unincorporated areas of the County had a voice in regional planning matters, which is why the three entities agreed, and the Legislature enacted, the requirements that the County ensure representation of those unincorporated areas of the County through its Board appointees. The changes proposed by AB 39 could result in the citizens of the unincorporated areas of the County being unrepresented.

The changes proposed by AB 39 will also result in an increased financial burden to Sparks and the County. The costs of “necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions” are shared by the County, Reno and Sparks in proportion to the number of representatives each entity has on the Board. NRS 278.0264(7). Accordingly, the change requested by the County would increase the financial burden upon Sparks and the County.

Clearly, contrary to the County’s assertions at the October 20, 2016 Board meeting, the proposal does not just affect the County, but impacts both Reno and Sparks. These impacts illustrate why matters concerning regional planning, including the composition of the Board, must be arrived at through an open and collaborative process amongst the Board, the County, Reno and Sparks. In fact, that is exactly why the Legislature imposed requirements upon the three entities before proposing legislation concerning regional matters - requirements which have since been integrated into the Board’s regulations, as well as the 2002 SA.



**B. Statutory and Regulatory Condition Precedent to Proposing Legislation on Regional Matters**

Initially, it is important to recognize that when it comes to regional planning, the Legislature has dictated the local governments need to work together to achieve a unified approach. "It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, that *each local government* and affected entity shall exercise its powers and duties in a manner that is *in harmony* with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents." NRS 278.0261(4).

NRS 278.0286(2) is the legislative mechanism to ensure a transparent and collaborative approach when it comes to proposing legislation on regional matters. It expressly provides that "[b]efore submitting a recommendation for proposed legislation . . . 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." Emphasis added.

That statutory directive has since been adopted by the Board. Section X of the RPGB's Regulations on Procedure, "Legislation and Projects Relating to the Regional Plan," provides:

*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].*

Emphasis added.

In our opinion, the County has violated NRS 278.0286(2) and Section X of the Board's Regulations on Procedure when it failed to timely file information relating to its BDR with the Board prior to submitting the BDR to LCB. The County did file a statement of general information on August 31, 2016, when it notified the Executive Director that it was submitting a BDR on September 1 to LCB. But that letter had no specific language and did not give any indication of what the County was seeking to change with the program of regional planning in Washoe County. As of October 20, 2016, the County still had not provided specifics of its legislative agenda to the Board. At the meeting of the Board of County Commissioners on October 25, 2016, the County definitively settled on specific language for its proposal. The County then sent the BDR to LCB for drafting and informed the Executive Director of that fact on November 7, 2016. Thus, by the time the Executive Director was informed of the legislative proposal to change the composition of the Board, it appears that the County had already made the drafting request to LCB and the bill was

filed shortly thereafter with the 2017 Legislature. The County's failure to timely file the information relating to the legislative proposal of what is now AB 39 with the Board is in direct violation of its duties as set forth in NRS 278.0286(2) and Section X of the Board's Regulations on Procedure.

### **C. 2002 Settlement Agreement**

In 2002, the County and the Sun Valley General Improvement District ("SVGID") initiated a lawsuit against the Board seeking to set aside the 2002 Regional Plan Update. The case was assigned to then-Judge (now Justice) Hardesty. Eventually, through protracted settlement negotiations, the matter was resolved by the parties and the 2002 SA was agreed-upon. See Attach. 7.

The 2002 SA details criteria for the 2002 Regional Plan regarding expanding spheres of influence, cooperative planning, land use and zoning designations, programs of annexation and joint planning. It further provides for specific Regional Plan amendments, including clear delineation that the Regional Plan is natural resource constrained, recognition of existing zoning outside the Truckee Meadows Service Areas ("TMSA"), and specification of additional criteria for future amendments of the Plan and conformance review processes. Many of these concepts have since been embedded in the Regional Plan. See Attach. 8.

To ensure that none of the individual entities involved would not do a legislative end-run around the agreed-upon terms, Paragraph F of the 2002 SA provides:

*Reno, Sparks, the County, the Board and the Sun Valley General Improvement District (hereafter SVGID) shall not propose legislation that is either inconsistent or contrary to the terms of this settlement agreement. In the event that Reno, Sparks, the County and the Board jointly believe that legislation should be proposed to support or further this agreement, the parties will jointly submit and support the legislation. Reno, Sparks, the County and the Board agree that all other legislative items will be addressed pursuant to NRS 278.0276(2)<sup>2</sup> and the 2001 Memorandum of Understanding on legislative issues, as amended.*

2002 SA at 8.

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<sup>2</sup> NRS 278.0276(2) does not exist and citation to that provision was a mistake; the correct reference is to NRS 278.0286(2).

The 2001<sup>3</sup> Memorandum on legislative issues referred to in the 2002 SA was one of many similar cooperative legislative agreements adopted by the Board, the County, Reno, Sparks, and at times other impacted entities, such as Regional Transportation Commission and the Washoe County School District. See Attach. 9; Attach 10 (Legislative Cooperation Memorandums - 1993, 1994, 1996, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013).

The 2001 Memorandum recognized that (1) “the interests of the residents of the Truckee Meadows can be served by a cooperative approach to intergovernmental relations and a *unified* effort[;]” (2) “it is desired by the region, Washoe County, the cities of Reno and Sparks, and other affected entities to work together to present ot [sic] our local legislators, to the extent possible, a *unified legislative position* that best addresses the needs and interests of the residents of the Truckee Meadows;” and (3) “it is understood by and among the region, Washoe County, the cities of Reno and Sparks, and other affected entities that their respective position may not be similar on all issues considered by, or bill drafts presented to, the 2001 Nevada Legislature, whether related to regional planning issues or other matters of governmental interest.” Attach. 9 at 1 (emphasis added).

Thus, the parties agreed that representatives and lobbyists of the parties would meet and confer regarding proposed legislation. They further specifically agreed to the following:

2. *Every effort* will be made by and through each entity’s representatives and assigned lobbyists to identify and achieve a *unified* position with regard to pending and *proposed legislation*.
3. Any *differences* in position on proposed legislation will be *identified and discussed* to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to *fully disclose* to the representatives and assigned lobbyists of the other entities all activities and position [sic] that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.
5. In recognition of the limited number of bill draft requests available to local government, representatives and lobbyists of each entity will *strive to develop regional legislative positions* and to find regional solutions to local conflicts that may arise during the session.
6. Representatives and assigned lobbyists of each entity will provide *assistance and information to each other* and to local legislators during the session for the purpose of advancing bills in the *unified legislative agenda*.

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<sup>3</sup> The memorandum located in the Board’s records was adopted in 2000 for the upcoming 2001 session; the only version that could be located was unsigned, but it is our understanding that it was fully executed by all parties. See Attach. 9.

7. Local legislators will be informed when approached by representatives or assigned lobbyists of each entity on a given legislative issue whether the position espoused is a unified position of the respective entities or the position of one or more particular entities only.

8. Representatives and assigned lobbyists of each entity will actively solicit the support of businesses, institutions, and other affected interest groups on behalf of the *unified legislative agenda*.

Attach 7 at 1-2 (emphasis added).<sup>4</sup>

AB 39 does not purport to change the specific provisions of the 2002 SA relating to matters of the 2002 Regional Plan. Therefore, the County's unilateral acts in proposing AB 39 does not violate the portion of paragraph F of the 2002 SA that prohibits any one party from unilaterally proposing legislation that is either inconsistent or contrary to the terms of this settlement agreement.

However, paragraph F goes on to specifically require compliance with NRS 278.0286(2) and the 2001 Memorandum for "*all other legislative items*." As previously discussed, the County has violated NRS 278.0286(2). The County has also violated numerous provisions of the 2001 Memorandum incorporated into the 2002 SA. Specifically, the County has not made any effort to discuss the proposal with the Board, Reno or Sparks prior to reaching out to LCB to draft the bill. It did not provide information in advance of submitting its proposal to LCB and there has been no effort made to promote a regional, unified legislative agenda.

As explained earlier, AB 39 has a direct and immediate impact on regional concerns and the other local governments with representatives on the Board. The County should have brought their concerns to the Board in a timely manner and attempted to reach a consensus and unified approach to the matter, or to otherwise resolve their concerns outside of the Legislature. The County has not done so and its unilateral actions are in violation of the 2002 SA.

#### **D. Legal Action**

If the decision is made to seek legal recourse to challenge the County's actions in unilaterally proposing legislation in violation of NRS 278.0286(2), Board Regulation Section X and the 2002 SA, that action would need to be brought in Department 9 of the Second Judicial District Court of

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<sup>4</sup> The other cooperative legislative memorandums executed by the Board, the County, Reno and Sparks are contained in Attachment 9. Those agreements all contain provisions very similar, if not identical, to those in the 2001 Memorandum, emphasizing the importance of a unified, collaborative legislative approach to regional matters. They also recognize that in the event of a difference in opinions and positions amongst the local governments and Board, that transparent and clear communication of the differences to the Legislature was necessary. See Attach. 10.

Washoe County.<sup>5</sup> The action would be styled as a Declaratory Relief Petition seeking a declaration of the court's interpretation of NRS 278.0286, Board Regulation Section X and the 2002 SA, declare that the County violated those provisions and enjoin the County from pursuing AB 39 in the 2017 Legislative Session.

It is well known that Nevada's counties operate under Dillon's Rule, which means that their powers are limited to: (1) those expressly granted by the Legislature; (2) those necessarily or fairly implied or incidental to the powers expressly granted by the Legislature; and (3) those essential to the declared objectives and purposes of local government. *State ex rel. King v. Lothrop*, 55 Nev. 405, 408, 36 P.2d 355 (1934); *see also Ronnow v. City of Las Vegas*, 57 Nev. 332, 342-43, 65 P.2d 133 (1937) (municipal corporations only have powers conferred by the Legislature); *see also Waste Mgmt. Holdings v. Gilmore*, 252 F.3d 316, 331 (4th Cir. 2001) (Under "Dillon's Rule" a county or municipal corporation possesses only those powers that are: (1) expressly granted by the state legislature, (2) necessarily or fairly implied in or incidental to the powers expressly granted, or (3) essential to the declared objects and purposes of the corporation, not simply convenient but indispensable.). An act by a county board that is outside its statutory authority is void. *Dillard v. Baldwin County Comm'n*, 833 So.2d 11, 16 (Ala. 2002) ("In case of reasonable doubt as to the existence of board power, courts will customarily resolve the doubt against a county board[; i]f county commissions exceed the limits of their powers, their acts are void."); *Sasse v. King County*, 82 P.2d 536, 539 (Wash. 1938) ("Boards of county commissioners have only such powers as have been granted to them, expressly or by necessary implication, by the constitution and statutes of the state, and when the board goes beyond the scope of its authority its acts are void and not binding upon the county.").

The Legislature has specifically imposed an obligation upon the County and the other local governments to file all information relevant to a measure "[b]efore submitting a recommendation for proposed legislation[.]" In essence, the Legislature has imposed a condition precedent upon local governments and affected entities who seek legislative changes concerning regional planning in the County. That condition precedent has since been integrated into a Board regulation and incorporated by the parties into the 2002 SA. The County has not fulfilled this required precedent before proceeding to LCB and circumventing the process prescribed by the Legislature and agreed-upon by the parties.

#### **E. Risk of Litigation - Invalidation of 2002 SA**

If the Board seeks a court declaration of the interpretation of the 2002 SA and the validity of the County's action, there is a risk that the court could invalidate the settlement agreement. If it does so, it may unwind the Regional Plan and leave the Board essentially faced with adopting a new Regional Plan in 2017, as opposed to just an update. This result would open the door to the erosion of regional planning concepts that have been embedded in the plan for the past fourteen years and have worked well.

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<sup>5</sup>The 2002 SA is subject to the supervisory jurisdiction of the district court. Attach. 7 at 9.

V.

**CONCLUSIONS AND RECOMMENDATIONS**

When the County proposed AB 39, the County violated the express provisions of NRS 278.0286(2), Section X of the Board's Regulations on Procedure and the 2002 SA. The express provisions of AB 39 adversely impact Reno and Sparks. By failing to timely and properly notify the Board, the County has denied Reno and Sparks the opportunity to have their voices heard with respect to the legislative proposal in AB 39. This is the second instance (refusing to remit the County's budgetary contribution) when the County chose to disregard an express administrative obligation to the detriment of the Region and to the benefit of the County.

As members of the Board, it is your duty to take action that you believe is in the best interests of the region and not each of your respective jurisdictions. The Board and other local governments could pursue their objections through the Legislature. And a cause of action lies for the Board to take legal action against the County based on the County's failure to comply with NRS 278.0286(2), Regulation X and the 2002 SA. The decision to initiate an action between local governments in the region are problematic at best. The Board finds itself in a very difficult place as one of its members is acting outside of the statutory and regulatory process intended to protect the region in the area of land use planning. Either course of action is fraught with risk and as always, we will defer to the Board's decision in this regard.

# **ATTACHMENT**

**1**

# **ATTACHMENT**

**1**

ASSEMBLY BILL NO. 39—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the appointment of representatives to a governing board for regional planning in certain counties. (BDR 22-433)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to regional planning; revising provisions governing the appointment of representatives to a governing board for regional planning in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates a governing board for regional planning in each county  
2 whose population is 100,000 or more but less than 700,000 (currently Washoe  
3 County). Representatives to the governing board are appointed by the board of  
4 county commissioners and the governing bodies of the incorporated cities within  
5 the county (currently the cities of Reno and Sparks). Currently, at least two of the  
6 three representatives appointed to the governing board by the board of county  
7 commissioners must represent or reside within the unincorporated areas of the  
8 county. If a person so appointed is a county commissioner, his or her district must  
9 be one of the two districts in the county with the highest percentage of  
10 unincorporated area. (NRS 278.0264) This bill eliminates those requirements. This  
11 bill also reduces from four to three the number of representatives that may be  
12 appointed to the governing board by the governing body of the largest incorporated  
13 city in the county.





THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. NRS 278.0264 is hereby amended to read as  
2 follows:  
3 278.0264 1. There is hereby created in each county whose  
4 population is 100,000 or more but less than 700,000, a governing  
5 board for regional planning consisting of:  
6 (a) Three representatives appointed by the board of county  
7 commissioners . ~~[- at least two of whom must represent or reside~~  
8 ~~within unincorporated areas of the county.]~~ If ~~[the]~~ a representative  
9 is ~~[-~~  
10 ~~----- (1) A county commissioner, his or her district must be one of~~  
11 ~~the two districts in the county with the highest percentage of~~  
12 ~~unincorporated area.~~  
13 ~~----- (2) Not]~~ *not* a county commissioner, he or she must reside  
14 within an unincorporated area of the county.  
15 (b) ~~[Four]~~ *Three* representatives appointed by the governing  
16 body of the largest incorporated city in the county.  
17 (c) Three representatives appointed by the governing body of  
18 every other incorporated city in the county whose population is  
19 60,000 or more.  
20 (d) One representative appointed by the governing body of each  
21 incorporated city in the county whose population is less than 60,000.  
22 2. Except for the terms of the initial members of the governing  
23 board, the term of each member is 3 years and until the selection  
24 and qualification of his or her successor. A member may be  
25 reappointed. A vacancy must be filled for the unexpired term by the  
26 governing body which made the original appointment.  
27 3. The governing bodies may appoint representatives to the  
28 governing board from within their respective memberships. A  
29 member of a local governing body who is so appointed and who  
30 subsequently ceases to be a member of that body, automatically  
31 ceases to be a member of the governing board. The governing body  
32 may also appoint alternative representatives who may act in the  
33 respective absences of the principal appointees.  
34 4. The governing board shall elect its chair from among its  
35 members. The term of the chair is 1 year. The member elected chair  
36 must have been appointed by the governing body of the county or a  
37 city whose population is 60,000 or more as determined pursuant to a  
38 schedule adopted by the governing board and made a part of its  
39 bylaws which provides for the annual rotation of the chair among  
40 each of those governing bodies.  
41 5. A member of the governing board who is also a member of  
42 the governing body which appointed him or her shall serve without



\* A B 3 9 \*

1 additional compensation. All other members must be compensated  
2 at the rate of \$40 per meeting or \$200 per month, whichever is less.

3 6. The governing board may appoint such employees as it  
4 deems necessary for its work and may contract with city planners,  
5 engineers, architects and other consultants for such services as it  
6 requires.

7 7. The local governments represented on the governing board  
8 shall provide the necessary facilities, equipment, staff, supplies and  
9 other usual operating expenses necessary to enable the governing  
10 board to carry out its functions. The local governments shall enter  
11 into an agreement whereby those costs are shared by the local  
12 governments in proportion to the number of members that each  
13 appoints to the governing board. The agreement must also contain a  
14 provision specifying the responsibility of each local government,  
15 respectively, of paying for legal services needed by the governing  
16 board or by the regional planning commission.

17 8. The governing board may sue or be sued in any court of  
18 competent jurisdiction.

19 9. The governing board shall prepare and adopt an annual  
20 budget and transmit it as a recommendation for funding to each of  
21 the local governments.

22 **Sec. 2.** With respect to the persons who are appointed to the  
23 governing board for regional planning pursuant to paragraph (b) of  
24 subsection 1 of NRS 278.0264, as that section existed before July 1,  
25 2017, and are serving on that date:

26 1. The term of any person whose term would otherwise be the  
27 first to expire after July 1, 2017, but for the amendatory provisions  
28 of section 1 of this act, expires on July 1, 2017.

29 2. If the terms of two or more persons would otherwise expire  
30 on the same date after July 1, 2017, but for the amendatory  
31 provisions of section 1 of this act, those persons shall agree or draw  
32 lots to determine which of them ceases to serve on the governing  
33 board, and the term of that person expires on July 1, 2017.

34 **Sec. 3.** This act becomes effective on July 1, 2017.



**ATTACHMENT**

**2**

**ATTACHMENT**

**2**



**WASHOE COUNTY**  
**OFFICE OF THE COUNTY MANAGER**

1001 E. 9th Street  
P.O. Box 11130  
Reno, Nevada 89520-0027  
Phone: (775) 328-2000  
Fax: (775) 328-2491  
www.washoecounty.us

August 31, 2016

RECEIVED

AUG 31 2016

TRUCKEE MEADOWS  
REGIONAL PLANNING AGENCY

Kimberly Robinson  
Executive Director  
Truckee Meadows Regional Planning Governing Board  
1105 Terminal Way, Suite 316  
Reno, NV 89502

Dear Ms. Robinson,

Per NRS 278.0286, Washoe County has provided the Truckee Meadows Regional Governing Board relevant information relating to a request for proposed legislation. Attached hereto is the Local Government Bill Draft Request for the 2017 Legislative Session form that will be submitted to the Legislative Counsel Bureau on September 1, 2016 per NRS 218D.205.

Please contact with me any questions.

Sincerely,

John Slaughter  
County Manager

cc: Board of County Commissioners  
Steve Driscoll, City Manager, City of Sparks  
Bill Thomas, Assistant City Manager, City of Reno

**LOCAL GOVERNMENT  
BILL DRAFT REQUEST  
FOR THE  
2017 LEGISLATIVE SESSION**

**\* Person or Entity Authorized to Submit BDR:**

Washoe County

**\* Name of Person Submitting Request:**

Al Rogers

**\* 1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):**

Washoe County is seeking a comprehensive review of the Regional Planning Agency as defined in NRS 278.0264- Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget, as part of that review, the structure of the Governing Board, Washoe County Board composition and review the authority of the agency.

**2. Any additional information that may be helpful in drafting the bill (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document):**

N/A

**\* Required fields.**

**3. NRS Title(s), Chapter(s) and Section(s) affected and/or Nevada Constitutional provisions affected:**

NRS 278- Planning and Zoning

**4. Effective Date:**

- Default (October 1, 2017)
- July 1, 2017
- January 1, 2018
- Upon Passage and Approval
- Other

**\* 5. Person(s) to be consulted if more information is needed:**

Name: Al Rogers, Director of Management Services, County Manager's Office  
Phone Number(s): (775) 328-2000 office and (775) 527-2264 cell  
E-mail Address: Arogers@washoecounty.us

**6. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

N/A

**7. If this bill draft request is required to be approved in a public meeting, please list the entity that approved the request and the date on which the request was approved:**

It was approved by the Washoe County Board of County Commissioners on August 23, 2016.

**REQUIRED PREFILING:**

**Non-Legislators:** A bill draft requested by any entity other than a legislator or a legislative committee is required to be prefiled on or before the third Wednesday of November preceding the regular legislative session (Wednesday, November 16, 2016). By statute, a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701, by e-mail at [erdoes@lcb.state.nv.us](mailto:erdoes@lcb.state.nv.us) or by fax at (775) 684-6761.

\* Required fields.

**ATTACHMENT**

**3**

**ATTACHMENT**

**3**



## REGIONAL PLANNING GOVERNING BOARD

Charlene Bybee, Chair • David Bobzien, Vice-Chair • Marsha Berkgigler • Jenny Brekhuis • Naomi Duerr • Vaughn Hartung • Jeanne Herman • Ed Lawson • Geno Martini • Paul McKenzie • Kimberly H. Robinson, Executive Director  
• LIAISON - Veronica Frenkel, WCD Board of Trustees

### MINUTES REGIONAL PLANNING GOVERNING BOARD (RPGB) Regular Meeting

Thursday, October 20, 2016, 2:00 p.m.

The Regional Planning Governing Board (RPGB) met in regular session in the Reno City Council Chambers, 1 East First Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Charlene Bybee at 2:00 p.m.

#### 1. ROLL CALL

The clerk called the roll and RPGB Members in attendance were: Charlene Bybee, David Bobzien, Marsha Berkgigler, Jenny Brekhuis (*present at 2:15 p.m.*), Naomi Duerr, Vaughn Hartung, Jeanne Herman, Geno Martini, and Paul McKenzie.

Members absent: Ed Lawson and non-voting member Veronica Frenkel, Washoe County School District.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Kimberly H. Robinson, Executive Director of Regional Planning; Norman Azevedo, Legal Counsel; Lauren Knox; Damien Kerwin; Nate Kusha; Jeremy Smith; and Chris Tolley.

#### 2. SALUTE TO THE FLAG

Member Martini led the Pledge of Allegiance.

#### 3. [For possible action] APPROVAL OF THE AGENDA

MEMBER DUERR MADE A MOTION TO APPROVE THE AGENDA, SECONDED BY MEMBER BERKBIGLER. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

#### 4. APPROVAL OF THE MINUTES

- A. [For possible action] August 11, 2016, RPGB Meeting
- B. [For possible action] August 29, 2016, RPGB Meeting
- C. [For possible action] September 15, 2016, RPGB Meeting

MEMBER BERKBIGLER MADE A MOTION TO APPROVE THE ABOVE MEETING MINUTES, SECONDED BY MEMBER HARTUNG. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.



5. PUBLIC COMMENT

None

6. CONSENT AGENDA

- A. [For possible action] Consideration and possible acceptance of the FY 2015-16 fourth quarter and FY 2016-17 first quarter budget and work programs reports

MEMBER MARTINI MADE A MOTION TO APPROVE THE CONSENT AGENDA, SECONDED BY MEMBER HARTUNG. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

7. BUSINESS OF THE DAY

- A. [For possible action] PUBLIC HEARING – Regional Plan Amendment (RPA16-001) – Consideration and possible action to adopt RPGB Resolution 16-07 regarding an amendment to the boundaries of the Reno-Stead Corridor Joint Plan, located on Map 6 of the Regional Plan, by removing a ±55.5 acre parcel located along the south side of Sky Vista Parkway, ±900 feet east of its intersection with Trading Post Road

Lauren Knox, Regional Planner, presented information included in the staff report for this item.

Member McKenzie discussed traffic and school capacity issues and stated that he cannot make the finding regarding infrastructure availability but that is something that will be discussed and resolved as this project moves forward.

*[The public comment portion of the hearing was opened.]* There were no requests to speak.  
*[The public comment portion of the hearing was closed.]*

MEMBER HARTUNG MADE A MOTION TO ADOPT RPGB RESOLUTION 16-07 TO REMOVE A ±55.5 ACRE SITE FROM THE RENO-STEAD CORRIDOR JOINT PLAN DETAILED ON MAP 6 OF THE 2012 REGIONAL PLAN AS DETAILED IN THE STAFF REPORT, SECONDED BY MEMBER BERKBIGLER. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- B. [For possible action] Consideration and possible action on compensation for the Executive Director of Regional Planning

Norm Azevedo, Legal Counsel, presented information included in the staff report regarding the performance evaluation and compensation for the Executive Director of Regional Planning.

*[Member Brekhus present at 2:15 p.m.]*

Mr. Azevedo answered questions from Board Members regarding past compensation for the Director and Regional Planning staff members. There was discussion regarding parity with the

RPGB SPECIAL MEETING MINUTES  
OCTOBER 20, 2016  
PAGE 3

past Director of Regional Planning and Directors of other agencies. A summary of the current Director's performance evaluation was also considered.

MEMBER BOBZIEN MADE A MOTION TO APPROVE A FIVE PERCENT (5%) COMPENSATION INCREASE FOR THE EXECUTIVE DIRECTOR OF REGIONAL PLANNING, SECONDED BY MEMBER BREKHUS.

There was discussion regarding the need to consider increasing staff compensation as well. Mr. Azevedo recommended including a request for that discussion under Agenda Item 9.

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

C. [For possible action] Consideration and possible direction regarding the 2017 Truckee Meadows Regional Plan Update

Kimberly H. Robinson, Executive Director of Regional Planning, presented information included in the staff report regarding the 2017 Truckee Meadows Regional Plan Update process including the following components: Values; Regional Partnerships; Data Gathering; Community Engagement; Technical Analysis; and Regional Plan Development. Next steps and staff recommendations were also presented. The recommendation that was approved by the Regional Planning Commission (RPC) on Tuesday, October 18, 2016, is that staff will draft a report that will be taken to the RPC in November that can then be transmitted to the RPGB meeting in December. Staff will share today's feedback from the RPGB with the RPC.

Member Martini expressed concern regarding what happened in the last legislative session with regard to an entity trying to do away with regional planning. This year there is a Bill Draft Request (BDR) going to the legislative session from the same entity to change the makeup of the RPGB or possibly do away with it. He stated that he is not prepared to vote in favor of spending any money on a Regional Plan Update until they find out exactly what will happen at the legislature.

Member Brekhus discussed the need to include an Issues Identification component to the update process.

Member Berkbigler discussed the Washoe County BDR stating that it will address changes the County wants to the statutes that directly impact the County and not the cities. The goal is not to eliminate the RPGB. Washoe County is in the process of working on language for the BDR and as soon as it is ready it will be provided to the RPGB.

Member Martini expressed concerns regarding the fact that the BDR language is not available.

Member Bobzien asked Member Berkbigler how she sees this discussion going forward with the Board of County Commissioners.

Member Berkgigler explained that a number of issues were put on the table and the County Commission Chair recommended that County staff come back with language that specifically addresses the issues that directly impact the County that make the County a side entity and not really part of the team. That information should come back at the November 29, 2016, County Commission meeting.

Member Brekhus discussed approaching this as mediating conflict and suggested that staff prepare a report on potential areas of conflict that need to be mediated. This governance issue may be a good starting point but we need to go into the substantive land use conflicts that are driving this debate.

Member McKenzie agreed that the issues need to be identified in order to resolve them.

MEMBER HARTUNG MADE A MOTION TO ACCEPT THE INFORMATION INCLUDED IN THE STAFF REPORT, SECONDED BY MEMBER BOBZIEN. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

#### **8. REPORTS**

##### **A. [For possible action] Members' and Director's reports**

Director Robinson will poll the Governing Board Members privately to determine when they would like to hold a workshop to identify what they feel are issues with the Regional Plan.

The next RPGB meeting will be held on December 8, 2016, and the location is to be determined.

##### **B. [For possible action] Legal counsel's report**

Discussion and possible action on Norman J. Azevedo transitioning his law firm into the Dyer, Lawrence, Flaherty, Donaldson & Prunty law firm in Carson City, Nevada

Norm Azevedo, Legal Counsel, discussed his transition into the law firm Dyer, Lawrence, Flaherty, Donaldson & Prunty and reported that no conflicts were found.

MEMBER HARTUNG MADE A MOTION TO RETAIN MR. AZEVEDO'S SERVICES AS LEGAL COUNSEL, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

#### **9. [For possible action] REQUESTS FOR FUTURE AGENDA ITEMS**

Future agenda items will include: discussion of BDR language; overview of areas of potential conflict; status of the Regional Plan Update.

#### **10. PUBLIC COMMENT**

None

RPGB SPECIAL MEETING MINUTES  
OCTOBER 20, 2016  
PAGE 5

**11. WRITTEN CORRESPONDENCE**

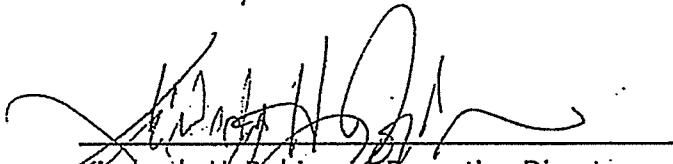
None

**12. ADJOURNMENT**

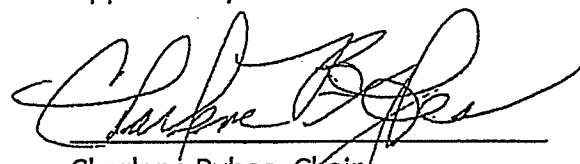
The meeting was adjourned at 3:06 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

  
\_\_\_\_\_  
Kimberly H. Robinson, Executive Director  
Truckee Meadows Regional Planning Agency

Approved by:

  
\_\_\_\_\_  
Charlene Bybee, Chair  
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON

Dec 8, 2016.

**ATTACHMENT**

**4**

**ATTACHMENT**

**4**

**COUNTY COMMISSIONERS**

Chair, Kitty Jung, District 3  
 Vice-Chair, Bob Lucey, District 2  
 Marsha Berkgigler, District 1  
 Vaughn Hartung, District 4  
 Jeanne Herman, District 5

**COUNTY MANAGER**

John Slaughter

**ASSISTANT DISTRICT ATTORNEY**

Paul Lipparelli

**COUNTY CLERK**

Nancy Parent

**NOTICE OF MEETING AND AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS  
 HEALTH DISTRICT BOARD ROOM, BUILDING B - 1001 E. 9th Street, Reno, Nevada**

**November 29, 2016  
 10:00 a.m.**

**NOTE:** Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. The Consent is a single agenda item and is considered as a block and will not be read aloud. The Board of County Commissioners may take breaks approximately every 90 minutes.

**Accessibility.** The Washoe County Health District Board Room is accessible to the disabled. If you require special arrangements for the meeting, call the Office of the County Manager, (775) 328-2000, 24-hours prior to the meeting.

**Public Transportation.** Public transportation is available to this meeting site: RTC Routes 2, 2S, 5 and 15 serve this location. For eligible RTC ACCESS reservations call (775) 348-5438.

**Time Limits.** Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. Persons may not allocate unused time to other speakers.

**Forum Restrictions and Orderly Conduct of Business.** The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

**Responses to Public Comments.** The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item:  
 “\*Commissioners’/Manager’s Announcements; Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda”.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street, Bldg. A), Washoe County Courthouse-Second Judicial District Court (75 Court Street

Washoe County - Reno Downtown Library (301 South Center Street); Sparks Justice Court (1675 East Prater Way); [www.washoecounty.us/bcc/board\\_committees/](http://www.washoecounty.us/bcc/board_committees/) and <https://notice.nv.gov>.

Support documentation for the items on the agenda, provided to the Washoe County Board of Commissioners is available to members of the public at the County Manager's Office (1001 E. 9th Street, Bldg. A, 2<sup>nd</sup> Floor, Reno, Nevada) Marilyn Kramer, Assistant to the County Manager, (775) 328-2000 and on Washoe County's website [www.washoecounty.us/bcc/board\\_committees/](http://www.washoecounty.us/bcc/board_committees/)

All items numbered or lettered below are hereby designated for possible action as if the words "for possible action" were written next to each item (NRS 241.020). An item listed with asterisk (\*) next to it is an item for which no action will be taken.

- 10:00 a.m. \*1. Salute to the flag.
- \*2. Roll call.
- \*3. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
- \*4. Commissioners'/Manager's announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)
- \*5. Declaration of Canvass of Vote (Recount of Assembly District 31) and execute Order of the Recount. Registrar of Voters. (All Commission Districts.)

#### Consent Items

- 6.A. Approve minutes of the regular Washoe County Board of Commissioners concurrent meeting of October 25, 2016.
- 6.B. Approve adding two (2) education incentives pays for the non-represented Chief Investigator (DA) classification to include the 1.25% Management P.O.S.T. pay, effective October 3, 2016, for attaining a Nevada Management P.O.S.T. certification, and the 1.25% Supervisor P.O.S.T. pay, effective July 1, 2016, for attaining Nevada Supervisor P.O.S.T. certification. FY 16/17 [fiscal impact is estimated at \$4,322.] District Attorney. (All Commission Districts).
- 6.C. Approve to acknowledge a grant award to support the Sober24 program, from the Nevada Office of Traffic Safety to the Reno Justice Court [\$45,000.00, 20% in-kind match required], retroactive to October 1, 2016 through September 30, 2017; and direct the Comptroller to make the appropriate budget adjustments. Reno Justice Court. (All Commission Districts.)
- 6.D. Approve to Acknowledge receipt of the Washoe County Comprehensive Annual Financial Report (CAFR), auditor's report, and report on internal control for the fiscal year ended June 30, 2016 as presented; approve the [re-appropriation of \$28,738,390 for the fiscal year 2017 budget, consisting of \$13,102,196 for purchase order encumbrances committed in fiscal year 2016 and \$15,636,194 for spending of restricted contributions and fees;] and, authorize the Comptroller to proceed with distribution of the CAFR for public record, as required by law. Comptroller. (All Commission Districts.)

- 6.E. Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2013/2014, 2014/2015, 2015/2016 and 2016/2017 secured tax roll and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$105,988.27]. Assessor. (Parcels are in Commission Districts 1, 2& 5.)
- 6.F. Approve State Collection Development funds from the State of Nevada in the amount of [\$7,013., no local match required] for a retroactive term of October 1, 2016 through June 30, 2017 for the augmentation of Library Collections, direct the Comptroller's Office to make the necessary budget amendments and authorize the Director to sign the grant award document. (All Commission Districts.)
- 6.G. Approve the Continuum of Care – Permanent Supportive Housing Program Grant from the United States Department of Housing and Urban Development (HUD), in the amount of [\$84,619; \$23,607 County match] to provide housing and supportive services for homeless families; retroactively for the period of September 1, 2016 through August 31, 2017; authorize the Department to execute the grant agreement and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

#### Manager

- 6.H.1. Approve the attached resolution authorizing the waiver of Washoe County's unused portion of available volume cap for the issuance of Qualified Energy Conservation Bonds and affirming the transfer of this waived volume cap to the State of Nevada, Department of Business and Industry [no fiscal impact]. (All Commission Districts.)
- 6.H.2. Approve a 2014 Supplemental Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management for [\$20,000.00 retroactive] for the period of October 26, 2016 through December 31, 2016; [requires a match in the amount of \$20,000.00 by applying the salary expense of Washoe County Sheriff Search and Rescue positions]; and if accepted, and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)
- 6.H.3. Approve recommendation for Commission District Special Fund disbursement [in the amount of \$4,775] for Fiscal Year 2016-2017; District 5 Commissioner Jeanne Herman recommends [\$4,000] designated specifically towards the purchase a Self-Loading Gurney for the Gerlach Fire Department, and [\$775 grant] to Friends of Washoe County Library for the North Valleys Library remodel; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary budget appropriation transfers. (Commission District 5.)
- 6.H.4. Approve to Acknowledge the status report on collection of AB 104 gaming taxes through the first quarter of Fiscal Year 2016-17 [no fiscal impact]. (All Commission Districts.)
- 6.H.5. Confirm appointment of two County Commissioners, Commissioner Herman and Commissioner Lucey, to the Washoe County School District Capital Funding Protection Committee. (All Commission Districts.)
- 6.H.6. Approve a General Fund Contingency transfer of [\$150,000] to the Capital Improvement Fund to provide FY 2016/17 appropriation authority for capital improvements to the Board of County Commissioners Chambers project and direct the Comptroller to make the appropriate budget appropriation transfers. (All Commission Districts.)

#### Health

- 6.I.1. Approve amendments totaling an increase of [\$34,793.00] in both revenue and expense to the FY17 Assistant Secretary for Preparedness and Response (ASPR) BP5 Carryover Grant Program, IO 11343; and



if approved direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)

- 6.I.2. Approve amendments totaling an increase of [\$30,843.00] in both revenue and expense to the FY17 Centers for Disease Control and Prevention (CDC) BP5 Carryover Grant Program, IO 11344; and if approved direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)

Sheriff

- 6.J.1. Approve the Joining Forces 2017 grant from the Nevada Office of Traffic Safety (OTS) to cover overtime costs related to conducting Traffic Enforcement Checkpoints and events and for limited travel expenses, [\$120,000.00, No cash match required; 25% in-kind match required] for the retroactive grant term of 10/1/16 through 9/30/17 and if approved, direct Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 6.J.2. Approve acceptance of reimbursement costs [up to \$30,000.00, no match required] for overtime and other expenses incurred by deputies assigned to work with the U.S. Immigration and Customs Enforcement Homeland Security Investigations (ICE-HSI) Regional Gang Unit. Funds are available retroactively for the period of 09/01/2016 – 09/01/2017. If approved, direct the Comptroller's Office to make the necessary budget amendments and authorize the Sheriff to execute the Agreement between Federal Law Enforcement Agency Participating in the Treasury Forfeiture Fund and State or Local Law Enforcement Agency for the Reimbursement of Expenses in Joint Operations. Sheriff. (All Commission Districts.)
- 6.J.3. Acknowledge Receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Committee for First Quarter for Fiscal Year 16/17. (All Commission Districts.)
- 6.J.4. Approve acceptance of third year funding of a grant award [\$57,000.00, no match required] from the Las Vegas Metropolitan Police Department and Amendment #2 to the Interlocal Contract between the Las Vegas Metropolitan Police Department and the Washoe County Board of County Commissioners On Behalf Of The Washoe County Sheriff's Office for reimbursement of expenses associated with Internet Crimes Against Children investigations, for the retroactive grant period of 10/1/14 through 6/30/17, and if approved, direct Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 6.J.5. Approve acceptance of [up to \$17,548.00, no County match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Safe Streets Task Force (SSTF). Washoe County will be reimbursed for overtime and benefit costs directly related to activities in conjunction with the FBI SSTF. Funds are available retroactively from Federal Fiscal Year 10/1/16-9/30/17. If approved, direct Comptroller's Office to make necessary budget amendments. (All Commission Districts.)
- 6.J.6. Approve the Law Enforcement industry practice of selling older trained canines that have met their useful life, or upon retirement of the handler, to their handler for [\$1.00]. (All Commission Districts.)

End of Consent Items

- \*7. Department presentation by the Health District highlighting services and operations. [10 minutes.]
8. Approve the removal of uncollectible accounts receivable [totaling \$3,202,367.73.] Comptroller. (All Commission Districts.)
9. Award Request for Proposal (RFP) #2991-17 for the Differential Response program for child abuse and neglect cases, to the lowest responsible, responsive proposer, meeting specification, The Children's

Cabinet, 1090 S. Rock Blvd., Reno, NV 89502, in the estimated amount up to \$300,000.00 for the first year, on behalf of Washoe County Department of Social Services; and further to recommend that the Purchasing and Contracts Manager be authorized to enter into this Agreement for one (1) year, commencing December, 1, 2016 through November 30, 2017, with the provision for up to two (2) - one (1) year extensions at Washoe County's option at an [approximate annual amount between \$250,000 and \$300,000.] Social Services. (All Commission Districts.)

10. Adopt a Resolution declaring Washoe County's intent to sell Truckee River Water Rights (362 acre-feet) Claim DTR-014 to the Pyramid Lake Paiute Tribe; and set a public hearing for December 13, 2016 at 10:00 a.m. pursuant to NRS 277.050 to hear any objections. Community Services. (Commission District 4.)
11. Request by the County Manager through the County Clerk pursuant to Washoe County Code 2.03 to approve a request to amend the Washoe County Code (Chapter 20) to enact the increase to the County's sales and use tax rate as approved by voters in Washoe County on November 8, 2016, and direct the Clerk to submit the request to the District Attorney for preparation of a proposed ordinance pursuant to Washoe County Code 2.04. Manager. (All Commission Districts.)
12. Request by the County Manager through the Washoe County Clerk pursuant to WCC 2.030 for the Board of County Commissioners to initiate proceedings to amend Washoe County Code Chapter 110 (Development Code) at Article 304, Use Classification System, to expand the current definition of Outdoor Entertainment (Commercial Recreation, Commercial Use Type) to include other types of outdoor entertainment venues such as amphitheatres, race tracks, golf courses, ski resorts, and/or other appropriate venues; and to incorporate a wider range of typical uses such as sporting events, concerts, outdoor plays, outdoor music festivals with live or recorded music, and/or other appropriate uses. Additionally, initiate amendments to Washoe County Code Chapter 110 at Article 302, Allowed Uses, to potentially expand the regulatory zones within which the outdoor entertainment use type is allowed or allowed with the approval of an appropriate discretionary permit. Further, to direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Sections 2.030 and 2.040. Manager. (All Commission Districts.)
13. Possible action to find that the 800 MHz System and any future similar system of radio communication which is owned or operated by Washoe County is a matter of local concern for the effective operation of local government, and motion to introduce and conduct a first reading of an ordinance amending chapter 5 of the Washoe County Code, Section 5.456, to authorize the Chief Information Officer to negotiate and execute agreements with other public and private entities as are required to assure the continued present and future operation of Washoe County's emergency radio system(s) and to present such agreements to the Washoe County Board of Commissioners for final approval when required by law or policy; describing that such agreements may include, without limitation, provisions for sharing the use, governance, operation, maintenance, and upgrade of any Washoe County radio system with other public or private entities, unless otherwise prohibited by law; changing the title of Chief Information Management Officer to Chief Information Officer; and providing for other matters properly relating thereto, And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for December 13, 2016. Technology Services. (All Commission Districts.)
14. Discussion and possible action on suspension of Rules and Procedures of the Board of County Commissioners pursuant to Rule 3 to allow reconsideration of denial of an application from GTI Nevada, LLC dba Rise Incline Village to move a medical marijuana dispensary establishment from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). Manager. (Commission District 4.)
15. Discussion and possible reconsideration of denial of an application from GTI Nevada, LLC dba Rise Incline Village to move a medical marijuana dispensary establishment from the location issued a State of

Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). Manager. (Commission District 4.)

16. Discussion and possible action to approve a new franchise agreement under NRS 244.187-188 for the collection and disposal of garbage and other waste with Reno Disposal Co., a Nevada corporation doing business as Independent Sanitation Company and Waste Management, including but not limited to possible changes to the franchise fee, possible changes to the length of time during which the franchise will be in effect, and the possible addition of certain recyclables to the scope of the franchise. Manager. (All Commission Districts.)
17. Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District per NRS 288.220.
- \*18. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
- \*19. Commissioners'/Manager's announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)

Adjournment.

Various boards/commissions the Washoe County Commissioners may be a member of or liaison to:

Chair Jung

Community Assistance Center Transitional Governing Board  
 District Board of Health  
 Internal Audit Committee  
 Investment Committee  
 Medical Marijuana Working Group  
 Nevada Works (alternate)  
 Truckee Meadows Water Authority Board (alternate)  
 Truckee River Flood Management Authority (alternate)  
 Washoe County Criminal Justice Advisory Committee  
 Washoe County Stadium Authority

Vice-Chair Lucey

EDAWN (Economic Development Authority of Western Nevada) (alternate)  
 Nevada Association of Counties Board of Directors (NACO)  
 Nevada Commission for the Reconstruction of the V&T Railway (alternate)  
 Nevada Tahoe Regional Planning Agency Board (alternate)  
 Regional Transportation Commission  
 Reno-Sparks Convention & Visitors Authority  
 Tahoe Regional Planning Agency Governing Board (alternate)  
 Tahoe Transportation District Board of Directors (alternate)  
 Tahoe Transportation Commission (alternate)  
 Truckee Meadows Water Authority Board (alternate)  
 Truckee River Flood Management Authority  
 Washoe County Criminal Justice Advisory Committee (alternate)

Washoe County Debt Management Commission  
 Washoe County Library Board of Trustees  
 Washoe County School District Capital Funding Protection Committee  
 Washoe County School District Oversight Panel  
 Washoe County Stadium Authority (alternate)  
 Western Regional Water Commission

Commissioner Berkbigler

Economic Development Authority of Western Nevada (EDAWN)  
 Nevada Tahoe Conservation District Board of Supervisors  
 Nevada Tahoe Regional Planning Agency Board  
 Public Schools Overcrowding and Repair Needs Committee  
 Regional Transportation Commission  
 Tahoe Prosperity Center Board of Directors  
 Tahoe Regional Planning Agency Governing Board  
 Tahoe Transportation District Board of Directors  
 Tahoe Transportation Commission  
 Truckee Meadows Water Authority Board (alternate)  
 Truckee River Flood Management Authority (alternate)  
 Washoe County Legislative Liaison  
 Washoe County Organizational Effectiveness Committee  
 Washoe County Stadium Authority  
 Western Nevada Development District (WNDD)y

Commissioner Hartung

Truckee Meadows Regional Planning Agency Governing Board  
 Truckee Meadows Water Authority Board  
 Truckee River Flood Management Authority  
 Washoe County Investment Committee  
 Washoe County Senior Services Advisory Board Liaison (alternate)  
 Washoe County Stadium Authority (alternate)  
 Western Regional Water Commission

Commissioner Herman

Nevada Association of Counties Board of Directors (NACO)  
 Nevada Commission for the Reconstruction of the V&T Railway  
 NevadaWorks  
 State Land Use Planning Advisory Council (SLUPAC)  
 Truckee Meadows Regional Planning Agency Governing Board  
 Truckee Meadows Water Authority Board  
 Truckee River Flood Management Authority (alternate)  
 Vya Conservation District  
 Washoe County Open Space and Regional Parks Commission Liaison  
 Washoe County Senior Services Advisory Board Liaison  
 Washoe County School District Capital Funding Protection Committee  
 Washoe County School District Oversight Panel  
 Washoe County Stadium Authority (alternate)  
 Washoe-Storey Conservation District  
 Western Regional Water Commission

**ATTACHMENT**

**5**

**ATTACHMENT**

**5**

**COUNTY COMMISSIONERS**

Chair, Kitty Jung, District 3  
 Vice-Chair, Bob Lucey, District 2  
 Marsha Berkgigler, District 1  
 Vaughn Hartung, District 4  
 Jeanne Herman, District 5

**COUNTY MANAGER**

John Slaughter

**ASSISTANT DISTRICT ATTORNEY**

Paul Lipparelli

**COUNTY CLERK**

Nancy Parent

**NOTICE OF MEETING AND AGENDA**

WASHOE COUNTY BOARD OF COMMISSIONERS  
 WASHOE COUNTY LIBRARY BOARD OF TRUSTEES  
 COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada

**PLEASE NOTE NEW TIME**

October 25, 2016

9:00 a.m.

**NOTE:** Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. The Consent is a single agenda item and is considered as a block and will not be read aloud. The Board of County Commissioners may take breaks approximately every 90 minutes.

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**Public Transportation.** Public transportation is available to this meeting site: RTC Routes 2, 2S, 5 and 15 serve this location. For eligible RTC ACCESS reservations call (775) 348-5438.

**Time Limits.** Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. Persons may not allocate unused time to other speakers. To preserve time and increase efficiency representatives of recognized groups may be given more than 3 minutes as determined by the presiding officer.

**Forum Restrictions and Orderly Conduct of Business.** The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive conduct may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

**Responses to Public Comments.** The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: *"\*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda"*.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street, Bldg. A); Washoe County Courthouse - Second Judicial District Court (75 Court Street); Washoe County - Reno Downtown Library (301 South Center Street); Sparks Justice Court (1675 East Prater Way); [www.washoecounty.us/bcc/board\\_committees/](http://www.washoecounty.us/bcc/board_committees/) and <https://notice.nv.gov>.

10. Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Rancho San Rafael Regional Park Irrigation Reconstruction Project - Phase 2 [staff recommends Burdick Excavation Co., Inc. in the amount of \$1,200,135.00]. Community Services. (Commission District 3.)
11. Recommendation to approve the purchase of Systems Furniture and the installation of SpaceFile File Systems for the Washoe County Medical Examiners Building Project from Reno Business Interiors [\$123,713.82] under NRS 332.195's provisions for joining the contracts of other governments or government agencies, U.S. Communities Contract #4400003402 (Haworth), NASPO/WSCA Contract #1931MA146 (Hon), and National IPA Contract #2015000063 (Sit On It and Ideon); and approve the purchase of SpaceFile file storage systems for the Washoe County Medical Examiners Project from SpaceFile [\$35,032.40] under NRS 332.195(m)'s provisions for purchasing from a vendor that has an agreement with the General Services Administration, GSA contract #GS-27F-0041X. Community Services. (Commission District 3.)
12. Acknowledge status report on agreement with It's My Community Store for Office Supplies and Office Consumables and provide direction to staff regarding initiation of the second of two optional one year renewals of the agreement from November 17, 2016 to November 16, 2017. [\$261,000 estimate]. Manager. (All Commission Districts.)
13. Approve, tentatively, an Agreement for License and Professional Management Services at Washoe Golf Course between Washoe County and the most qualified proposer [staff recommends Billy Casper Golf], for full management of the Washoe Golf Course for a four and one half year period commencing on January 1, 2017 through June 30, 2021; and if tentatively approved, authorize the Community Services Department Director to further negotiate and sign the Agreement consistent with the selected vendor's proposal. (Commission District 1.)
14. Update and possible direction to staff on future code changes regarding possible restriction of adult use/recreational marijuana. Manager. (All Commission Districts.)
15. Update and acknowledgement of the Washoe County FY16-18 Strategic Plan, including status thru first quarter of Fiscal Year 2016-17 goals and initiatives [No fiscal impact]. Manager. (All Commission Districts.)
16. Discussion and direction to staff regarding Washoe County's Bill Draft Request of proposed changes to regional planning for the 2017 Nevada Legislative Session and other legislative issues proposed by legislators, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)
17. Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Public Hearings. (Note: Due to public testimony and discussion, time expended on the item in this category can vary.)

18. Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from GTI Nevada, LLC dba Rise Incline Village to move a medical dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. Manager (Commission District 4.)
19. Hearing, discussion, and possible action on Appeal Case No. AX16-005 (Harris Ranch Subdivision), an appeal of the Planning Commission's decision to deny Tentative Map Case Number TM16-007 that involved the merger and re-subdivision of three lots into a 610 lot, single family detached, common open space subdivision on three parcels totaling ±610.34 acres. Lots would range in size from 10,000 square feet (.23 acres) to 50,855 square feet (1.17 acres) with lot sizes averaging approximately 14,866 square feet (.34 acres). The applicant is further

The attached document was submitted to the **Washoe  
County Board of Commissioners** during the meeting  
held on 10-25-16

by John Slaughter

for Agenda Item No. 16

and included here pursuant to NRS 241.020(7) as  
amended by AB65 of the 2013 Legislative Session.



Proposed Regional Planning Legislation:

Governance Change to Existing Washoe County Model

Summary of Changes: Utilize the existing Washoe County Model, with changes to the Governing Board; the Nevada Revised Statutes guiding regional planning in the two largest urban counties in Nevada would remain inconsistent.

Note: New Language; ~~Deleted Language~~

REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 100,000 OR MORE BUT LESS THAN 700,000

NRS 278.026 Definitions. As used in NRS 278.026 to 278.029, inclusive, unless the context otherwise requires:

1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include:

- (a) A state agency; or
- (b) A public utility which is subject to regulation by the Public Utilities Commission of Nevada.

2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.

3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264.

4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.

5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:

(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, paleontological, cultural or scenic resource;

(b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;

(c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities, including, without limitation, schools, or the adopted regional form of the region; or

(d) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:

- (1) Employment by not less than 938 employees;
- (2) Housing by not less than 625 units;
- (3) Hotel accommodations by not less than 625 rooms;
- (4) Sewage by not less than 187,500 gallons per day;

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- (5) Water usage by not less than 625 acre feet per year; or
- (6) Traffic by not less than an average of 6,250 trips daily.

↳ The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before June 17, 1989.

6. "Project of regional significance," with respect to a project proposed by a utility, includes:

- (a) An electric substation;
- (b) A transmission line that carries 60 kilovolts or more;
- (c) A facility that generates electricity greater than 5 megawatts;
- (d) Natural gas storage and peak shaving facilities; and
- (e) Gas regulator stations and mains that operate over 100 pounds per square inch.

7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.

(Added to NRS by 1989, 759; A 1991, 1733; 1995, 2662; 1997, 1981; 1999, 2124; 2005, 1586; 2009, 378)

**NRS 278.0261 Legislative findings and declaration.** The Legislature hereby finds and declares that:

1. The process of regional planning in a county whose population is 100,000 or more but less than 700,000, as set forth in NRS 278.026 to 278.029, inclusive, ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.

2. The process of regional planning set forth in NRS 278.026 to 278.029, inclusive, does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more but less than 700,000.

3. The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:

- (a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and
- (b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.

4. It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.

(Added to NRS by 1999, 2123; A 2011, 1179)

**NRS 278.0262 Regional planning commission: Creation; membership; chair; compensation; training.**

1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a regional planning commission consisting of:

- (a) Three members from the local planning commission of each city in the county whose population is 60,000 or more, appointed by the respective governing bodies of those cities;
- (b) One member from the local planning commission of each city in the county whose population is less than 60,000, appointed by the respective governing bodies of those cities; and
- (c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he or she is

appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.

4. A member of the commission must be compensated at the rate of \$80 per meeting or \$400 per month, whichever is less.

5. Each member of the commission must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of NRS 278.0265 within 1 year after the date on which his or her term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his or her appointment 1 year after the date on which his or her term of appointment commenced.

(Added to NRS by 1989, 759; A 1999, 2125; 2001, 1965; 2011, 1179)

**NRS 278.0263 Regional planning commission: Request for assistance.** The regional planning commission shall request assistance from the governing body of a county, the governing body of a city, a state agency or an affected entity as required to perform its duties.

(Added to NRS by 1991, 1732)

**NRS 278.02632 Regional planning commission: Study and development of incentives for certain types of development.** The regional planning commission shall continue to study and develop methods to provide incentives for:

1. Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this subsection, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

2. Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.

(Added to NRS by 2005, 1583)

**NRS 278.0264 Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget.**

1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, ~~at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:~~

~~(1) A county commissioner, his or her district must be one of the two districts in the county with the highest percentage of unincorporated area.~~

~~(2) Not not a county commissioner, he or she must reside within an unincorporated area of the county.~~

(b) ~~Four~~ Three representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.

~~(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.~~

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him or her shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

(Added to NRS by 1989, 760; A 1991, 1734; 2001, 1966; 2011, 1180)

**NRS 278.0265 Governing board for regional planning: Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements.** The governing board:

1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.

2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:

(a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and

(b) The provisions of chapter 241 of NRS.

3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of NRS 278.026 to 278.029, inclusive.

4. May enter into an agreement pursuant to NRS 277.045 or 277.080 to 277.180, inclusive, for a purpose that is consistent with the provisions of NRS 278.026 to 278.029, inclusive.

(Added to NRS by 1991, 1732; A 1993, 572; 1999, 2126; 2001, 756; 2005, 1587)

**NRS 278.0266 Director of regional planning: Appointment; qualifications; powers and duties.** There is hereby created the position of director of regional planning. The director:

1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;
  2. Must be selected on the basis of his or her training, experience, capability and interest in planning;
  3. Must have the demonstrated ability to administer a major program relating to planning;
  4. Shall devote his or her entire time and attention to the business of that office and shall not pursue any other business or occupation or hold any other office of profit;
  5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;
  6. Is responsible for administration of the regional planning program;
  7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and
  8. May:
    - (a) Appoint professional, technical or clerical staff to, and dismiss them from, positions which are approved by the governing board;
    - (b) Execute contracts for services and interlocal agreements which are approved by the governing board;
    - (c) Direct the activities of all other persons employed by the governing board; and
    - (d) Prepare an annual budget.
- (Added to NRS by 1989, 761)

**NRS 278.0268 Appointment of subcommittees and advisory committees.**

1. The governing board and the regional planning commission may, jointly or separately, appoint subcommittees for any purpose that is consistent with NRS 278.026 to 278.029, inclusive. A subcommittee appointed pursuant to this subsection must be composed only of:

(a) Members of the governing board or regional planning commission, as appropriate, if the subcommittee is appointed separately; or

(b) Members from both the governing board and the regional planning commission, if the subcommittee is appointed jointly.

2. To assist in the formulation and the implementation of the comprehensive regional plan, the governing board and the regional planning commission may, jointly or separately, appoint advisory committees to advise and report to the governing board, regional planning commission, director of regional planning or a combination of such entities.

3. The governing board and the regional planning commission may, jointly or separately, appoint advisory committees to examine issues that affect the county in which the governing board and regional planning commission are located. The governing board and regional planning commission may appoint persons from outside the county in which the governing board and regional planning commission are located and from outside this State to serve on an advisory committee appointed pursuant to this section. An advisory committee appointed pursuant to this subsection may:

(a) Identify, examine and discuss regional issues that affect the county in which the governing board and regional planning commission are located, including, without limitation, issues relating to land use, fiscal matters, air quality and infrastructure; and

(b) Make recommendations to the governing board, regional planning commission, or both, concerning regional issues.

(Added to NRS by 1989, 763; A 2001, 757)

**NRS 278.0272 Development, review and amendment of regional plan; public hearings required.**

1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.

2. The plan must consist of written text, appropriate maps and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.

3. In developing the plan, the commission shall:

(a) Review and consider each existing regional plan and master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and any similar plan of a local government, and may seek and consider the advice of each local planning commission and any other affected entity; and

(b) Coordinate the elements of the plan and make them consistent with each other.

4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.

5. Before amending the plan, the commission must hold at least one public hearing on the proposed amendment at a location in the region.

6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total membership.

7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. Except as otherwise provided in subsection 8, all requests for amendments to the plan must be studied and considered at public hearings held annually by the commission.

8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.

9. Except as otherwise provided in this subsection, notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the region, notice must be given by publication in at least two such newspapers. Notice of the time and place of the initial meeting of the regional planning commission and the hearing at which the commission receives testimony concerning final approval of the comprehensive regional plan must be given by publication at least 30 days before the day of the meeting or hearing. Notice given pursuant to this subsection must be a display advertisement of not less than 3 inches by 5 inches.

(Added to NRS by 1989, 761)

**NRS 278.0274 Contents of regional plan.** The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to

the interspersions of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.

4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:

(a) Address, if applicable:

(1) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(2) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;

(b) Allow for a variety of uses;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area:

5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:

(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;

(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;

(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and

(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:

(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and

(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.

6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

8. Any utility project required to be reported pursuant to NRS 278.145.

(Added to NRS by 1989. 762; A 1991. 953; 1997. 1982; 1999. 2126; 2005. 1587; 2007. 340; 2009. 2759; 2011. 3744)

**NRS 278.0276 Adoption of regional plan.** The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan

with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment. The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board 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.

(Added to NRS by 1989, 763)

**NRS 278.0277 Project of regional significance: Adoption of guidelines and procedures for review of proposal.** The regional planning commission shall adopt guidelines and procedures for the review of whether a proposal for the use of land submitted to a county or city located in the region is a project of regional significance. The county or city shall use the guidelines and procedures adopted by the regional planning commission to determine if a proposal for the use of land is a project of regional significance.

(Added to NRS by 1991, 1731)

**NRS 278.0278 Project of regional significance: Finding of conformance with adopted regional plan required before final approval and commencement of construction; appeal of determination to governing board.**

1. Before a project of regional significance is approved finally by the county or city and before construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in conformance with the adopted regional plan. In making its determination, the commission shall limit its review to the substance and content of the adopted comprehensive regional plan and shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

2. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, it shall be deemed that the commission has made a finding that the project conforms with the regional plan.

3. If the commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the governing board within 45 days after the determination is made. The governing board shall consider the appeal and may reverse the determination of the commission or recommend that the county or city take actions to make the proposal consistent with the comprehensive regional plan. The county or city shall, within 45 days after receipt, consider any such recommendations and direct such changes in the project as are necessary to assure the consistency of the proposal with the adopted regional plan.

4. The limits on time imposed in subsection 2 of NRS 278.315, subsection 5 of NRS 278.330 and subsection 2 of NRS 278.349 are extended by 60 days or such period as may be necessary to complete the review and any appeal provided for in this section.

(Added to NRS by 1989, 764; A 1991, 1735)

**NRS 278.02784 Joint planning area: Designation in regional plan; master plan required for area.**

1. The regional planning commission may designate one or more joint planning areas in the comprehensive regional plan.

2. If an area is designated a joint planning area, the county and the affected cities shall jointly adopt a master plan for the area.



3. The master plan for a joint planning area must:
  - (a) Be consistent with the comprehensive regional plan;
  - (b) Designate the portion of the area, if any, that is included within the sphere of influence of a city;
  - (c) Designate the portion of the area, if any, that is subject to the jurisdiction of the county for planning and zoning and development decisions; and
  - (d) Be submitted to the regional planning commission for review pursuant to NRS 278.028.(Added to NRS by 1991, 1731)

**NRS 278.02786 Joint planning area: Procedure for recommendation and adoption of master plan.**

1. Before recommending the master plan for a joint planning area, each affected local planning commission shall jointly hold at least one public hearing thereon. Notice of the time and place of the hearing must be given by at least one publication in a newspaper of general circulation in the county at least 10 days before the day of the hearing.

2. The recommendation of the master plan for a joint planning area must be by resolution of each affected local planning commission in the joint planning area carried by the affirmative votes of not less than two-thirds of the total membership of each commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the county planning commission and the planning commission of each city in the joint planning area to constitute the recommended master plan for the joint planning area.

3. The master plan for the joint planning area that is recommended by the affected local planning commissions must be considered for adoption by each affected local governing body.

4. The affected local governing bodies may adopt such parts thereof as may practicably be applied to the development of the joint planning area. The master plan for the joint planning area becomes effective upon the approval by a majority of the membership of each affected local governing body.

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

(Added to NRS by 1991, 1732)

**NRS 278.02788 Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.**

1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission

within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

(Added to NRS by 1991, 1731; A 2013, 3218; 2015, 315)

**NRS 278.028 Review and amendment of existing master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.**

1. Following the initial adoption of the comprehensive regional plan or any portion of it, each local planning commission, and any other affected entity shall review its respective master plan, facilities plan and other similar plans, amend them to conform with the provisions of the comprehensive regional plan, and submit them, within 60 days after the adoption of the comprehensive plan, to the regional planning commission. The regional planning commission shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the comprehensive regional plan. The regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

2. If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

3. An affected entity or local governing body that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

4. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

(Added to NRS by 1989, 765)

**NRS 278.0282 Review of proposed adoption or amendment of master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.**

1. Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

2. Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency or a public utility whose plan must be approved by the Public Utilities Commission of Nevada, the agency or utility shall submit the proposed plan or amendment to the regional planning commission, which shall, within 60 days after its receipt, review the plan or amendment and offer suggestions to the agency or utility regarding the conformance of the plan with the comprehensive regional plan.

3. Except as otherwise provided in NRS 278.028, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.

4. If the regional planning commission fails to make a determination within 60 days after its receipt from an affected entity or local governing body of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

5. An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.

7. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two-thirds of its total membership.

(Added to NRS by 1989, 764; A 1997, 1983)

**NRS 278.0284 Conformity of local ordinances and regulations to master plan.** Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.

(Added to NRS by 1989, 766)

**NRS 278.0286 Annual report by local planning commission; local government to file information relating to proposed actions concerning regional plan.**

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 plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.

2. Before submitting a recommendation for proposed legislation 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.

(Added to NRS by 1989, 766)

**NRS 278.0288 Exempted region.** The region defined in NRS 278.790 is exempt from the provisions of NRS 278.026 to 278.029, inclusive, and 278.145.

(Added to NRS by 1989, 766; A 1991, 954)

**NRS 278.029 Facilities plan not required.** Nothing contained in the provisions of NRS 278.026 to 278.029, inclusive, requires any entity that has not already adopted a facilities plan to do so.

(Added to NRS by 1989, 766)

Option B

## Regional Planning Legislation: Clark County Model

Note: New Language Deleted Language

### REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS ~~700,000~~ 100,000 OR MORE

#### General Provisions

**NRS 278.02507 Applicability.** The provisions of NRS 278.02507 to 278.02598, inclusive, apply only to counties whose population is ~~700,000~~ 100,000 or more and cities located within those counties. (Added to NRS by 1999, 3364; A 2009, 2261; 2011, 1177)

**NRS 278.02514 Regional planning coalition: Establishment.** In a county whose population is ~~700,000~~ 100,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county shall establish a regional planning coalition by cooperative agreement pursuant to chapter 277 of NRS.

(Added to NRS by 1999, 1973; A 1999, 3374; 2011, 1178)

#### Comprehensive Regional Policy Planning

##### **NRS 278.02521 Legislative intent.**

1. The Legislature recognizes the need for innovative strategies of planning and development that:
  - (a) Address the anticipated needs and demands of continued urbanization and the corresponding need to protect environmentally sensitive areas; and
  - (b) Will allow the development of less populous regions of this State if such regions:
    - (1) Seek increased economic development; and
    - (2) Have sufficient resources of land and water to accommodate development in a manner that is environmentally sound.
2. The Legislature further recognizes that innovative strategies of planning and development may be superior to conventional strategies of planning and development with respect to:
  - (a) Protecting environmentally sensitive areas;
  - (b) Maintaining the economic viability of agricultural and other predominantly rural land uses; and
  - (c) Providing cost-effective public facilities and services.
3. It is the intent of the Legislature that each comprehensive regional policy plan adopted or amended pursuant to this chapter should set forth a process of planning which:
  - (a) Allows for:
    - (1) The efficient use of land within existing urban areas; and
    - (2) The conversion of rural lands to other uses, if such other uses are appropriate and consistent with the provisions of this chapter and the master plan of each affected city and county.
  - (b) Uses innovative and flexible strategies of planning and development and creative techniques of land use planning which promote sustainable growth, including, without limitation, establishment of new towns, the maintenance of open space and mixed-use development.
4. It is the further intent of the Legislature that when the governing body of a local government adopts a master plan or zoning regulation, the plan or regulation should promote a strategy of maximizing the use of existing facilities and services through redevelopment, interspersion of new housing and businesses in established neighborhoods and other mechanisms for urban revitalization.
5. It is the further intent of the Legislature that the construction of public facilities and the provision of services necessary to support development should be coordinated with activities of development to ensure that demand for such facilities and services can be met at the time the demand is created. In carrying out this intent, local and regional governmental entities are encouraged to construct public

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facilities, including, without limitation, buildings that are certified in accordance with the Leadership in Energy and Environmental Design Green Building System or its equivalent, provide services or carry out development in phases. Public facilities constructed and services provided to accommodate new development should be consistent with plans for capital improvements prepared pursuant to NRS 278.0226.

(Added to NRS by 1999, 1926; A 2005, 1583)

**NRS 278.02528 Comprehensive regional policy plan: Development by regional planning coalition; contents; prerequisites to adoption and amendment.**

1. The regional planning coalition shall develop a comprehensive regional policy plan for the balanced economic, social, physical, environmental and fiscal development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.

2. In developing the plan, the coalition:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall ensure that the comprehensive regional policy plan includes goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, standardized projections for population growth in the region.

(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region, and that the plan addresses, if applicable:

(I) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(II) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation.

(4) Transportation.

(5) The efficient provision of public facilities and services, including, without limitation, roads, water and sewer service, police and fire protection, mass transit, libraries and parks.

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersions of new housing and businesses in established neighborhoods;

(II) The preservation of historic neighborhoods; and

(III) Development in areas in which public services are available.

3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition:

(a) Carried by the affirmative votes of not less than two-thirds of its total membership; and

(b) Ratified by the board of county commissioners of the county and the city council of each city that jointly established the regional planning coalition pursuant to NRS 278.02514.

(Added to NRS by 1999, 1928; A 1999, 3370; 2005, 1584; 2007, 340; 2009, 2758)

**NRS 278.02535 Regional planning coalition: Study and development of incentives for certain types of development.**

1. The regional planning coalition shall study and develop methods to provide incentives for:

(a) The interspersions of new housing and businesses in established neighborhoods, including, without limitation, the:

(1) Creation of an expedited process for granting necessary permits for a development that features such interspersions; and

(2) Imposition of a fee for the extension of infrastructure to encourage such interspersions.

(b) Mixed-use development, transit-oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this paragraph, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

(c) Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other governmental entities.

2. As used in this section, "infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

(Added to NRS by 1999. 1928; A 1999. 3371; 2005. 1585)

**NRS 278.02542 Regional planning coalition: Powers; establishment of definition for term "project of regional significance."**

1. The regional planning coalition may:

(a) Coordinate sources of information.

(b) Recommend measures to increase the efficiency of governmental entities and services.

(c) Make recommendations regarding the disposal of federal land.

(d) Establish methods for resolving issues related to annexation, boundaries and other matters that arise between jurisdictions.

(e) At least every 5 years, review:

(1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body, regional agency, state agency or public utility that is located in whole or in part within the region; and

(2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to NRS 278.0226.

(f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region.

(g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance.

(h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally assisted programs or projects.

(i) Designate allowable future land uses for each part of the county, including, without limitation, the identification of each category of land use in which the construction and operation of a public school is permissible. The identification of a category of land use in which the construction and operation of a public school is permissible must be carried out in consultation with the county school district and include a determination of whether there is sufficient land in the proximity of a residential development to meet projected needs for public schools.

2. The regional planning coalition shall establish a definition for the term "project of regional significance." In establishing the definition, the regional planning coalition shall consider:

(a) Existing definitions of the term within the Nevada Revised Statutes; and

(b) That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, paleontological, cultural, scenic

and natural resources, public facilities, including, without limitation, schools, and public services within the region.

(Added to NRS by 1999. 1929; A 1999. 3371; 2001. 2116; 2005. 1585; 2009. 377)

**NRS 278.02549 Certain public entities to submit plans to regional planning coalition for review; certain public entities to ensure consistency of land use plans and decisions with comprehensive regional policy plan and certified plans.**

1. Each governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall, at least every 5 years, submit to the regional planning coalition for its review all master plans, facilities plans and other similar plans of the governing body, regional agency, state agency or public utility.

2. Each regional agency and state agency that is located in whole or in part within the region shall, to the extent practicable, ensure that all its master plans, facilities plans and other similar plans and decisions pertaining to the use of land are consistent with:

(a) The comprehensive regional policy plan developed and adopted by the regional planning coalition pursuant to NRS 278.02528; and

(b) The master plans, facilities plans and other similar plans of a city or county which have been certified by the regional planning coalition pursuant to subsection 4 of NRS 278.02577 as being in substantial conformance with the comprehensive regional policy plan.

(Added to NRS by 1999. 1929; A 1999. 3372; 2001. 2117)

**NRS 278.02556 Certain public entities prohibited from adopting or amending certain plans after March 1, 2001, unless regional planning coalition afforded opportunity to make recommendations; exception. In counties whose population is 700,000 or more, and ~~Except~~ except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.**

(Added to NRS by 1999. 1929; A 2009. 2759; 2013. 1499)

**New Section: Certain public entities prohibited from adopting or amending certain plans after March 1, 2018, unless regional planning coalition afforded opportunity to make recommendations; exception. In counties whose population is between 100,000 and 700,000, and except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2008, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.**

**NRS 278.02563 Regional planning coalition to annually prepare, adopt and submit budget to local governments in region. The regional planning coalition shall, on or before July 1 of each year, prepare and adopt a budget for the immediately succeeding fiscal year and shall submit that budget to each of the local governments within the region as a recommendation for funding.**

(Added to NRS by 1999. 1930)



**NRS 278.0257 Regional planning coalition authorized to employ persons and contract for services to carry out certain duties.** The regional planning coalition may employ persons or contract for services necessary to carry out;

1. The provisions of NRS 278.02528 to 278.02577, inclusive; and
2. Other responsibilities set forth in the cooperative agreement pursuant to which the regional planning coalition was established pursuant to NRS 278.02514.

(Added to NRS by 1999, 1930; A 1999, 3372)

**NRS 278.02577 Regional planning coalition to review plans of public entities for conformance with comprehensive regional policy plan; procedure upon determination of nonconformance or conformance; grants to city or county.**

1. At least every 5 years, the regional planning coalition shall review the master plans, facilities plans and other similar plans that it receives pursuant to NRS 278.02549, and determine whether those plans are in substantial conformance with the comprehensive regional policy plan.

2. If the regional planning coalition determines that a plan reviewed pursuant to subsection 1 is not in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall return the plan to the submitting entity accompanied by recommendations regarding the manner in which the submitting entity may bring the plan into substantial conformance with the comprehensive regional policy plan.

3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:

(a) Manner in which the submitting entity changed the plan to be in substantial conformance with the comprehensive regional policy plan; or

(b) Reasons of the submitting entity for not bringing the plan into substantial conformance.

4. If the regional planning coalition determines that all the plans that a city or county is required to submit pursuant to NRS 278.02549 are in substantial conformance with the comprehensive regional policy plan, the regional planning coalition shall issue to the city or county a certificate or other indicia of that determination. Upon receipt of such a certificate or other indicia, the city or county, until the next time the regional planning coalition reviews the plans of the city or county pursuant to subsection 1, is entitled to establish its own policies and procedures with respect to regional planning, to the extent that those policies and procedures do not conflict with federal or state law.

5. The regional planning coalition may, within the limits of legislative appropriations and other available money, provide grants to a city or county if the regional planning coalition has issued to the city or county a certificate or other indicia pursuant to subsection 4 of the determination of the regional planning coalition that all the plans that the city or county is required to submit pursuant to NRS 278.02549 are in substantial conformance with the comprehensive regional policy plan. Grants provided to a city or county pursuant to this subsection must be expended by the city or county only to pay the costs of establishing, maintaining and carrying out programs related to land use planning.

(Added to NRS by 1999, 1930; A 1999, 3372; 2001, 2117)

~~REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 100,000 OR MORE BUT LESS THAN 700,000~~

~~NRS 278.026 Definitions. As used in NRS 278.026 to 278.029, inclusive, unless the context otherwise requires:~~

~~1. "Affected entity" means a public utility, franchise holder, local or regional agency, or any other entity having responsibility for planning or providing public facilities relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include:~~

~~(a) A state agency; or~~

~~(b) A public utility which is subject to regulation by the Public Utilities Commission of Nevada.~~

~~2. "Facilities plan" means a plan for the development of public facilities which will have a regional impact or which will aid in accomplishing regional goals relating to transportation, solid waste, energy generation and transmission, conventions and the promotion of tourism, air quality or public education. The term does not include a plan for the development of a specific site or regulations adopted by an affected entity to implement the comprehensive regional plan.~~

~~3. "Governing board" means the governing board for regional planning created pursuant to NRS 278.0264.~~

~~4. "Joint planning area" means an area that is the subject of common study and planning by the governing body of a county and one or more cities.~~

~~5. "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:~~

~~(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeological, paleontological, cultural or scenic resource;~~

~~(b) Has been identified in the guidelines of the regional planning commission as a project which will result in the creation of significant new geothermal or mining operations;~~

~~(c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities, including, without limitation, schools, or the adopted regional form of the region; or~~

~~(d) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:~~

~~(1) Employment by not less than 938 employees;~~

~~(2) Housing by not less than 625 units;~~

~~(3) Hotel accommodations by not less than 625 rooms;~~

~~(4) Sewage by not less than 187,500 gallons per day;~~

~~(5) Water usage by not less than 625 acre-feet per year; or~~

~~(6) Traffic by not less than an average of 6,250 trips daily.~~

~~The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit has been approved by the local planning commission before June 17, 1989.~~

~~6. "Project of regional significance," with respect to a project proposed by a utility, includes:~~

~~(a) An electric substation;~~

~~(b) A transmission line that carries 60 kilovolts or more;~~

~~(c) A facility that generates electricity greater than 5 megawatts;~~

~~(d) Natural gas storage and peak-shaving facilities; and~~

~~(e) Gas regulator stations and mains that operate over 100 pounds per square inch.~~

~~7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.~~

~~(Added to NRS by 1989, 759; A 1991, 1733; 1995, 2662; 1997, 1981; 1999, 2124; 2005, 1586; 2009, 378)~~

~~— NRS 278.0261 Legislative findings and declaration. — The Legislature hereby finds and declares that:~~

~~— 1. — The process of regional planning in a county whose population is 100,000 or more but less than 700,000, as set forth in NRS 278.026 to 278.029, inclusive, ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.~~

~~— 2. — The process of regional planning set forth in NRS 278.026 to 278.029, inclusive, does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more but less than 700,000.~~

~~— 3. — The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:~~

~~— (a) — Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and~~

~~— (b) — Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.~~

~~— 4. — It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.~~

~~— (Added to NRS by 1999, 2123; A 2011, 1179)~~

~~— NRS 278.0262 Regional planning commission: Creation; membership; chair; compensation; training.~~

~~— 1. — There is hereby created in each county whose population is 100,000 or more but less than 700,000, a regional planning commission consisting of:~~

~~— (a) — Three members from the local planning commission of each city in the county whose population is 60,000 or more, appointed by the respective governing bodies of those cities;~~

~~— (b) — One member from the local planning commission of each city in the county whose population is less than 60,000, appointed by the respective governing bodies of those cities; and~~

~~— (c) — Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.~~

~~— 2. — Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he or she is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.~~

~~— 3. — The commission shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.~~

~~— 4. — A member of the commission must be compensated at the rate of \$80 per meeting or \$400 per month, whichever is less.~~

~~— 5. — Each member of the commission must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of NRS 278.0265 within 1 year after the date on which his or her term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his or her appointment 1 year after the date on which his or her term of appointment commenced.~~

~~— (Added to NRS by 1989, 759; A, 1999, 2125; 2001, 1965; 2011, 1179)~~

~~— NRS 278.0263 Regional planning commission: Request for assistance. The regional planning commission shall request assistance from the governing body of a county, the governing body of a city, a state agency or an affected entity as required to perform its duties.~~

~~— (Added to NRS by 1991, 1732)~~

~~— NRS 278.02632 Regional planning commission: Study and development of incentives for certain types of development. The regional planning commission shall continue to study and develop methods to provide incentives for:~~

~~— 1. Mixed use development, transit oriented development, the development of a brownfield site and development which minimizes the negative impact on the environment. As used in this subsection, "brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.~~

~~— 2. Large commercial development which provides employee parking at a site other than the commercial development. Such incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.~~

~~— (Added to NRS by 2005, 1583)~~

~~— NRS 278.0264 Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget.~~

~~— 1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a governing board for regional planning consisting of:~~

~~— (a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:~~

~~— (1) A county commissioner, his or her district must be one of the two districts in the county with the highest percentage of unincorporated area.~~

~~— (2) Not a county commissioner, he or she must reside within an unincorporated area of the county.~~

~~— (b) Four representatives appointed by the governing body of the largest incorporated city in the county.~~

~~— (c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.~~

~~— (d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.~~

~~— 2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.~~

~~— 3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.~~

~~— 4. The governing board shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.~~

~~— 5. A member of the governing board who is also a member of the governing body which appointed him or her shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.~~

~~— 6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.~~

~~— 7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.~~

~~— 8. The governing board may sue or be sued in any court of competent jurisdiction.~~

~~— 9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.~~

~~(Added to NRS by 1989, 760; A 1991, 1734; 2001, 1966; 2011, 1180)~~

~~NRS 278.0265 Governing board for regional planning: Adoption of regulations; prescription of training for members of regional planning commission; fees for services provided; entry into cooperative agreements and interlocal agreements. The governing board:~~

~~— 1. Shall adopt such regulations as are necessary to carry out its specific powers and duties.~~

~~— 2. Shall prescribe an appropriate course of at least 12 hours of training in land use planning for the members of the regional planning commission. The course of training must include, without limitation, training relating to:~~

~~— (a) State statutes and regulations and local ordinances, resolutions and regulations concerning land use planning; and~~

~~— (b) The provisions of chapter 241 of NRS.~~

~~— 3. May establish and collect reasonable fees for the provision of any service that is authorized pursuant to the provisions of NRS 278.026 to 278.029, inclusive.~~

~~— 4. May enter into an agreement pursuant to NRS 277.045 or 277.080 to 277.180, inclusive, for a purpose that is consistent with the provisions of NRS 278.026 to 278.029, inclusive.~~

~~(Added to NRS by 1991, 1732; A 1993, 572; 1999, 2126; 2001, 756; 2005, 1587)~~

~~NRS 278.0266 Director of regional planning: Appointment; qualifications; powers and duties. There is hereby created the position of director of regional planning. The director:~~

~~— 1. Is appointed by the governing board from a list of three names submitted by the regional planning commission, and serves at the pleasure of the governing board;~~

~~— 2. Must be selected on the basis of his or her training, experience, capability and interest in planning;~~

~~— 3. Must have the demonstrated ability to administer a major program relating to planning;~~

~~— 4. Shall devote his or her entire time and attention to the business of that office and shall not pursue any other business or occupation or hold any other office of profit;~~

~~— 5. Shall not hold any other position relating to planning with a regional or local entity in the county or be on leave of absence from any other regional or local entity in the county while holding the position of director;~~

~~— 6. Is responsible for administration of the regional planning program;~~

~~— 7. Shall appoint a professional assistant experienced in planning to assist in administration of the program; and~~

~~— 8. May:~~

- ~~— (a) Appoint professional, technical or clerical staff to, and dismiss them from, positions which are approved by the governing board;~~
- ~~— (b) Execute contracts for services and interlocal agreements which are approved by the governing board;~~
- ~~— (c) Direct the activities of all other persons employed by the governing board; and~~
- ~~— (d) Prepare an annual budget.~~
- ~~— (Added to NRS by 1989, 761)~~

~~— NRS 278.0268 Appointment of subcommittees and advisory committees.~~

~~— 1. The governing board and the regional planning commission may, jointly or separately, appoint subcommittees for any purpose that is consistent with NRS 278.026 to 278.029, inclusive. A subcommittee appointed pursuant to this subsection must be composed only of:~~

- ~~— (a) Members of the governing board or regional planning commission, as appropriate, if the subcommittee is appointed separately; or~~
- ~~— (b) Members from both the governing board and the regional planning commission, if the subcommittee is appointed jointly.~~

~~— 2. To assist in the formulation and the implementation of the comprehensive regional plan, the governing board and the regional planning commission may, jointly or separately, appoint advisory committees to advise and report to the governing board, regional planning commission, director of regional planning or a combination of such entities.~~

~~— 3. The governing board and the regional planning commission may, jointly or separately, appoint advisory committees to examine issues that affect the county in which the governing board and regional planning commission are located. The governing board and regional planning commission may appoint persons from outside the county in which the governing board and regional planning commission are located and from outside this State to serve on an advisory committee appointed pursuant to this section. An advisory committee appointed pursuant to this subsection may:~~

- ~~— (a) Identify, examine and discuss regional issues that affect the county in which the governing board and regional planning commission are located, including, without limitation, issues relating to land use, fiscal matters, air quality and infrastructure; and~~
- ~~— (b) Make recommendations to the governing board, regional planning commission, or both, concerning regional issues.~~

~~— (Added to NRS by 1989, 763; A 2001, 757)~~

~~— NRS 278.0272 Development, review and amendment of regional plan; public hearings required.~~

~~— 1. The regional planning commission shall develop a comprehensive regional plan for the physical development and orderly management of the growth of the region for the next 20 years.~~

~~— 2. The plan must consist of written text, appropriate maps and such goals and policies, including those addressing current and future problems, as may, in the opinion of the commission, affect the region as a whole and are proper for inclusion in the regional plan.~~

~~— 3. In developing the plan, the commission shall:~~

~~— (a) Review and consider each existing regional plan and master plan that has been adopted pursuant to the provisions of this chapter and that applies to any area in the region, and any similar plan of a local government, and may seek and consider the advice of each local planning commission and any other affected entity; and~~

~~— (b) Coordinate the elements of the plan and make them consistent with each other.~~

~~— 4. Before approving the plan, the commission must hold a public hearing on the proposed plan in each of the cities within the region and in the unincorporated area of the county.~~

~~— 5. Before amending the plan, the commission must hold at least one public hearing on the proposed amendment at a location in the region.~~

~~— 6. The approval of the plan or any amendment to it must be by resolution of the commission carried by the affirmative votes of not less than two thirds of its total membership.~~

~~— 7. The regional planning commission shall review the plan annually, update it not less than every 5 years, and forward its recommendations regarding proposed amendments to the plan to the governing board for adoption. Amendments to the comprehensive regional plan may be proposed only by the regional planning commission, the governing board or a local governing body. Except as otherwise provided in subsection 8, all requests for amendments to the plan must be studied and considered at public hearings held annually by the commission.~~

~~— 8. The commission may consider a proposed amendment and determine whether it is necessary to the health and welfare of the community or substantially benefits the community in general. If the commission determines that the amendment is necessary, it may schedule a public hearing on the amendment at any time. Any person may appeal the determination of the commission to the governing board.~~

~~— 9. Except as otherwise provided in this subsection, notice of the time and place of each hearing required by the provisions of this section must be given by publication in a newspaper of general circulation in the region at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the region, notice must be given by publication in at least two such newspapers. Notice of the time and place of the initial meeting of the regional planning commission and the hearing at which the commission receives testimony concerning final approval of the comprehensive regional plan must be given by publication at least 30 days before the day of the meeting or hearing. Notice given pursuant to this subsection must be a display advertisement of not less than 3 inches by 5 inches.~~

~~(Added to NRS by 1989, 761)~~

~~— NRS 278.0274 — Contents of regional plan. — The comprehensive regional plan must include goals, policies, maps and other documents relating to:~~

~~— 1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.~~

~~— 2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.~~

~~— 3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to the interspersion of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.~~

~~— 4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:~~

~~— (a) Address, if applicable:~~

~~— (1) Mixed use development, transit oriented development, master planned communities and gaming enterprise districts; and~~

~~— (2) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;~~

~~— (b) Allow for a variety of uses;~~

~~— (c) Describe the transportation facilities that will be necessary to satisfy the requirements created by these future uses; and~~

~~— (d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.~~

~~— 5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:~~

~~— (a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;~~

~~— (b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;~~

~~— (c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and~~

~~— (d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:~~

~~— (1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and~~

~~— (2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.~~

~~— 6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.~~

~~— 7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.~~

~~— 8. Any utility project required to be reported pursuant to NRS 278.145.~~

~~(Added to NRS by 1989, 762; A 1991, 953; 1997, 1982; 1999, 2126; 2005, 1587; 2007, 340; 2009, 2759; 2011, 3744)~~

~~— NRS 278.0276 Adoption of regional plan. The governing board shall adopt the plan approved by the regional planning commission with any amendments it deems necessary. Before adopting the plan with any amendments the board shall submit each proposed amendment to the regional planning commission for its review and comment. The commission shall complete its review and return the plan to the governing board within 30 days or as specified by the board. Within 30 days after its receipt of the commission's comments, the governing board shall consider those comments and adopt the plan with or without amendment. The adoption of the plan or any amendment must be by resolution of the governing board carried by a simple majority of its total membership. Before the adoption of the plan or any amendment, the governing board 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.~~

~~— (Added to NRS by 1989, 763)~~

~~— NRS 278.0277 Project of regional significance: Adoption of guidelines and procedures for review of proposal. The regional planning commission shall adopt guidelines and procedures for the review of whether a proposal for the use of land submitted to a county or city located in the region is a project of regional significance. The county or city shall use the guidelines and procedures adopted by the~~



~~regional planning commission to determine if a proposal for the use of land is a project of regional significance.~~

~~— (Added to NRS by 1991, 1731)~~

~~— NRS 278.0278 — Project of regional significance: Finding of conformance with adopted regional plan required before final approval and commencement of construction; appeal of determination to governing board.~~

~~— 1. Before a project of regional significance is approved finally by the county or city and before construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in conformance with the adopted regional plan. In making its determination, the commission shall limit its review to the substance and content of the adopted comprehensive regional plan and shall not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.~~

~~— 2. If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, it shall be deemed that the commission has made a finding that the project conforms with the regional plan.~~

~~— 3. If the commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the governing board within 45 days after the determination is made. The governing board shall consider the appeal and may reverse the determination of the commission or recommend that the county or city take actions to make the proposal consistent with the comprehensive regional plan. The county or city shall, within 45 days after receipt, consider any such recommendations and direct such changes in the project as are necessary to assure the consistency of the proposal with the adopted regional plan.~~

~~— 4. The limits on time imposed in subsection 2 of NRS 278.315, subsection 5 of NRS 278.330 and subsection 2 of NRS 278.349 are extended by 60 days or such period as may be necessary to complete the review and any appeal provided for in this section.~~

~~— (Added to NRS by 1989, 764; A 1991, 1735)~~

~~— NRS 278.02784 — Joint planning area: Designation in regional plan; master plan required for area.~~

~~— 1. The regional planning commission may designate one or more joint planning areas in the comprehensive regional plan.~~

~~— 2. If an area is designated a joint planning area, the county and the affected cities shall jointly adopt a master plan for the area.~~

~~— 3. The master plan for a joint planning area must:~~

~~— (a) Be consistent with the comprehensive regional plan;~~

~~— (b) Designate the portion of the area, if any, that is included within the sphere of influence of a city;~~

~~— (c) Designate the portion of the area, if any, that is subject to the jurisdiction of the county for planning and zoning and development decisions; and~~

~~— (d) Be submitted to the regional planning commission for review pursuant to NRS 278.028.~~

~~— (Added to NRS by 1991, 1731)~~

~~— NRS 278.02786 — Joint planning area: Procedure for recommendation and adoption of master plan.~~

~~— 1. Before recommending the master plan for a joint planning area, each affected local planning commission shall jointly hold at least one public hearing thereon. Notice of the time and place of the hearing must be given by at least one publication in a newspaper of general circulation in the county at least 10 days before the day of the hearing.~~

~~— 2. The recommendation of the master plan for a joint planning area must be by resolution of each affected local planning commission in the joint planning area carried by the affirmative votes of not less than two thirds of the total membership of each commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the county planning commission and the planning commission of each city in the joint planning area to constitute the recommended master plan for the joint planning area.~~

~~— 3. The master plan for the joint planning area that is recommended by the affected local planning commissions must be considered for adoption by each affected local governing body.~~

~~— 4. The affected local governing bodies may adopt such parts thereof as may practicably be applied to the development of the joint planning area. The master plan for the joint planning area becomes effective upon the approval by a majority of the membership of each affected local governing body.~~

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

~~— (Added to NRS by 1991, 1732)~~

~~— NRS 278.0278 Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.~~

~~— 1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, within its sphere of influence.~~

~~— 2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.~~

~~— 3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, within the sphere of influence of a city must be consistent with the comprehensive regional plan.~~

~~— 4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.~~

~~— (Added to NRS by 1991, 1731; A 2013, 3218; 2015, 315)~~

~~— NRS 278.028 Review and amendment of existing master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.~~

~~— 1. Following the initial adoption of the comprehensive regional plan or any portion of it, each local planning commission, and any other affected entity shall review its respective master plan, facilities plan and other similar plans, amend them to conform with the provisions of the comprehensive regional plan, and submit them, within 60 days after the adoption of the comprehensive plan, to the regional planning commission. The regional planning commission shall review the plans at one or more public hearings held within 180 days after their submission and determine whether they conform with the comprehensive~~

regional plan. The regional planning commission shall specify which parts of the plan, if any, are not in conformance and why they fail to conform.

— 2. — If the regional planning commission fails to make a determination within 180 days after the submission of a plan pursuant to this section, the plan shall be deemed to be in conformance with the comprehensive regional plan.

— 3. — An affected entity or local governing body that has submitted a plan and disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

— 4. — Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with the proposed revisions to the commission for review in accordance with this section.

— (Added to NRS by 1989, 765)

— ~~NRS 278.0282~~ — ~~Review of proposed adoption or amendment of master plan, facilities plan or other similar plan; objection filed with regional planning commission; appeal of final determination to board.~~

— 1. — Before the adoption or amendment of any master plan, facilities plan or other similar plan, each governing body and any other affected entity shall submit the proposed plan or amendment to the regional planning commission, which shall review the plan or amendment at one or more public hearings held within 60 days after its receipt of that plan or amendment and determine whether the proposed plan or amendment conforms with the comprehensive regional plan. The commission shall specify those parts of the plan or amendment, if any, that are not in conformance and why they fail to conform.

— 2. — Before the adoption or amendment of any master plan, facilities plan or other similar plan by a state agency or a public utility whose plan must be approved by the Public Utilities Commission of Nevada, the agency or utility shall submit the proposed plan or amendment to the regional planning commission, which shall, within 60 days after its receipt, review the plan or amendment and offer suggestions to the agency or utility regarding the conformance of the plan with the comprehensive regional plan.

— 3. — Except as otherwise provided in ~~NRS 278.028~~, a local governing body or any other affected entity shall not adopt a master plan, facilities plan or other similar plan, or any amendment to any of those plans, unless the regional planning commission has determined that the plan or amendment is in conformance with the comprehensive regional plan. A proposed plan is in conformance with the comprehensive regional plan if it is not in conflict with the comprehensive regional plan and it promotes the goals and policies of the comprehensive regional plan.

— 4. — If the regional planning commission fails to make a determination within 60 days after its receipt from an affected entity or local governing body of a proposed plan or amendment pursuant to this section, the plan or amendment shall be deemed to be in conformance with the comprehensive regional plan.

— 5. — An affected entity or a local governing body which has submitted a proposed plan and which disagrees with the reasons given by the regional planning commission for making a determination of nonconformance pursuant to this section, may file an objection with the regional planning commission within 45 days after the issuance of that determination. The affected entity or local governing body shall attach its reasons why the plan is in conformance with the comprehensive regional plan. The regional

planning commission shall consider the objection and issue its final determination of conformance or nonconformance within 45 days after the objection is filed. The determination may be appealed to the governing board not later than 30 days after its issuance.

~~6. Within 45 days after its receipt of an appeal, the governing board shall consider the appeal and issue its decision, which must be made by the affirmative votes of a simple majority of its total membership. If the board affirms the determination of the commission, the affected entity or local governing body shall, within 60 days after the issuance of the decision, propose revisions to the plan and resubmit the plan together with those proposed revisions to the commission for review in accordance with the provisions of this section.~~

~~7. Any determination of conformance made by the commission pursuant to this section must be made by the affirmative votes of not less than two thirds of its total membership.~~

~~(Added to NRS by 1989, 764; A 1997, 1983)~~

~~NRS 278.0284 Conformity of local ordinances and regulations to master plan. Any action of a local government relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the local government shall make a specific finding that the ordinance conforms to the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions of the master plan. If any provision of the master plan is inconsistent with any regulation relating to land development, the provision of the master plan governs any action taken in regard to an application for development.~~

~~(Added to NRS by 1989, 766)~~

~~NRS 278.0286 Annual report by local planning commission; local government to file information relating to proposed actions concerning regional plan.~~

~~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 plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.~~

~~2. Before submitting a recommendation for proposed legislation 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.~~

~~(Added to NRS by 1989, 766)~~

~~NRS 278.0288 Exempted region. The region defined in NRS 278.790 is exempt from the provisions of NRS 278.026 to 278.029, inclusive, and 278.145.~~

~~(Added to NRS by 1989, 766; A 1991, 954)~~

~~NRS 278.029 Facilities plan not required. Nothing contained in the provisions of NRS 278.026 to 278.029, inclusive, requires any entity that has not already adopted a facilities plan to do so.~~

~~(Added to NRS by 1989, 766)~~

BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA

TUESDAY

9:00 A.M.

OCTOBER 25, 2016

PRESENT:

Kitty Jung, Chair  
Bob Lucey, Vice Chair  
Marsha Berkbigler, Commissioner  
Vaughn Hartung, Commissioner  
Jeanne Herman, Commissioner

Nancy Parent, County Clerk  
John Slaughter, County Manager  
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 9:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

John Slaughter, County Manager, announced a portion of the meeting would be a joint meeting of the Board of County Commissioners and the Washoe County Library Board of Trustees for the first few items on the agenda. He stated public comment related to the Library Board would take place first and after the Library Board adjourned, public comment would be heard for other topics of interest.

In response to Chair Jung's question as to whether the Board could proceed in the matter as described by Mr. Slaughter, Paul Lipparelli, Legal Counsel, replied the Board would never get into trouble by offering more time for public comment.

Chair Jung echoed Mr. Slaughter's comments regarding public comment to the audience.

16-0910 AGENDA ITEM 5 Washoe County Board of Commissioners and Washoe County Library. – see separate Notice of Joint Meeting and Agenda.

This item was heard under Agenda Item 6.

*The following item only (Agenda Item #6) was heard by Washoe County Board of Commissioner and Washoe County Library Board of Trustees.*

Mr. Lipparelli replied no one could force the Bennetts or anyone else into an agreement. He thought what was being offered through the conditions in the motion to overturn the denial was the opportunity to join if they wanted to. He noted the Bennetts were being offered an opportunity to have access to Mil Drae Lane if they agreed to be a participant in the CC&Rs and the road maintenance obligations. He said it was up to the Bennetts to decide how much it was worth to them to have access from the rear of their parcel to Mil Drae Lane.

The motion duly carried on a vote of 5 to 0.

**16-0936**      **AGENDA ITEM 16** Discussion and direction to staff regarding Washoe County's Bill Draft Request of proposed changes to regional planning for the 2017 Nevada Legislative Session and other legislative issues proposed by legislators, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)

Al Rogers, Management Services Director, stated the deadline to submit Bill Draft Requests (BDRs) to the Legislative Counsel Bureau was fast approaching. He noted there were a couple of options which the County Manager would discuss.

John Slaughter, County Manager, thought it would be beneficial for the Board to make a motion with specific direction to staff at the end of the discussion. He said Option A would change the governance model. Under Option A, guidelines and requirements for Washoe County's appointees to the Regional Planning Governing Board would be removed, and the number of representatives from each of the jurisdictions would be equalized. He noted there would be no requirements as to who the Board appointed. The Governing Board would consist of three Washoe County members, three City of Sparks members, and three City of Reno members. He stated Option B would utilize the existing Clark County model, and would change the population threshold from 700,000 or more to 100,000 or more. He added the Clark County model was more advisory in nature. He submitted the proposed regional planning legislations, which were placed on file with the Clerk.

Commissioner Berkgigler thought Option A was the most appropriate option since it would resolve the County's concerns about not being treated equally. She added she did not have a problem with the people currently on the Governing Board.

In response to Commissioner Hartung's comments regarding relinquishing a seat on the Governing Board, Chair Jung replied it was not possible to do that without going to the Legislature.

Commissioner Hartung acknowledged Chair Jung's response.

Commissioner Herman suggested adding verbiage stating the County would place a person who had the most interest in a developing area on the Governing Board.

Commissioner Hartung recommended giving the Washoe County School District a constant seat on the Governing Board since regional issues affected them as well.

On Call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

Garth Elliott stated for several legislative sessions the County had kept quiet in regards to BDRs. He said the County needed to correct planning issues; such as, the lack of infrastructure, through BDRs.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that staff submit a Bill Draft Request containing Option A, to change the governance of the Regional Planning Governing Board, which would abolish the Nevada Revised Statute directive regarding the County's appointees, and equalize the representatives of each jurisdiction.

16-0937      AGENDA ITEM 17 Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Bill Whitney, Planning and Development Division Director, reported he already spoke to the Reno City Council. He added he and Commissioner Lucey met with off-road vehicle enthusiasts regarding their concerns. He said he would be speaking to the Sun Valley General Improvement District to talk about the Public Lands Bill. He noted the next large public meeting would be held on November 2nd.

Commissioner Lucey added he and Mr. Whitney also met with the Friends of Nevada Wilderness. He said the community involvement had been great and was much appreciated.

There was no public comment or action on this item.

16-0938      AGENDA ITEM 21 Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

There was no closed session.

16-0939      AGENDA ITEM 22 Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

**ATTACHMENT**

**6**

**ATTACHMENT**

**6**



## Jessica Prunty

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**From:** Rhonda Azevedo  
**Sent:** Monday, December 19, 2016 11:27 AM  
**To:** Jessica Prunty  
**Subject:** FW: Washoe County BDR  
**Attachments:** 20161104135935451.pdf

**From:** Kim Robinson [<mailto:KRobinson@tmrpa.org>]  
**Sent:** Monday, December 19, 2016 11:23 AM  
**To:** Norman Azevedo <[Norm@nevadataxlawyers.com](mailto:Norm@nevadataxlawyers.com)>  
**Subject:** FW: Washoe County BDR



Kimberly H. Robinson, MUP  
Executive Director  
Truckee Meadows Regional Planning Agency  
1105 Terminal Way Suite 316  
Reno, NV 89502  
775.321.8393  
[www.tmrpa.org](http://www.tmrpa.org)

---

**From:** Slaughter, John [<mailto:JSlaughter@washoecounty.us>]  
**Sent:** Monday, November 07, 2016 12:09 PM  
**To:** Kim Robinson  
**Subject:** Washoe County BDR

Kim-  
Attached please find final language of the Washoe County BDR submitted to LCB for drafting.  
Please let me know if you have any questions.

John Slaughter  
County Manager  
[jslaughter@washoecounty.us](mailto:jslaughter@washoecounty.us) | o (775) 328-2060 | 1001 E. Ninth St., Reno, NV 89520



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**LOCAL GOVERNMENT  
BILL DRAFT REQUEST  
FOR THE  
2017 LEGISLATIVE SESSION**

**\* Person or Entity Authorized to Submit BDR:**

Washoe County

**\* Name of Person Submitting Request:**

Al Rogers

**\* 1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):**

Washoe County is seeking a comprehensive review of the Regional Planning Agency as defined in NRS 278.0264- Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget, as part of that review, the structure of the Governing Board, Washoe County Board composition and review the authority of the agency.

**2. Any additional information that may be helpful in drafting the bill (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document):**

N/A

**\* Required fields.**

3. **NRS Title(s), Chapter(s) and Section(s) affected and/or Nevada Constitutional provisions affected:**  
NRS 278- Planning and Zoning

4. **Effective Date:**

- Default (October 1, 2017)
- July 1, 2017
- January 1, 2018
- Upon Passage and Approval
- Other

\* 5. **Person(s) to be consulted if more information is needed:**

Name: Al Rogers, Director of Management Services, County Manager's Office  
Phone Number(s): (775) 328-2000 office and (775) 527-2264 cell  
E-mail Address: Arogers@washoecounty.us

6. **Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

N/A

7. **If this bill draft request is required to be approved in a public meeting, please list the entity that approved the request and the date on which the request was approved:**

It was approved by the Washoe County Board of County Commissioners on August 23, 2016 and on October 25, 2016.

### **REQUIRED PREFILING:**

**Non-Legislators:** A bill draft requested by any entity other than a legislator or a legislative committee is required to be prefiled on or before the third Wednesday of November preceding the regular legislative session (Wednesday, November 16, 2016). By statute, a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Note: Deleted Language:

REGIONAL PLANNING IN COUNTIES WHOSE POPULATION IS 100,000 OR MORE BUT LESS THAN 700,000

NRS 278.0264 Governing board for regional planning: Creation; membership; chair; compensation; operational needs; capacity to sue and be sued; budget.

\* Required fields.

1. There is hereby created in each county whose population is 100,000 or more but less than 700,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, ~~at least two of whom must represent or reside within unincorporated areas of the county.~~ If the representative is:

~~(1) A county commissioner, his or her district must be one of the two districts in the county with the highest percentage of unincorporated area.~~

~~(2) Not not a county commissioner, he or she must reside within an unincorporated area of the county.~~

(b) ~~Four~~ Three representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his or her successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chair from among its members. The term of the chair is 1 year. The member elected chair must have been appointed by the governing body of the county or a city whose population is 60,000 or more as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chair among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him or her shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

(Added to NRS by 1989, 760; A 1991, 1734; 2001, 1966; 2011, 1180)

\* Required fields.

Please submit completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701, by e-mail at [erdoes@lcb.state.nv.us](mailto:erdoes@lcb.state.nv.us) or by fax at (775) 684-6761.

\* Required fields.

**ATTACHMENT**

7

**ATTACHMENT**

7

## Terms of Settlement Agreement

### Washoe County and the Sun Valley GID vs. Truckee Meadows Regional Planning Governing Board CV02-03469

#### A. BASELINE CRITERIA

1. **Spheres of Influence.** The Spheres of Influence (SOI) identified in the 2002 Regional Plan will be amended to reflect the boundaries agreed to by the City of Reno (hereinafter Reno) and the City of Sparks (hereinafter Sparks) post-May 9, 2002, as delineated in the September 2002 confidential settlement briefs of Reno and Sparks. *See Exhibit 1* to this settlement agreement (hereinafter agreement) is the map identifying the amended SOI.
2. **Cooperative Planning Areas within the 2002 Expanded Spheres of Influence.** The area added to the SOI's as they existed on May 8, 2002, and as amended by paragraph A1 of this agreement, will be referred to as the 2002 Expanded SOI's for the purposes of this agreement. The 2002 Expanded SOI will be master planned and zoned according to the Cooperative Planning process as defined in this agreement. These areas in total are henceforth referred to as Cooperative Planning Areas within the 2002 Expanded SOI's.
3. **Land Use and Zoning Designations.** Cooperative Planning Areas within the 2002 Expanded SOI's will be given the Washoe County (hereinafter County) master plan land use (which is concurrently the County's regulatory zoning) as translated to City land use and zoning. *See Exhibit 2.* In Cooperative Planning Areas within the 2002 Expanded SOI's the development standards that will be used for development projects are those from the respective city as modified by the attached table. *See Exhibit 3.* Reno will accept the Mt. Rose Highway scenic corridor standard as approved by the County. *See Exhibit 4.*
4. **Cooperative Planning Areas outside the 2002 Expanded Spheres of Influence.** Areas of interest are those areas beyond the 2002 Expanded SOI's where cities have an interest in specific aspects of County planning as further described in A6 and A7 of this agreement. *See Exhibit 5.* These areas of interest are henceforth referred to as Cooperative Planning Areas outside the 2002 Expanded SOI's. As provided for in *Exhibit 5*, the areas that Reno has expressed interest in are designated in yellow and aqua and the areas that Sparks has expressed interest in are designated in periwinkle and aqua.
5. **Cooperative Planning Areas outside the 2002 Expanded SOI's in which the City has Interest.** Cooperative Planning Areas outside the 2002 Expanded SOI's in which the City has Interest will maintain the existing County master plan land use and use existing County development standards. For ongoing Community

Management Plans that are largely outside the 2002 Sphere of Influence, the County master plan land use will be maintained until such time as Community Management Plans amend the County Comprehensive Plan and are found to be in conformance with the Regional Plan.

6. **Boundary Adjustments to Cooperative Planning Areas outside the 2002 Expanded SOI's.** Within 240 days of the execution of this agreement, the parties agree to further review and define the boundaries of the Cooperative Planning Areas outside the 2002 Expanded SOI's. The outcomes of this review are subject to the dispute resolution mechanisms outlined in Section A7.
7. **Notification and Dispute Resolution.** The County agrees to provide Reno and Sparks with reasonable notice of proposed planning decisions that address zoning changes, and changes to development standards, in the cooperative planning areas outside the 2002 Expanded SOI's. Moreover, Reno and Sparks will be able to provide review of, and meaningful input in regards to, infrastructure availability, timing and phasing; public service levels and fiscal impacts; and natural resource constraints. In the event that either Reno or Sparks is aggrieved by an administrative decision of the County in these matters, Reno or Sparks may file a petition to Department 9 of the Second Judicial District Court seeking a judicial review of the County's administrative decision. For disputes arising from County administrative decisions on planning matters in Cooperative Planning Areas outside the 2002 Expanded SOI's, Reno and Sparks are not required to file a petition with either the Regional Planning Commission or the Regional Planning Governing Board prior to seeking judicial review by Department 9 of the Second Judicial District Court.
8. **Amendment to land use, zoning and development standards in Cooperative Planning Areas.** All requests for amendment to the land use, zoning and development standards in Cooperative Planning Areas will be subject to the provisions in Section B of this agreement.
9. **Protocol Agreements.** *Exhibit 6 and 7* are draft protocol agreements that explain the procedures for processing specific plans, development agreements, approved discretionary permits, discretionary permit applications in the process of approval, master plan amendments, building permits, business licenses, code enforcement and reporting requirements to boards and commissions outside the city limits of Reno and Sparks. The parties agree to finalize the draft protocol agreements within 120 days of execution of this agreement and file a copy of the same with Department 9 of the Second Judicial District Court.
10. **City Programs of Annexation.**
  - (a) Reno and Sparks will adopt Programs of Annexation consistent with *NRS 268.625* including consideration of the following factors:
    1. Location of the property to be considered for annexation;
    2. The logical extension of City limits;



3. The need for the expansion to accommodate planned regional growth;
  4. The location of existing and planned water and sewer service;
  5. Community goals that would be met by any proposed annexation;
  6. The efficient and cost effective provision of service areas and capital facilities; and,
  7. Any other factors concerning any proposed annexation deemed appropriate for consideration by the governing body of the city.
- (b) Reno and Sparks shall not review and amend their Programs of Annexation more frequently than annually.
- (c) Reno and Sparks shall specify in their Programs of Annexation areas in their respective SOI's that are considered for annexation within the next 7 years and acknowledge that the areas considered for annexation in the 7 year program are less than the area designated as the 2002 Expanded SOI's.

#### 11. Joint Planning.

- (a) Joint Plans shall be amended only by agreement of all parties thereto, and shall be reviewed 18 months after the initiation of cooperative planning, at which time the parties shall consider conversion of joint planning areas to cooperative plans, such action requiring unanimous agreement of the parties.
- (b) The County, Reno, and the Regional Planning Governing Board (hereinafter Board) agree to jointly seek a stay of the Bushey litigation (*Truckee Meadows Regional Planning Governing Board, etc., et al. v. County of Washoe et al.*, Supreme Court of Nevada, Supreme Court Case No 37947; District Court Case No. CV 01-00211) pending further mediation. The County, Reno and the Board will provide in the stipulation submitted to the Supreme Court requesting a stay that the parties' submission is based upon a request by the Honorable James Hardesty, District Court Judge, Second Judicial District Court.
- (c) The County, Reno, and the Board agree to participate in further mediation regarding parcels affected by the Bushey litigation, including but not limited to, Beckworth/McMullen et al. Bushey parcels include APN 552-250-02. The Beckworth/McMullen parcels include APN 552-111-01 and APN 552-111-02.

### B. COOPERATIVE PLANNING PROCESS

1. **Proposed amendments to Master Plans in Cooperative Planning Areas.** All proposed amendments to master plan land use, zoning or development standards (see Section A3 of this agreement) in Cooperative Planning Areas within the 2002 Expanded Spheres of Influence will be initiated and reviewed with participation from each local government as follows (some time frames may run concurrently):

**(a) Initiation of amendments by property owner(s).**

**Time Periods.** Amendments submitted by property owner(s) to local government for area within their jurisdiction, i.e. City of Reno (and SOI), City of Sparks (and SOI), Washoe County

- 5 days a copy of the application will be provided to staff of other involved local government(s), and relevant Citizen Advisory Boards, Neighborhood Advisory Boards and/or the Sparks Citizen Advisory Committee;
- 15 days joint staffs hold a review meeting to identify concerns, issues, etc.
- 30 days Citizen Advisory Boards, Neighborhood Advisory Boards and the Sparks Citizen Advisory Committee and other involved local government planning commission(s) to provide comments;
- 45 days other involved local governing body(ies) comment
- 60 days hearing by local planning commission with jurisdiction
- 85 days hearing by local governing body with jurisdiction
- 115 days appeal hearing, if any, by Regional Planning Commission
- 145 days appeal hearing, if any, by Regional Planning Governing Board
- 175 days appeal hearing, if any, by District Court

**i. Sanctions.** Washoe, Reno, Sparks or the Board may seek judicial intervention to determine whether a non compliance of the timelines in Section B1(a) of this agreement is abusive in nature and warrants the imposition of sanctions by Department 9 of the Second Judicial District Court.

**ii. Waiver.** Property owner applicants may submit to their respective local jurisdiction a written waiver of the timelines in Section B1(a) of this agreement.

**b. Initiation of amendments by Local Governments.**

Initiation of amendments by local governments for areas within their jurisdiction, i.e. City of Reno (and SOI), City of Sparks (and SOI), Washoe County.

- 5 days a copy of the application will be provided to staff of other involved local government(s), and relevant Citizen Advisory Boards, Neighborhood Advisory Boards and/or the Sparks Citizen Advisory Committee;
- 30 days joint staffs hold a review meeting to identify concerns, issues, etc
- 45 days Citizen Advisory Boards, Neighborhood Advisory Boards and the Sparks Citizen Advisory Committee and other involved local government planning commission(s) to provide comments;
- 60 days other involved local governing body(ies) comments on issues
- Ongoing staff involvement/correspondence
- 120 days draft plan to staff of other involved local government(s)
- 140 days joint staffs hold a review meeting to identify concerns, issues, etc. on draft
- 155 days other involved local government planning commission(s) provide comments on draft
- 170 days other involved local governing body(ies) provide comments on draft

- 185 days hearing by local planning commission with jurisdiction
- 200 days hearing by local governing body with jurisdiction
- 230 days appeal hearing, if any, by Regional Planning Commission
- 260 days appeal hearing, if any, by Regional Planning Governing Board
- 290 days appeal hearing, if any, by District Court

i. **Sanctions.** Washoe, Reno, Sparks or the Board may seek judicial intervention to determine whether a non compliance of the timelines in B1(b) of this agreement is abusive in nature and warrant the imposition of sanctions by Department 9 of the Second Judicial District Court.

ii. **Extension of Time.** The time periods referenced in B1(b) may be modified provided all the local governments involved consent in writing.

### C. COOPERATIVE PLANNING AREA AMENDMENT

1. **Cooperative Planning Area amendment evaluation criteria.** The following criteria will be used to formulate cooperative plans as well as for evaluating proposed amendments to Cooperative Plans to determine whether the amendments conform to the comprehensive regional plan. The amendments will be further defined to be more specific. The initial criteria are as follows:
  - (a) Regional form and pattern, including open space
  - (b) Housing
  - (c) Jobs/housing balance
  - (d) Concurrency, timing, and phasing of infrastructure
  - (e) Public service levels and fiscal impacts
  - (f) Natural resource constraints not elsewhere addressed
  - (g) Interim water polices developed and recommended by the Regional Water Planning Commission under C2(a) of this agreement, and recommendations from the Commission's updated water plan
  - (h) Adjacency, edge matching and "feathering" standards shall be applied within the cooperative planning area as currently described in 110.212 Washoe County Development Code. *See Exhibit 8.* *Exhibit 8* will include both the Code and the Map referenced by the Code, which delineates which parcels are currently subject to this standard.
2. **Additional Criteria and Refinement of Cooperative Planning Area Amendment Criteria.** Within 120 days following the execution of this agreement staff of Reno, Sparks, the County and the Board may refine and develop additional criteria for the amendment of cooperative planning areas. Staff will provide recommendations to the respective City and County Planning Commissions for review and recommendation to the respective City and County Commission for approval, including all applicable public processes. Local Governments will forward the recommendations to the Board and for filing with Department 9 of the Second Judicial District Court as an Exhibit to this

agreement. In the event that Reno, Sparks, or the County are aggrieved by a decision of Reno, Sparks or the County, the aggrieved party may initiate the dispute resolution process pursuant to the regulations referenced in Section E of this agreement. The topics to be considered by the staff for refinement shall include, but are not limited to:

- (a) **Water.** Reno, Sparks and the County shall jointly request that the Regional Water Management Planning Commission formulate interim criteria policies to be provided within 120 days from execution of this agreement.
  - (b) **Further application of adjacency, edge matching and "feathering" standards.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, Sparks, the County and the Board will further determine the application of adjacency, edge matching and "feathering" standards more broadly within the cooperative planning areas.
  - (c) **Convenience commercial uses in the *Golden Valley* area.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, the County and the Board will evaluate whether convenience commercial uses in the *Golden Valley* area should be located within 1500 feet of a high school property line, unless such services are coincident with an existing neighborhood or community serving center designated in a city or county master plan found to conform to the regional plan.
  - (d) **Development standards for Cooperative Planning Areas.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, Sparks, the County and the Board will consider the inclusion of the list of development standards for cooperative planning areas listed in *Exhibit 3*. These development standards may include, but are not limited to, open space buffer zoning and deed restrictions, noise management, view protection and hillside development,
3. **Extension of Time.** Staff of Reno, Sparks, the County, and the Board will prioritize the topics for the refinement and development of criteria for cooperative planning areas within the 120 day time period as referenced in Section C2 of this agreement. In the event that either staff of Reno, Sparks, the County, or the Board determine that the 120 day time period is inadequate to address the topics for the refinement and development of criteria for cooperative planning areas, then Reno, Sparks or Washoe may petition Department 9 of the Second Judicial District Court and show good cause why the 120 time period should be extended.

#### D. COMPREHENSIVE REGIONAL PLAN AMENDMENTS

1. **Comprehensive Regional Plan Amendments.** The Regional Planning Commission and the Regional Planning Governing Board will adopt amendments to the comprehensive regional plan consistent with this agreement. The regional plan amendments will be subject to the public process as contemplated within Chapter 278 of the *Nevada Revised Statutes*. In the event that Reno, Sparks or the

County is aggrieved in by an administrative decision of the Board in amending the comprehensive regional plan, the aggrieved party may petition Department 9 of the Second Judicial District Court pursuant to the dispute resolution regulations referenced in Section E in this agreement.

2. **Comprehensive Regional Plan Amendments regarding Natural Resource Constraints.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to clearly delineate that the comprehensive regional plan is natural resource constrained.
3. **Comprehensive Regional Plan Amendments regarding Existing Zoning outside the Truckee Meadows Service Areas.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to allow local governments to recognize existing zoning outside the TMSA to allow development and division of land in accordance with that zoning.
4. **Comprehensive Regional Plan Amendments regarding the Sun Valley hydrographic basin.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to rollback the Reno and Sparks Sphere of Influence to match the ridgeline of the Sun Valley hydrographic basin. Further, the Regional Planning Commission and the Regional Planning Governing Board will amend the TMSA within the comprehensive regional plan to include all property within the Sun Valley GID hydrographic basin including the currently annexed land of Asquaga/Pappas. *See Exhibit 9.*
5. **Comprehensive Regional Plan Amendments regarding future amendments to the Comprehensive Regional Plan and Conformance Review.** Within 120 days from the execution of this agreement, the Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to include policies that provide that future amendments to the comprehensive regional plan pursuant to NRS 278.0272 and the conformance review process pursuant to NRS 278.028 and NRS 278.0282 shall consider the following additional criteria:
  - (a) Regional form and pattern, including open space
  - (b) Housing
  - (c) Jobs/housing balance
  - (d) Availability, timing, and phasing of infrastructure
  - (e) Public service levels and fiscal impacts
6. **Extension of Time.** In the event that either staff of Reno, Sparks, the County, or the Board determine that the 120 day time period in Section D5 is insufficient to amend the comprehensive regional plan to include the necessary policies, then Reno, Sparks, the County or the Board may petition Department 9 of the Second

Judicial District Court and show good cause why the 120 time period should be extended.

#### E. DISPUTE RESOLUTION

1. *Exhibit 10* to this agreement is a draft of regulations that will govern the dispute resolution process for cooperative planning contemplated in this agreement. The regulations will be adopted by the Regional Planning Governing Board pursuant to NRS 278.0265 (1). The regulations will provide the dispute resolution process for all cooperative planning disputes except as otherwise provided for in this agreement.

#### F. LEGISLATION

Reno, Sparks, the County, the Board and the Sun Valley General Improvement District (hereafter SVGID) shall not propose legislation that is either inconsistent or contrary to the terms of this settlement agreement. In the event that Reno, Sparks, the County and the Board jointly believe that legislation should be proposed to support or further this agreement, the parties will jointly submit and support the legislation. Reno, Sparks, the County and the Board agree that all other legislative items will be addressed pursuant to *NRS 278.0276 (2)* and the 2001 Memorandum of Understanding on legislative issues, as amended.

#### G. NRS 268.670 ANNEXATION

1. **Annexation Criteria.** Reno and Sparks will establish and adopt criteria which will delineate the criteria by which the cities will exercise its discretion in processing and approving annexation applications pursuant to *NRS 268.670*. The criteria will include the following:
  - (a) Location of the property to be considered for annexation;
  - (b) The logical extension of City limits;
  - (c) The need for the expansion to accommodate planned regional growth;
  - (d) The location of existing and planned water and sewer service;
  - (e) Community goals that would be met by any proposed annexation;
  - (f) The efficient and cost effective provision of service areas and capital facilities;
  - (g) Fiscal analysis regarding the proposed annexation;
  - (h) Whether the county has adopted a Community Management Plan for the proposed annexation area;
  - (i) Whether the annexation creates islands; and,
  - (j) Any other factors concerning any proposed annexation deemed appropriate for consideration by the governing body of the city;

- 2. **Notification Requirement.** Reno and Sparks agree to provide reasonable notice to the County and all property owners within 750 feet of the property to be annexed so that the County and the property owners may participate in the local government review process for the proposed annexation as described in Section H of this agreement.
- 3. **Adoption of Local Government Ordinance or Regulation.** Before approving any annexations pursuant to NRS 268.670 Reno and Sparks will adopt an ordinance or regulation codifying the criteria described in Section G1.
- 4. **Property annexed pursuant to NRS 268.670.** Property annexed pursuant to NRS 268.670 within or without the 2002 Expanded Spheres of Influence shall be subject to Sections B & C of this agreement.

**H. OTHER TERMS**

- 1. **Tolling.** Conformance review deadlines pursuant to *NRS 278.028* are tolled for the period from May 9, 2002, until the settlement agreement is approved by all parties.
- 2. **Review of Settlement Agreement.** The settlement agreement may be amended by mutual agreement of the parties, subject to supervision of the District Court, and will be reviewed before adoption of the next 5 year update of the Truckee Meadows Regional Plan.
- 3. **Pending Applications.** Applications pending will be processed under the existing statutes, ordinances and regulations in place as of the date that the application is filed with the respective local government or regional entity.

DATED this 17<sup>th</sup> day of October, 2002.

RICHARD A. GAMMICK  
District Attorney

TRUCKEE MEADOWS REGIONAL  
PLANNING AGENCY

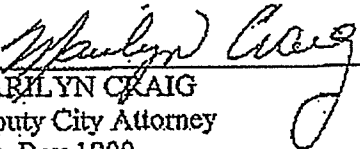
By: Madelyn Shirman  
MADELYN SHIRMAN  
Assistant District Attorney  
Bar No. 00408  
P.O. Box 30083  
Reno, NV 89520-3083  
(775) 337-5700

By: Norman Jeffrey Azevedo  
NORMAN JEFFREY AZEVEDO  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1222

ATTORNEY FOR PETITIONER  
COUNTY OF WASHOE


ATTORNEY FOR RESPONDENT  
TRUCKEE MEADOWS REGIONAL  
PLANNING AGENCY

PATRICIA A. LYNCH  
Reno City Attorney

By:   
MARILYN CRAIG  
Deputy City Attorney  
P.O. Box 1900  
Reno, NV 89505  
(775) 334-2050

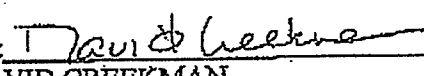
ATTORNEY FOR INTERVENOR  
CITY OF RENO

WHITE & MEANY

By:   
J. STEWART WHITE, ESQ.  
White and Meany  
3185 Lakeside Drive  
Reno, NV 89509-4503  
(775) 828-9999

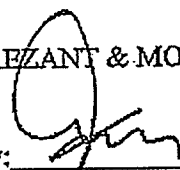
ATTORNEYS FOR PETITIONER  
SUN VALLEY GENERAL IMPROVEMENT  
DISTRICT

CHESTER H. ADAMS ESQ.  
Sparks City Attorney

By:   
DAVID CREEKMAN  
Deputy City Attorney  
431 Prater Way  
Sparks, NV 89432  
(775) 353-2324

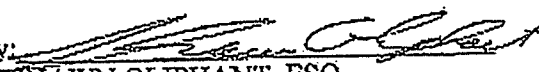
ATTORNEY FOR INTERVENOR  
CITY OF SPARKS

PREZANT & MOLLATH

By:   
STEPHEN C. MOLLATH, ESQ.  
Prezant & Mollath  
6560 SW McCarran Blvd. #A  
Reno, NV 89509  
(775) 786-3011

ATTORNEYS FOR VERDI PROPERTY  
OWNERS

LANE, FAHRENDORF, VILORIA &  
OLIPHANT

By:   
R. SHAWN OLIPHANT, ESQ.  
Lane, Fahrendorf, Viloría & Oliphant LLP  
P.O. Box 3677  
Reno, NV 89505  
(775) 348-9999

ATTORNEYS FOR VERDI PROPERTY  
OWNERS



## LIST OF EXHIBITS

- 1 Map – Amended Spheres of Influence
- 2 Land Use Translation Table
- 3 Initial Criteria for areas within extended SOI's (U Pic'm Standards)
- 4 Mt. Rose Highway Scenic Corridors Standards
- 5 Map of Cooperative Planning Areas – outside expanded SOI's
- 6 Reno Protocol Agreement
- 7 Sparks Protocol Agreement
- 8 South East Truckee Meadows – development standards
- 9 Sun Valley General Improvement District hydrographic basin
- 10 Draft Regulations – Dispute Resolution for Cooperative Planning

**ATTACHMENT**

**8**

**ATTACHMENT**

**8**

## Jessica Prunty

---

**From:** Lauren Barrera <LBarrera@tmrpa.org>  
**Sent:** Monday, December 12, 2016 5:09 PM  
**To:** Norman Azevedo; Jessica Prunty  
**Cc:** Kim Robinson  
**Subject:** CV02-03469 references

Norm,

Per your request, here are all of the references to CV02-03469 in the 2012 Regional Plan Version 7:

- Policy 4.2.4 – Module 4 page 5

The Regional Plan designates cooperative planning areas, shown on Map 7, as follows: spheres of influence (SOI) expanded after May 8, 2002 and prior to July 27, 2006; land within the unincorporated county, identified by cities in the settlement agreement (October 17, 2002), but not including any amendments to the unincorporated portion of the TMSA made after July 26, 2006; and, lands annexed within the cooperative planning areas.

The following lands are specifically excluded and are subject to the provisions prescribed in: the settlement agreement in Nevada Supreme Court Case 38749 (also known as Mortensen et al.); and, the stipulation regarding the Somersett properties in District Court Case CV02-03469 (Washoe County and the Sun Valley General Improvement District vs. Regional Planning Governing Board).

- Goal 4.5 – Module 4 page 10

Local governments and the Truckee Meadows Regional Planning Agency will collaborate on state and federal legislation to implement the settlement agreement in the Reno annexation case (CV02-03469, dated August, 2005).

- Cities' Areas of Interest definition – Appendix 2 page 2

The area of land beyond the expanded spheres of influence where cities have an interest in a specific aspect of County planning as described in the Settlement Agreement in the case of Washoe County and the Sun Valley General Improvement District vs. the Truckee Meadows Regional Planning Governing Board (CV02-03469). This excludes properties added to the Washoe County portion of the TMSA after July 26, 2006 (see Map 7).

- Cooperative Planning Area definition – Appendix 2 page 3

Areas within the Truckee Meadows where more than one jurisdiction has an interest in the density, intensity, or character of development as described in the Settlement Agreement in the case of Washoe County and the Sun Valley General Improvement District vs. the Truckee Meadows Regional Planning Governing Board



Lauren Barrera  
Regional Planner  
Truckee Meadows Regional Planning Agency  
1105 Terminal Way Suite 316  
Reno, NV 89502  
775.321.8397  
[www.tmrpa.org](http://www.tmrpa.org)

**ATTACHMENT**

**9**

**ATTACHMENT**

**9**




# TRUCKEE MEADOWS REGIONAL PLANNING AGENCY

Emily Braswell, Director  
Paul Lipparelli, Deputy District Attorney  
Connie Anderson, Regional Assistant Planner  
Carmen Kennedy, Office Manager  
Elsa P. C. Maser, Regional Management Analyst  
Scott Nebesky, Regional Senior Planner

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## *Memorandum*

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*To: See Distribution List*  
*From: Emily Braswell, Director*   
*Date: August 14, 2000*  
*Subject: Memorandum of Legislative Cooperation*

Enclosed is the Memorandum of Legislative Cooperation adopted by the Regional Planning Governing Board on August 10, 2000. The RRGB is requesting that each of the five respective parties schedule this agreement for adoption by their council/commission/board of directors for the 2001 legislative session.

I can be reached at 321-8385 if you have any questions concerning this matter. Thank you for your assistance in processing this request from the Regional Planning Governing Board.

/ck  
attachment

### Distribution List:

Shaun Carey, Sparks City Manager  
Dr. Jim Hager, Washoe County School District Superintendent  
Derek Morse, Executive Director, Regional Transportation Commission  
Charles McNeely, Reno City Manager  
Katy Singlaub, Washoe County Manager

**MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
COUNTY OF WASHOE COUNTY, CITY OF RENO,  
CITY OF SPARKS, REGIONAL TRANSPORTATION COMMISSION,  
AND WASHOE COUNTY SCHOOL DISTRICT**

**WHEREAS**, it is recognized that the interests of the residents of the Truckee Meadows can be served by a cooperative approach to intergovernmental relations and a unified effort by the region, Washoe County, the cities of Reno and Sparks, and other affected entities to achieve desired legislative action by the Nevada Legislature; and

**WHEREAS**, the region, Washoe County, the cities of Reno and Sparks, and other affected entities have endeavored, through the regional planning process set forth in NRS 278.026-278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and

**WHEREAS**, it is desired by the region, Washoe County, the cities of Reno and Sparks, and other affected entities to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the residents of the Truckee Meadows; and

**WHEREAS**, it is understood by and among the region, Washoe County, the cities of Reno and Sparks, and other affected entities that their respective positions may not be similar on all issues considered by, or bill drafts presented to, the 2001 Nevada Legislature, whether related to regional planning issues or other matters of governmental interest.

**NOW, THEREFORE**, with the recommendation for approval by the Regional Planning Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners, the City Councils of the City of Reno and the City of Sparks, and the boards of other affected entities, it is the intention and desire of the parties hereto that during the 2001 legislative session:

1. Representatives and assigned lobbyists of the region, Washoe County, the cities of Reno and Sparks, the Regional Transportation Commission, and the Washoe County School District will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.
3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representatives and assigned lobbyists of the other entities all activities and position that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.

MEMORANDUM OF LEGISLATIVE COOPERATION

\_\_\_\_\_, 2000  
PAGE 2

5. In recognition of the limited number of bill draft requests available to local government, representatives and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.
6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.
7. Local legislators will be informed when approached by representatives or assigned lobbyists of each entity on a given legislative issue whether the position espoused is a unified position of the respective entities or the position of one or more particular entities only.
8. Representatives and assigned lobbyists of each entity will actively solicit the support of businesses, institutions, and other affected interest groups on behalf of the unified legislative agenda.

IN WITNESS WHEREOF, the parties hereto have executed this memorandum this \_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

CITY OF RENO, a municipal corporation  
by and through its council

\_\_\_\_\_  
Jeff Griffin, Mayor

\_\_\_\_\_  
Donald J. Cook, City Clerk

CITY OF SPARKS, a municipal corporation  
by and through its council

\_\_\_\_\_  
Tony Armstrong, Mayor

\_\_\_\_\_  
Deborine Dolan, City Clerk

COUNTY OF WASHOE, by and through its  
Board of County Commissioners

\_\_\_\_\_  
Ted Short, Chairperson

\_\_\_\_\_  
Amy Harvey, County Clerk



MEMORANDUM OF LEGISLATIVE COOPERATION

\_\_\_\_\_, 2000

PAGE 3

REGIONAL TRANSPORTATION COMMISSION,  
by and through its Board

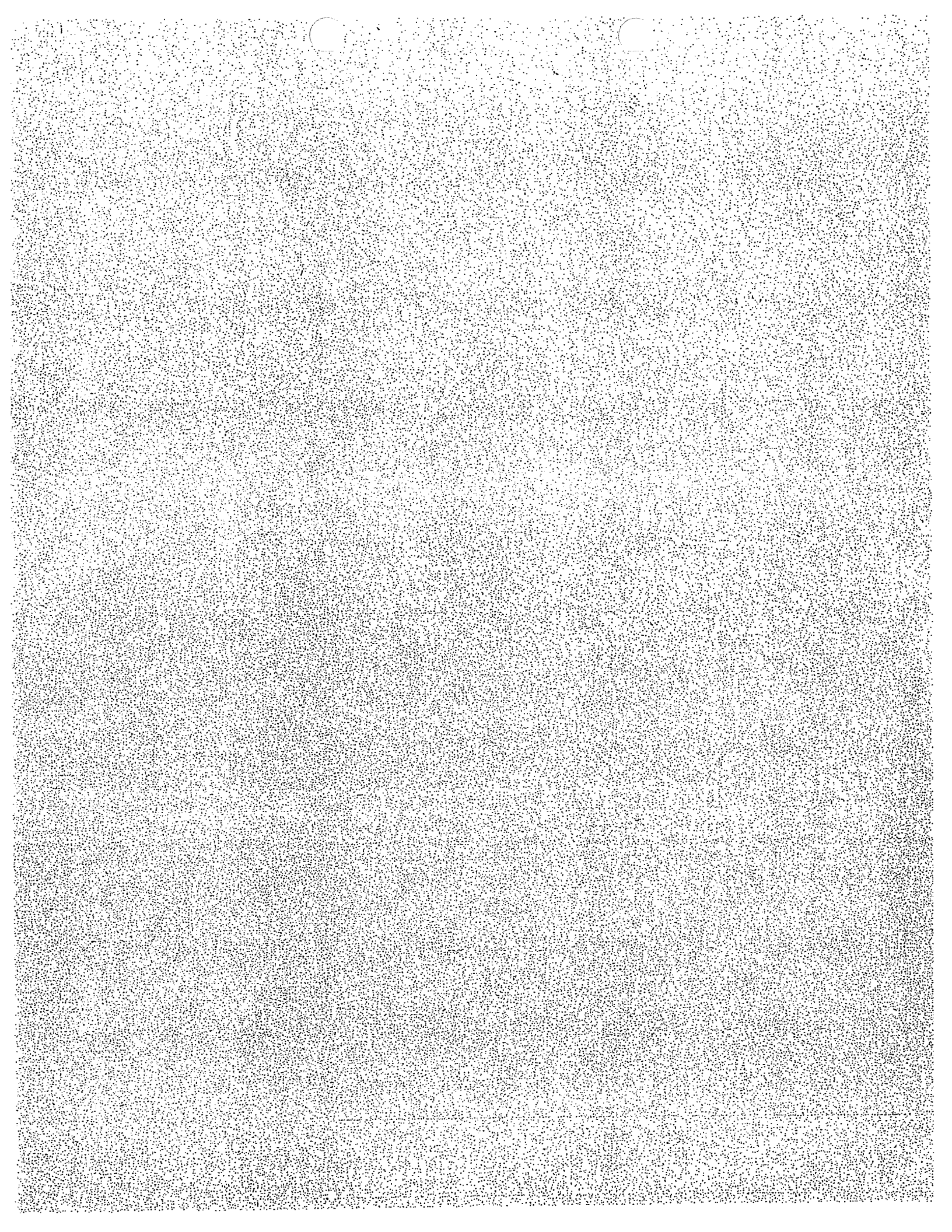
\_\_\_\_\_  
John Mayer, Chairperson

\_\_\_\_\_  
Kate Larue, Clerk of the Board

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its Board

\_\_\_\_\_  
Anne Loring, President

\_\_\_\_\_  
Nancy Hollinger, Clerk of the Board



**ATTACHMENT**

**10**

**ATTACHMENT**

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## MEMORANDUM OF LEGISLATIVE COOPERATION

BY AND BETWEEN THE

COUNTY OF WASHOE, CITY OF RENO and CITY OF SPARKS

WHEREAS, it is recognized that the interests of the citizens of Washoe County can best be served by a cooperative approach to inter-governmental relations and a unified effort by Washoe County and the cities of Reno and Sparks within Washoe County to achieve desired legislative action by the Nevada Legislature; and,

WHEREAS, Washoe County and the cities of Reno and Sparks have strived, through the regional planning process set forth in NRS 278.026 - 278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and,

WHEREAS, it is understood by and between Washoe County and the cities of Reno and Sparks that their respective positions may not be similar on all issues considered by, or bill drafts presented to, the 1993 Nevada Legislature, whether related to regional planning issues or matters of general governmental interest; and,

WHEREAS, it is desired by Washoe County and the cities of Reno and Sparks to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the citizens of Washoe County.

NOW, THEREFORE, with the recommendation for approval by the Regional Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners and the City Councils of the City of Reno and the City of Sparks, it is intended that during the 1993 Legislative session:

1. Representatives and assigned lobbyists of Washoe County and the cities of Reno and Sparks will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.
3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representative and assigned lobbyists all activities and positions that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.

5. Representatives and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.

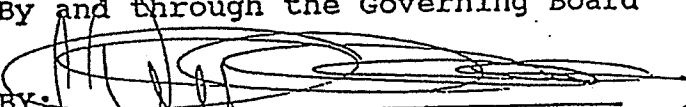
6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.

7. Local legislators will be informed, when approached by representatives or assigned lobbyists on a given legislative issue, whether the position espoused is a unified position of the respective entities.

8. Representatives and assigned lobbyists will actively solicit the support of businesses, institutions and other affected interest groups on behalf of the unified legislative agenda of the three entities.

IN WITNESS WHEREOF, the parties hereto have executed this 8th day of ~~January~~, 1993.  
February


REGIONAL PLANNING GOVERNING BOARD  
By and through the Governing Board

BY:   
TONY ARMSTRONG, Chairperson

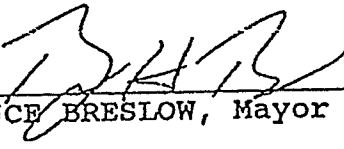
CITY OF RENO, a municipal corporation

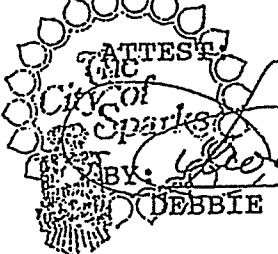
BY:   
PETER J. FERRAZZA, Mayor

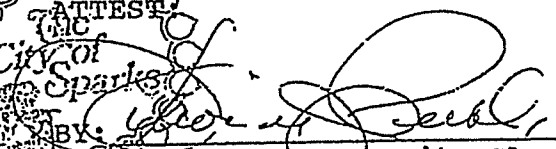


  
DONALD J. COOK, City Clerk

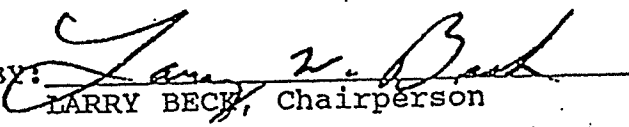
CITY OF SPARKS, a municipal corporation

BY:   
BRUCE BRESLOW, Mayor

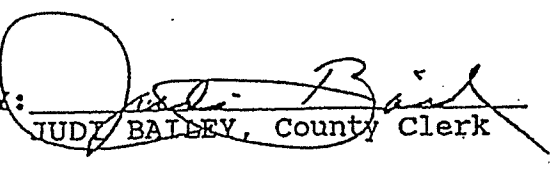


ATTEST:  
  
DEBBIE PEEBLES, City Clerk

COUNTY OF WASHOE, By and through its Board of County Commissioners


BY:   
LARRY BECK, Chairperson

ATTEST:

BY:   
JUDY BALLEW, County Clerk

Approved as to proper form and compatibility with the laws of the State of Nevada, pursuant to NRS 277.140.

ATTORNEY GENERAL OF THE STATE OF NEVADA

By: 

Date: 4/5/73

**MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND BETWEEN THE  
COUNTY OF WASHOE, CITY OF RENO AND CITY OF SPARKS**

**WHEREAS**, it is recognized that the interests of the citizens of the Truckee Meadows can best be served by a cooperative approach to intergovernmental relations and a unified effort by the region, Washoe County, and the cities of Reno and Sparks, within Washoe County to achieve desired legislative action by the Nevada Legislature; and,

**WHEREAS**, the region, Washoe County, and the cities of Reno and Sparks have endeavored, through the regional planning process set forth in NRS 278.026 - 278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and,

**WHEREAS**, it is understood by and between the region, Washoe County, and the cities of Reno and Sparks that their respective positions may be not similar on all issues considered by, or bill drafts presented to, the 1995 Nevada Legislature, whether related to regional planning issues or matters of general governmental interest; and

**WHEREAS**, it is desired by the region, Washoe County, and the cities of Reno and Sparks to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the citizens of the Truckee Meadows;

**NOW, THEREFORE**, with the recommendation for approval by the Regional Planning Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners and the City Councils of the City of Reno and the City of Sparks, it is intended that during the 1995 Legislative session:

1. Representatives and assigned lobbyists of the region, Washoe County, and the cities of Reno and Sparks will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.
3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representative and assigned lobbyists all activities and positions that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.
5. Representatives and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.

**MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND BETWEEN WASHOE COUNTY, CITY OF RENO AND CITY OF SPARKS  
PAGE 2**

6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.

7. Local legislators will be informed, when approached by representatives or assigned lobbyists on a given legislative issue, whether the position espoused is a unified position of the respective entities.

8. Representatives and assigned lobbyists will actively solicit the support of businesses, institutions and other affected interest groups on behalf of the unified legislative agenda of the three entities.

IN WITNESS WHEREOF, the parties hereto have executed this agreement by the day and year appearing by the signatures below.

REGIONAL PLANNING GOVERNING BOARD,  
By and through the Regional Planning Governing Board

By: Steve Bradhurst Dated: 1/12/95  
Steve Bradhurst, Chairperson  
Regional Planning Governing Board

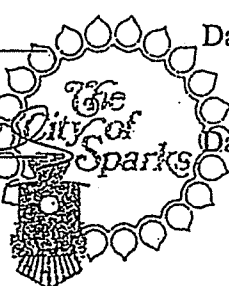
CITY OF RENO,  
By and through its City Council

By: Peter Spang 1/10/95  
Mayor, City of Reno  
Attest: Janead Cook 1/10/95  
Reno City Clerk



CITY OF SPARKS,  
By and through its City Council

By: W. H. ... Dated: January 23, 1995  
Mayor, City of Sparks  
Attest: ... Dated: January 23, 1995  
Sparks City Clerk



MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND BETWEEN WASHOE COUNTY, CITY OF RENO AND CITY OF SPARKS  
PAGE 3

COUNTY OF WASHOE,  
By and through its Board of County Commissioners

By: James M. Shaw  
Chairperson, Washoe County  
Board of County Commissioners

Dated: January 26, 1995

Attest: JUDI BAILEY  
Washoe County Clerk ~~County Clerk~~

Dated: \_\_\_\_\_

Approved as to proper form and compatibility with the laws of the State of Nevada, pursuant to NRS 277.140.

ATTORNEY GENERAL OF THE STATE OF NEVADA

By: Julius F. Beebe, Jr. Dated: February 7, 1995



MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
COUNTY OF WASHOE, CITY OF RENO, CITY OF SPARKS,  
THE REGIONAL TRANSPORTATION COMMISSION,  
AND THE WASHOE COUNTY SCHOOL DISTRICT

WHEREAS, it is recognized that the interests of the citizens of the Truckee Meadows can best be served by a cooperative approach to intergovernmental relations and a unified effort by the region, Washoe County, the cities of Reno and Sparks, and other affected entities as described by the Regional Plan within Washoe County, to achieve desired legislative action by the Nevada Legislature; and

WHEREAS, the region, Washoe County, the cities of Reno and Sparks, and other affected entities have endeavored, through the regional planning process set forth in NRS 278.026 - 278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and

WHEREAS, it is desired by the region, Washoe County, the cities of Reno and Sparks, and other affected entities to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the citizens of the Truckee Meadows; and

WHEREAS, it is understood by and among the region, Washoe County, the cities of Reno and Sparks, and other affected entities that their respective positions may not be similar on all issues considered by, or bill drafts presented to, the 1997 Nevada Legislature, whether related to regional planning issues or matters of general governmental interest.

NOW, THEREFORE, with the recommendation for approval by the Regional Planning Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners, the City Councils of the City of Reno and the City of Sparks, and the boards of other affected entities, it is intended that during the 1997 legislative session:

1. Representatives and assigned lobbyists of the region, Washoe County, the cities of Reno and Sparks, the Regional Transportation Commission, and the Washoe County School District will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.

CITY OF SPARKS

JUL 26 1996

OFFICE OF THE CITY CLERK

3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representatives and assigned lobbyists of the other entities all activities and positions that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.
5. In recognition of the limited number of bill draft requests available to local government, representatives, and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.
6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.
7. Local legislators will be informed, when approached by representatives or assigned lobbyists of each entity on a given legislative issue, whether the position espoused is a unified position of the respective entities.
8. Representatives and assigned lobbyists of each entity will actively solicit the support of businesses, institutions, and other affected interest groups on behalf of the unified legislative agenda.

IN WITNESS WHEREOF, the parties hereto have executed this memorandum this 7<sup>th</sup> day of October, 1996.

CITY OF RENO, a municipal corporation

ATTEST:

Pennie Hunschert for  
Jeff Griffin, Mayor

Donald J. Cook  
Donald J. Cook, City Clerk

CITY OF SPARKS, a municipal corporation

ATTEST:

Bruce H. Breslow  
Bruce H. Breslow, Mayor

Deborine J. Peebles  
Deborine J. Peebles, City Clerk

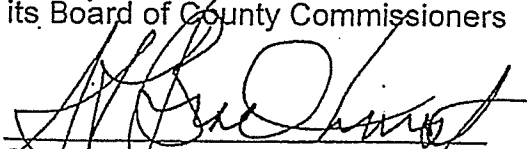


CITY OF SPARKS  
OFFICE OF THE CITY CLERK

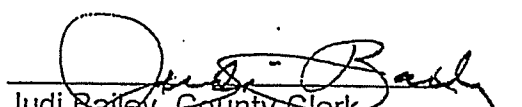
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5.4(5)  
8-12-96

COUNTY OF WASHOE, by and through  
its Board of County Commissioners

  
Steve Bradhurst, Chairperson

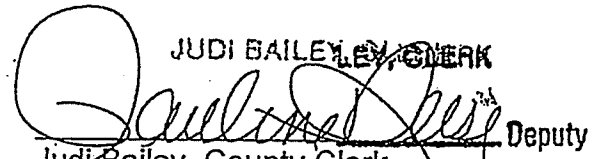
ATTEST:

  
Judi Bailey, County Clerk


REGIONAL TRANSPORTATION  
COMMISSION, by and through its Board

  
Jim Shaw, Chairperson

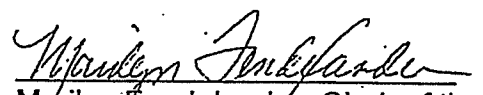
ATTEST:

  
JUDI BAILEY, CLERK  
Judi Bailey, County Clerk Deputy

WASHOE COUNTY SCHOOL  
DISTRICT, by and through its Board

  
Bob Bentley, President

ATTEST:

  
Marilyn Fendelander, Clerk of the  
Board

CITY OF SPARKS  
JUL 26 1996  
OFFICE OF THE CITY CLERK

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
WASHOE COUNTY, AND WASHOE COUNTY SCHOOL DISTRICT

2002 - 2003

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, and affected entities wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2003 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, and affected entities understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2003 session;

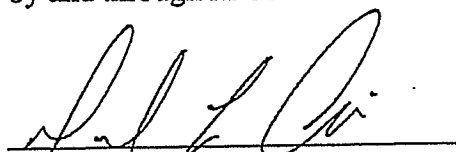
NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGB, the Regional Transportation Commission of Washoe County, the Washoe County School District Board of Trustees, and the governing bodies of other affected entities who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2003 session of Nevada's Legislature:

1. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.
2. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.

3. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
4. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, and affected entities will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations, if any adopted by the RPGB.
5. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
6. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
7. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

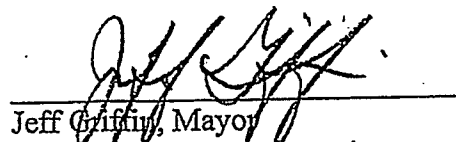
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
\_\_\_\_\_  
David Aiazzi, Chair


12/3/02  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Jeff Griffin, Mayor

11/12/02  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

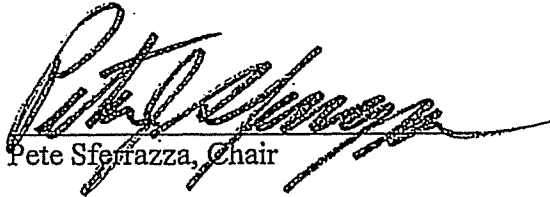


Tony Armstrong, Mayor

12-10-02

Date

WASHOE COUNTY,  
by and through its commission

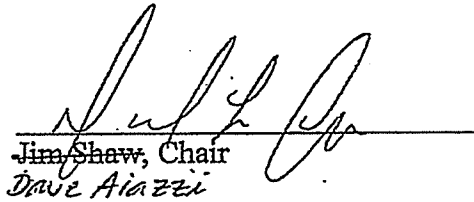


Pete Sferrazza, Chair

12/9/02

Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

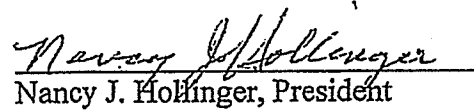


Jim Shaw, Chair  
Dave Aiazzi

01/17/03

Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board



Nancy J. Hollinger, President

1/7/03

Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
TRUCKEE MEADOWS WATER AUTHORITY, WASHOE COUNTY, WASHOE COUNTY  
DISTRICT HEALTH DEPARTMENT, AND WASHOE COUNTY SCHOOL DISTRICT

2004 - 2005

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, the Washoe County District Health Department, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGGB, Washoe County, affected entities, and service providers wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2005 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGGB, Washoe County, affected entities, and service providers understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2005 session;

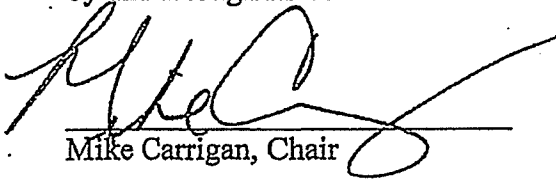
NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGGB, the Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County School District Board of Trustees, the Washoe County District Board of Health, and the governing bodies of other affected entities and service providers who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2005 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.

3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.
4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, affected entities, and service providers will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

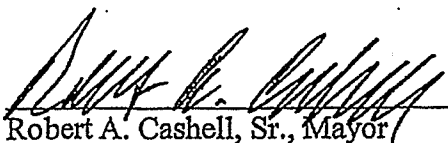
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

**REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),**  
by and through its board

  
Mike Carrigan, Chair

9/9/04  
Date

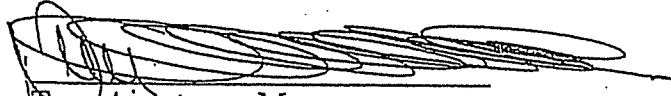
**CITY OF RENO, a municipal corporation**  
by and through its council

  
Robert A. Cashell, Sr., Mayor

11-17-04  
Date

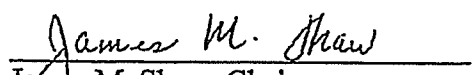


**CITY OF SPARKS**, a municipal corporation  
by and through its council

  
Tony Armstrong, Mayor


11-10-04  
Date

**WASHOE COUNTY**,  
by and through its commission

  
James M. Shaw, Chair

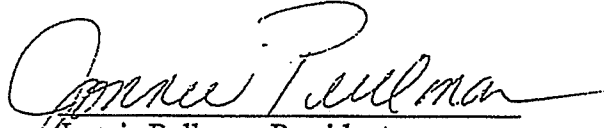
9/30/04  
Date

**REGIONAL TRANSPORTATION COMMISSION** of Washoe County,  
by and through its board

  
Dwight Dortch, Chair

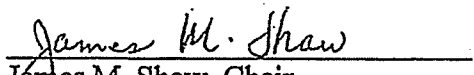
9/30/04  
Date

**WASHOE COUNTY SCHOOL DISTRICT**,  
by and through its board

  
Jonnie Pullman, President


10/22/04  
Date

**WASHOE COUNTY DISTRICT HEALTH DEPARTMENT**,  
by and through its board

  
James M. Shaw, Chair

9/30/04  
Date

**TRUCKEE MEADOWS WATER AUTHORITY**,  
by and through its board

  
Tony Armstrong, Chair

10-8-04  
Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
TRUCKEE MEADOWS WATER AUTHORITY, WASHOE COUNTY, WASHOE COUNTY  
DISTRICT HEALTH DEPARTMENT, AND WASHOE COUNTY SCHOOL DISTRICT

2006 - 2007

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, the Washoe County District Health Department, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2007 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2007 session;

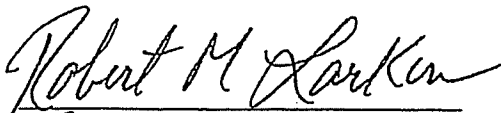
NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGB, the Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County School District Board of Trustees, the Washoe County District Board of Health, and the governing bodies of other affected entities and service providers who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2007 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.

3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.
4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, affected entities, and service providers will file all relevant information with the RRGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RRGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

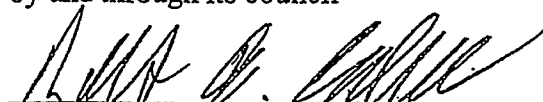
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
Robert Larkin, Chair

8-10-2006  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
Robert A. Cashell, Sr., Mayor

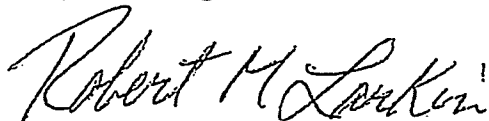
8-31-06  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Geno Martini, Mayor

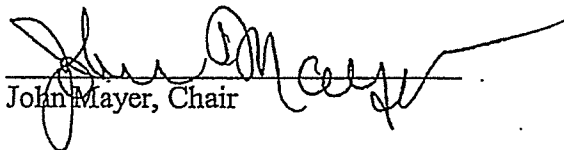
11-13-06  
Date

WASHOE COUNTY,  
by and through its commission

  
\_\_\_\_\_  
Robert Larkin, Chair

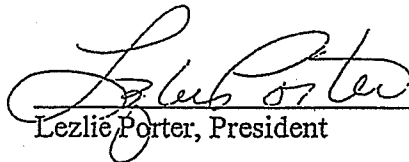
8/22/06  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
\_\_\_\_\_  
John Mayer, Chair

7-7-06  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
\_\_\_\_\_  
Lezlie Porter, President

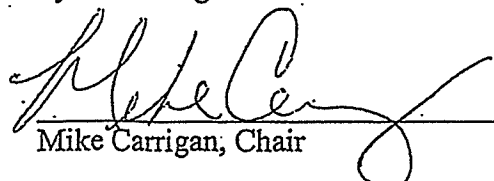
8-8-06  
Date

WASHOE COUNTY DISTRICT HEALTH DEPARTMENT,  
by and through its board

  
\_\_\_\_\_  
Phil Salerno, Chair

9/28/06  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board

  
\_\_\_\_\_  
Mike Carrigan, Chair

9/20/06  
Date

**Addendum to the 2006-2007 Memorandum of Legislative Cooperation**

This Addendum is amending the 2006-2007 Memorandum of Legislative Cooperation by and between the City of Reno, City of Sparks, Regional Planning Governing Board, Regional Transportation Commission, Truckee Meadows Authority\*, Washoe County, Washoe County District Health Department and Washoe County School District (hereinafter collectively referred to as "Local Governments"):

WHEREAS, all of the respective governing bodies of the Local Governments have previously executed the 2006 -2007 Memorandum of Legislative Cooperation;

WHEREAS, all of the Local Governments are desirous of extending the duties and obligations set forth in the 2006-2007 Memorandum of Legislative Cooperation to the Reno Sparks Convention and Visitors Authority (hereinafter "RSCVA") and to the Incline Village General Improvement District (hereinafter "IVGID");

WHEREAS, the RSCVA and IVGID are desirous of being subject to the duties and obligations set forth in the 2006-2007 Memorandum of Legislative Cooperation;

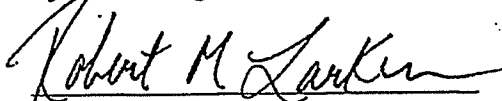
WHEREAS, by executing this Addendum the RSCVA and IVGID are agreeing to be subject to the duties and obligations of the 2006-2007 Memorandum of Legislative Cooperation;

NOW THEREFORE, the Local Governments, the RSCVA and IVGID agree to make the following findings and declarations:

1. The execution of this Addendum to the 2006-2007 Memorandum of Legislative Cooperation by the RSCVA and IVGID will subject the RSCVA and IVGID to duties and obligations as fully set forth therein.


IN WITNESS THEREOF, the Local Governments, the RSCVA and IVGID hereto have executed this Addendum on the dates signified below:

**REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),**  
by and through its board

  
Robert Larkin, Chair

12/8/06  
Date

**CITY OF RENO, a municipal corporation**  
by and through its council

  
Robert A. Cashell, Sr., Mayor

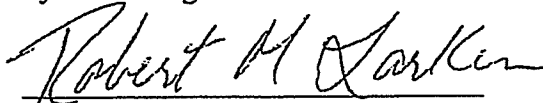
12/19/06  
Date

**CITY OF SPARKS**, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Geno Martini, Mayor

1/11/07  
Date

**WASHOE COUNTY**,  
by and through its commission

  
\_\_\_\_\_  
Robert Larkin, Chair

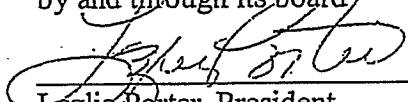
12/8/06  
Date

**REGIONAL TRANSPORTATION COMMISSION** of Washoe County,  
by and through its board

  
\_\_\_\_\_  
John Mayer, Chair

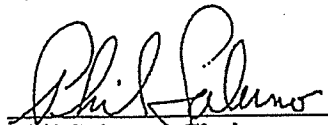
1-5-07  
Date

**WASHOE COUNTY SCHOOL DISTRICT**,  
by and through its board

  
\_\_\_\_\_  
Leslie Porter, President

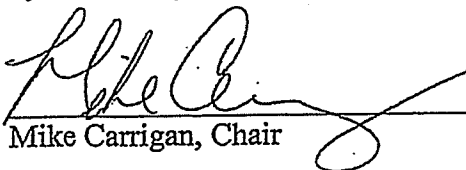
12-20-06  
Date

**WASHOE COUNTY DISTRICT HEALTH DEPARTMENT**,  
by and through its board

  
\_\_\_\_\_  
Phil Salerno, Chair

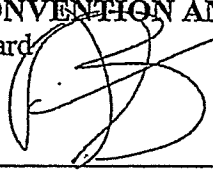
12-14-06  
Date

**TRUCKEE MEADOWS WATER AUTHORITY**,  
by and through its board

  
\_\_\_\_\_  
Mike Carrigan, Chair

1/11/07  
Date

RENO SPARKS CONVENTION AND VISITORS AUTHORITY,  
by and through its board

1/17/07 

John Breternitz, Chair

1/17/07  
Date

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT,  
by and through its board

Bea Epstein

~~John Behn~~, Chair

Bea Epstein

\*Truckee Meadows Water Authority

1/31/07  
Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
TRUCKEE MEADOWS WATER AUTHORITY, WASHOE COUNTY, WASHOE COUNTY  
HEALTH DISTRICT, AND WASHOE COUNTY SCHOOL DISTRICT

2008 - 2009

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, the Washoe County Health District, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2009 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2009 session;

NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGB, the Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County School District Board of Trustees, the Washoe County Health District, and the governing bodies of other affected entities and service providers who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2009 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.

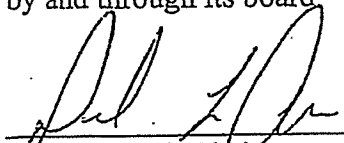


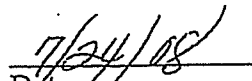
3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.
4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, affected entities, and service providers will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),

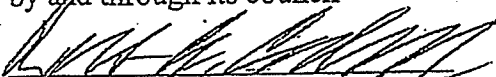
by and through its board

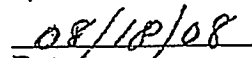
  
\_\_\_\_\_  
David Aiazzi, Chair

  
\_\_\_\_\_  
Date

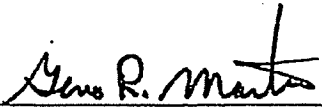
CITY OF RENO, a municipal corporation

by and through its council

  
\_\_\_\_\_  
Robert A. Cashell, Sr., Mayor

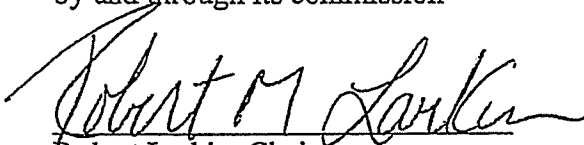
  
\_\_\_\_\_  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Geno Martini, Mayor

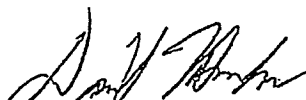
08/18/08  
Date

WASHOE COUNTY,  
by and through its commission

  
\_\_\_\_\_  
Robert Larkin, Chair

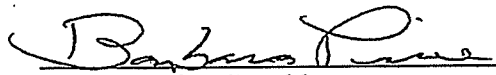
8/18/08  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
\_\_\_\_\_  
David Humke, Chair

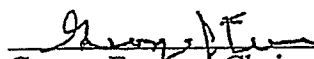
Sept 20, 2008  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
\_\_\_\_\_  
Barbara Price, President

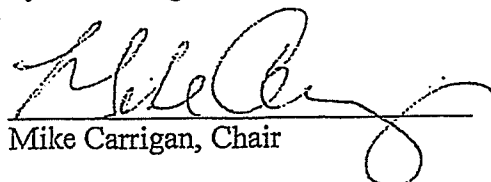
8/26/08  
Date

WASHOE COUNTY HEALTH DISTRICT,  
by and through its board

  
\_\_\_\_\_  
George Furman, Chair

10/22/08  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board

  
\_\_\_\_\_  
Mike Carrigan, Chair

10/9/08  
Date

**Addendum to the 2008-2009 Memorandum of Legislative Cooperation**

This Addendum is amending the 2008-2009 Memorandum of Legislative Cooperation by and between the City of Reno, City of Sparks, Regional Planning Governing Board, Regional Transportation Commission, Truckee Meadows Water Authority, Washoe County, Washoe County Health District and Washoe County School District (hereinafter collectively referred to as "Local Governments"):

WHEREAS, all of the respective governing bodies of the Local Governments have previously executed the 2008-2009 Memorandum of Legislative Cooperation;

WHEREAS, all of the Local Governments are desirous of extending the duties and obligations set forth in the 2008-2009 Memorandum of Legislative Cooperation to the Reno Sparks Convention and Visitors Authority (hereinafter "RSCVA");

WHEREAS, the RSCVA is desirous of being subject to the duties and obligations set forth in the 2008-2009 Memorandum of Legislative Cooperation;

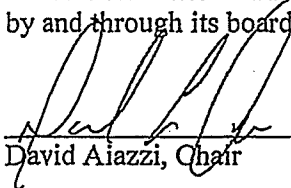
WHEREAS, by executing this Addendum the RSCVA is agreeing to be subject to the duties and obligations of the 2008-2009 Memorandum of Legislative Cooperation;

NOW THEREFORE, the Local Governments and the RSCVA agree to make the following findings and declarations:

1. The execution of this Addendum to the 2008-2009 Memorandum of Legislative Cooperation by the RSCVA will subject the RSCVA to duties and obligations as fully set forth therein.

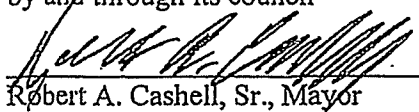
IN WITNESS THEREOF, the Local Governments and the RSCVA hereto have executed this Addendum on the dates signified below:

**REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),**  
by and through its board

  
\_\_\_\_\_  
David Aiazzi, Chair

November 13, 2008  
Date

**CITY OF RENO, a municipal corporation**  
by and through its council

  
\_\_\_\_\_  
Robert A. Cashell, Sr., Mayor

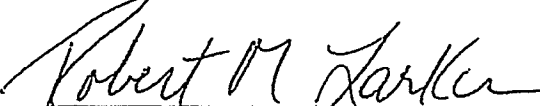
12/19/08  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

  
Geno Martini, Mayor

11/13/08  
Date

WASHOE COUNTY,  
by and through its commission

  
Robert Larkin, Chair

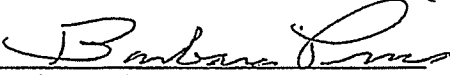
12/16/08  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
David Humke, Chair

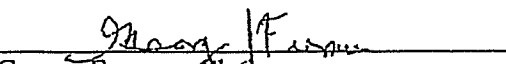
12-12-08  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
Barbara Price, President

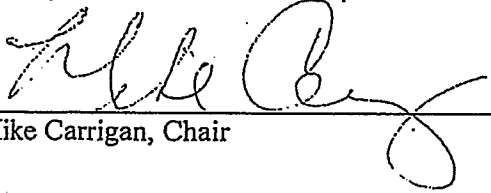
12-5-08  
Date

WASHOE COUNTY HEALTH DISTRICT,  
by and through its board

  
George Furman, Chair

11/26/08  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board



Mike Carrigan, Chair

1/15/09  
Date

RENO SPARKS CONVENTION AND VISITORS AUTHORITY,  
by and through its board



Sharon Zadra, Chair

10/23/08  
Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
LOCAL GOVERNMENTS, AFFECTED GOVERNMENT ENTITIES, SERVICE  
PROVIDERS AND OTHER AGENCIES IN THE TRUCKEE MEADOWS REGION

2010 - 2011

WHEREAS, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, local governments, affected entities, service providers, and other agencies in the Truckee Meadows region have numerous mutual areas of interest, including, but not limited to, master planning, facilities planning, regional planning, delivery of services; tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2011 session of Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2011 session;

NOW, THEREFORE, the RPGB, and the governing bodies of local governments, affected entities, service providers and other agencies (herein after identified as "the parties") make the following findings and declarations regarding the 2011 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.
3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.

4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, and affected entities will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

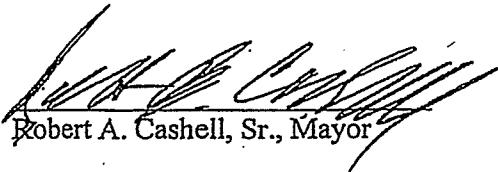
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
Mike Carrigan, Chair

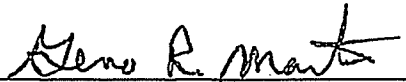
1-27-11  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
Robert A. Cashell, Sr., Mayor

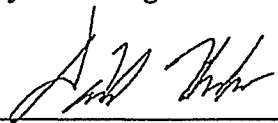
1-19-11  
Date

**CITY OF SPARKS**, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Geno R. Martini, Mayor

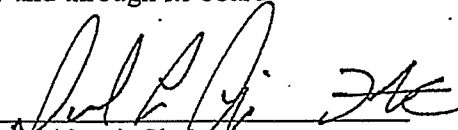
02/06/11  
Date

**WASHOE COUNTY**,  
by and through its commission

  
\_\_\_\_\_  
David Humke, Chair

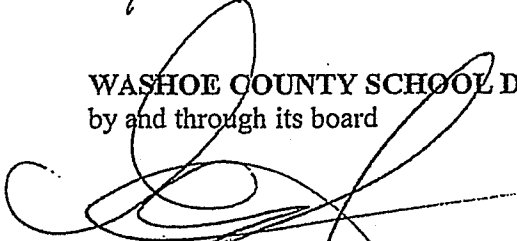
4-5-11  
Date

**REGIONAL TRANSPORTATION COMMISSION** of Washoe County,  
by and through its board

  
\_\_\_\_\_  
Dave Aiazzi, Chair

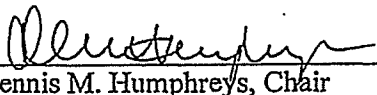
April 19, 2011  
Date

**WASHOE COUNTY SCHOOL DISTRICT**,  
by and through its board

  
\_\_\_\_\_  
Estela L. Gutierrez, President

2/8/11  
Date

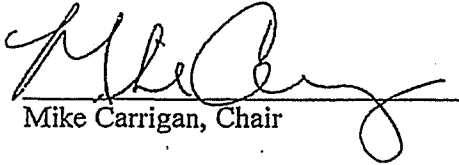
**WASHOE COUNTY HEALTH DISTRICT**,  
by and through its board

  
\_\_\_\_\_  
Dennis M. Humphreys, Chair

9/23/10  
Date

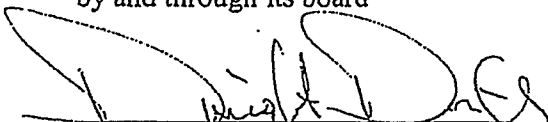


TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board

  
Mike Carrigan, Chair

1-27-11  
Date

RENO SPARKS CONVENTION AND VISITORS AUTHORITY,  
by and through its board

  
Dwight Dortch, Chair

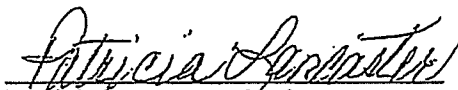
1-27-11  
Date

WESTERN REGIONAL WATER COMMISSION,  
by and through its board

  
Mike Carrigan, Chair

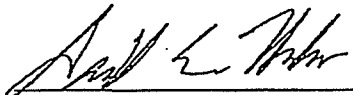
1-27-11  
Date

SUN VALLEY GENERAL IMPROVEMENT DISTRICT,  
by and through its board

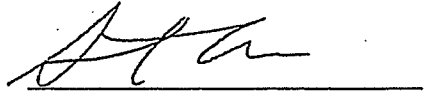
  
Patricia Lancaster, Chair

2-15-11  
Date

SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT

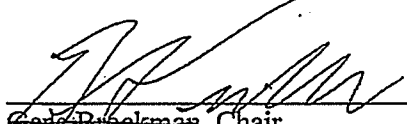
  
David E. Humke  
Chairman, Board of Trustees

4-5-11  
Date

  
Steve Cohen  
Chairman, Local Managing Board

4/23/11  
Date

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT**  
by and through its board

  
\_\_\_\_\_  
Gen. Broekman, Chair  
Ted Fuller

3/9/2011  
Date



# TRUCKEE MEADOWS REGIONAL PLANNING AGENCY

April 27, 2011

**Please find attached a signed original of the 2010-2011 Memorandum of Legislative Understanding (MOU) for your records.**

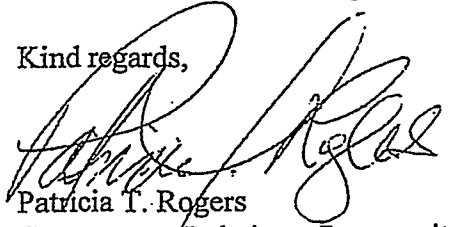
In 2010, the Regional Planning Governing Board (RPGGB) directed staff to work with Washoe County and the cities of Reno and Sparks as well as other local governments and agencies in the region to update the MOU for the 2010-2011 legislative session. The Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County Health District, the Reno-Sparks Convention and Visitors Authority, and the Washoe County School District chose to participate again this session.

The Sun Valley General Improvement District, the South Truckee Meadows General Improvement District, and the Western Regional Water Commission recently considered and approved their first time participation in the MOU. Incline Village General Improvement District (IVGID) has participated in the MOU in past sessions; although the agency chose not to participate during the last legislative session their board did approve participation this session.

The MOU focuses on the principles of support, coordination, cooperation, discussion, disclosure, and mutual assistance between and among the participating entities.

Please contact Patricia Rogers at 775/321-8397 if you have any questions regarding the MOU.

Kind regards,



Patricia T. Rogers

Government Relations-Community Outreach Representative



RECEIVED

SEP 15 2010

TRUCKEE MEADOWS  
REGIONAL PLANNING AGENCY

Office of the  
CITY CLERK

September 14, 2010

Ms. Patty Rogers  
Regional Planning Governing Board  
1 East First Street, Suite 1100  
Reno, NV 89501

Reference: Memorandum of Legislative Cooperation (Sparks #A-3840)

Dear Ms. Rogers:

On September 13, 2010, the Sparks City Council approved a Memorandum of Legislative Cooperation by and among the City of Sparks, the City of Reno, Regional Planning Governing Board (RPGGB), Regional Transportation Commission (RTC), Truckee Meadows Water Authority (TMWA), Washoe County, Washoe County District Health Department (WCHD), Reno Sparks Convention and Visitor Authority (RSCVA), and the Washoe County School District (WCSD).

Senior Administrative Analyst Kathy Clewett will be obtaining signatures for the City of Sparks for this document. If you have any questions or concerns, please contact her at 353-2410 or by e-mail at [kclewett@cityofsparks.us](mailto:kclewett@cityofsparks.us). When all signatures have been obtained, please forward an original and/or copy of the fully executed document to the Sparks City Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads "Linda K. Patterson".

Linda K. Patterson  
City Clerk and  
Clerk of the City Council

cab

Copy:  
Kathy Clewett  
A-3840  
A.I. 6.3

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
LOCAL GOVERNMENTS, AFFECTED GOVERNMENT ENTITIES, SERVICE  
PROVIDERS AND OTHER AGENCIES IN THE TRUCKEE MEADOWS REGION

2012 - 2013

WHEREAS, the Regional Planning Governing Board (RPGGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, local governments, affected entities, service providers, and other agencies in the Truckee Meadows region have numerous mutual areas of interest, including, but not limited to, master planning, facilities planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2013 session of Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2013 session;

NOW, THEREFORE, the RPGGB, and the governing bodies of local governments, affected entities, service providers and other agencies (herein after identified as "the parties") make the following findings and declarations regarding the 2013 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.
3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed

legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.

4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, and affected entities will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information 60 days prior to submittal to the Legislative Council Bureau in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

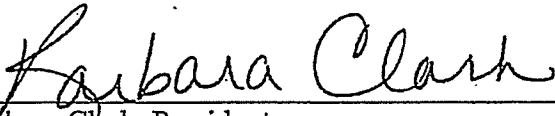
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

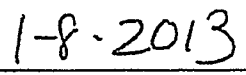
**REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),**  
by and through its board

Bonnie Weber  
Bonnie Weber, Chair

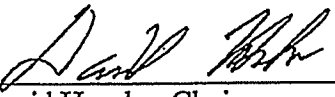
2-14-13  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its Board of Trustees

  
\_\_\_\_\_  
Barbara Clark, President

  
\_\_\_\_\_  
Date

**RENO SPARKS CONVENTION AND VISITORS AUTHORITY,**  
by and through its board

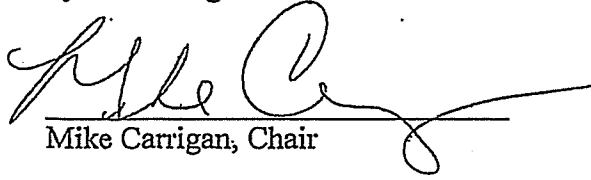
  
\_\_\_\_\_  
David Humke, Chair

12-12-12  
Date





**TRUCKEE MEADOWS WATER AUTHORITY,**  
by and through its board



Mike Carrigan, Chair

1-16-2013  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

Geno R. Martini  
Geno R. Martini, Mayor

02/18/13  
Date

Attest:


Terese Gardner  
City Clerk



Approved as to form and legality:

[Signature]  
City Attorney

WESTERN REGIONAL WATER COMMISSION,  
by and through its board

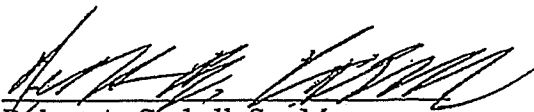


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Mike Carrigan, Chair

1-16-13  
Date


CITY OF RENO, a municipal corporation  
by and through its council



Robert A. Cashell, Sr., Mayor

1-16-13  
Date

WASHOE COUNTY HEALTH DISTRICT,  
by and through its board

  
\_\_\_\_\_  
, Chair

11-15-12  
Date

SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT

Robert M. Hawkins

11/13/12  
Date

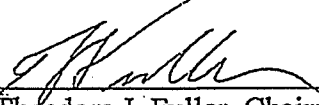
Chairman, Board of Trustees

[Signature]

11/1/12  
Date

Chairman, Local Managing Board


**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT**  
by and through its board

  
\_\_\_\_\_  
Theodore J. Fuller, Chairman

November 14, 2012  
Date



**PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT,**  
by and through its Board of Trustees

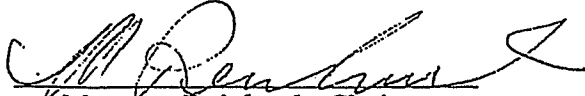


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Larry J. Johnson, President

12-10-12  
Date

SUN VALLEY GENERAL IMPROVEMENT DISTRICT,  
by and through its board

  
Margaret Reinhardt, Chair

11/8/12  
Date

WASHOE COUNTY,  
by and through its commission

Bonnie Wilber

for David Humke, Chair

1/22/13  
Date

Attest:

Amy L. Harvey, Chief Deputy

for Amy Harvey, County Clerk

**EXHIBIT "21"**

**EXHIBIT "21"**



## REGIONAL PLANNING GOVERNING BOARD

Charlene Bybee, Chair • David Bobzien, Vice-Chair • Marsha Berkbigler • Jenny Brekhus • Naomi Duerr • Vaughn Hartung • Jeanne Herman • Ed Lawson • Geno Martini • Paul McKenzie • Kimberly H. Robinson, Executive Director • LIAISON - Veronica Frenkel, WCSD Board of Trustees

### AGENDA

**Regional Planning Governing Board**  
**Thursday, December 22, 2016 2:00 pm**  
**Reno City Council Chambers**  
**1 East 1<sup>st</sup> Street**  
**Reno, Nevada**

---

1. Roll Call\*
  2. Salute to the Flag\*
  3. [For possible action] Approval of the Agenda
  4. Public Comment\*
  5. Business of the day
    - A. [For possible action] Consideration and possible direction to staff and legal counsel regarding legal counsel's opinion on the Washoe County Bill Draft Request regarding the Truckee Meadows Regional Planning Agency
    - B. [For possible action] Consideration and possible action to form the RPGB Legislative Sub-Committee for the 2017 Legislative Session
  6. Reports
    - A. [For possible action] Members' and Director's reports  
**NEXT MEETING: February 9, 2017**
    - B. [For possible action] Legal counsel's report
  7. [For possible action] Requests for Future Agenda Items
  8. Public Comment\*
-

RPGB MEETING AGENDA  
DECEMBER 22, 2016  
PAGE 2

9. Written Correspondence\*
10. [For possible action] Adjournment

---

**Meeting Notes:**

1. The announcement of this meeting is posted at the Truckee Meadows Regional Planning Agency, Reno City Hall, the Washoe County Main Library, the Washoe County Courthouse, Sparks City Hall, the Washoe County Administrative Building and at [www.tmrpa.org](http://www.tmrpa.org).
2. In accordance with NRS 241.020, this agenda closes three working days prior to the meeting. We are pleased to make reasonable accommodations for persons who are disabled and wish to attend meetings. If you require special arrangements for the meeting, please call 321-8385 before the meeting date.
3. The following items may not be addressed in this order. Arrive at the meeting at the posted start time to hear item(s) of interest.
4. Asterisks (\*) denote non-action items.
5. Public comment is limited to three minutes. The public is encouraged to provide information on issues not on the posted agenda during the Public Comment period. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a "Request to Speak" card and handing it to the clerk.
6. Support meeting material for the items on the agenda provided to the Regional Planning Governing Board is available to members of the public at the Truckee Meadows Regional Planning Agency office at 1105 Terminal Way, Ste. 316 Reno, Nevada, and on the TMRPA website at [www.tmrpa.org](http://www.tmrpa.org). You may also contact TMRPA at (775) 321-8385 to request supporting meeting material.
7. The RPGB may at any time recess the public meeting to consider legal matters regarding threatened and pending litigation.

**EXHIBIT "22"**

**EXHIBIT "22"**

VIDEO

Disk





The Regional Planning Governing Board (RPGB) met in special session at 1 East 1<sup>st</sup> Street, Reno City Council Chambers, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Charlene Bybee at 2:07 p.m.

**1. ROLL CALL**

The clerk called the roll and RPGB Members in attendance were: Charlene Bybee, David Bobzien (present at 2:09 p.m. by phone), Marsha Berkbigler, Naomi Duerr, Jeanne Herman, Ed Lawson, Geno Martini (by phone), and Paul McKenzie. Non-voting member Veronica Frenkel, Washoe County School District, was also present.

RPGB Members absent: Jenny Brekhus and Vaughn Hartung.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Kimberly H. Robinson, Executive Director of Regional Planning; Norman Azevedo, Legal Counsel; Lauren Knox; Damien Kerwin; Nate Kusha; Jeremy Smith; and Chris Tolley.

**2. SALUTE TO THE FLAG**

Member Frenkel led the Pledge of Allegiance.

**3. [For possible action] APPROVAL OF THE AGENDA**

MEMBER BERKBIGLER MADE A MOTION TO APPROVE THE AGENDA AS AMENDED, SECONDED BY MEMBER MCKENZIE. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

*(Member Bobzien present at 2:09 p.m. by phone.)*

X by not meeting the requirement that relevant information be brought to the RPGB in a timely manner, 60 days prior to submission of the legislation.

Mr. Azevedo further explained that AB39 has significant and collateral impacts for the local governments and reconstitutes the RPGB removing a large portion of the region from having a voice on the RPGB.

Mr. Azevedo stated that the facts related to how the TMRPA was made aware of what was going on with respect to this BDR are included in his written opinion and show that the County did not comply with the requirements of NRS 278.0286(2), RPGB Regulation X, and the Settlement Agreement.

Mr. Azevedo explained the options for possible action by the RPGB and potential risks included in the written legal opinion.

Member Martini asked if the County plans to withdraw the BDR.

Member Berkbigger stated that there was a 5-0 vote at the Washoe County Board of Commissioners to put this legislation forward and a change cannot be done until it is heard before that Board at their January 10, 2017 meeting.

MEMBER MARTINI MADE A MOTION DIRECTING LEGAL COUNSEL TO PROCEED TO TURN THE ACTION OVER TO THE COURT UNLESS THE COUNTY DECIDES TO WITHDRAW AB39 PRIOR TO THE NEXT RPGB MEETING ON FEBRUARY 9, 2017.

Mr. Azevedo confirmed that he can begin the process to prepare the pleadings and coordinate with the Regional Planning Director on the timing. If Washoe County decides to withdraw AB39, we can stop the process.

MEMBER MARTINI AMENDED THE MOTION TO MOVE AHEAD TO THE COURTS UNLESS THE COUNTY DECIDES TO WITHDRAW AB39 AT THEIR MEETING SCHEDULED FOR JANUARY 10, 2017.

rules in that 2002 MOU as of the date of the settlement, which was then also approved by the court.

Member Berkbigler read portions of a memo from the District Attorney (DA). In the memo the DA points out that the Regional Planning Agency website contains the attorney's memo and a copy of the county's BDR but it does not publish all the attachments to the attorney's memo so they are not available to the public which is the same violation the County is being accused of. The DA's memo states that the County's BDR does not violate the settlement agreement provision of Section F that bars any of the members from seeking to undo the 2002 Settlement Agreement with legislation. Member Berkbigler stated that this information is available to every RPGB member as well as both city attorneys and Mr. Azevedo. It is the recommendation of the DA that the RPGB is very careful that it doesn't just step into a lawsuit that they will not likely win.

Member Bobzien stated that it is highly unusual that rather than hearing from the DA directly we have an elected member representing an opinion. It would be much more constructive if we had both legal counsel's available at this meeting so that we could have a fuller discussion rather than just translations of positions. We do need to go forward because there was a clear violation but do so carefully since there is a risk of dumping the whole settlement agreement.

Member Martini stated that it sounds like there is a threat from the county and suggested passing a motion to just go straight ahead to the court because of the anticipated threat

Member Bobzien stated that he would prefer to support the current motion and hold out hope that for a resolution.

Member Lawson stated that he was disappointed to hear the comments from the DA and supports the current motion because there is a need to get an opinion from the judge.

Member D... of ...

unanimely manner and they did so incompletely. Additionally, Mr. Azevedo stated that he will hand Member Berkbigler his packet after the meeting and that the entire packet was filed with the agency and is available.

Member Bobzien stated that he sees opportunity for productive conversations with the DA and Mr. Azevedo to go through the specifics of the conflicts with their two analyses. In the meantime it is prudent for us to move forward with the motion and not acting on it opens us up to future problems.

THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND ONE (1) OPPOSITION BY MEMBER BERKBIGLER.

- B. [For possible action] Consideration and possible action to form the RPGB Legislative Sub-Committee for the 2017 Legislative Session

*[Member Berkbigler absent at 2:43 p.m.]*

MEMBER DUERR MADE A MOTION TO FORM A LEGISLATIVE SUB-COMMITTEE OF THE RPGB, CONSISTING OF THE FOLLOWING MEMBERSHIP: MEMBERS BYBEE, HARTUNG, AND BOBZIEN, SECONDED BY MEMBER LAWSON. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

MEMBER DUERR MADE A MOTION TO APPOINT MEMBERS LAWSON, HERMAN, AND MCKENZIE AS ALTERNATES FOR THE LEGISLATIVE SUB-COMMITTEE, SECONDED BY MEMBER BOBZIEN. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

## 6. REPORTS

- A. [For possible action] Members' and Director's reports

Member Frenkel reported that the Washoe County School District Board of Trustees approved

NOTE

9. **WRITTEN CORRESPONDENCE**

None

10. [For possible action] **ADJOURNMENT**

The meeting was adjourned at 2:52 p.m.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

---

Kimberly H. Robinson, Executive Director  
Truckee Meadows Regional Planning Agency

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Charlene Bybee, Chair  
Regional Planning Governing Board

**APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON**  
**\_\_\_\_\_**, 2017.

**EXHIBIT "24"**

**EXHIBIT "24"**

## Kim Robinson

---

**From:** Whitney, Bill <BWhitney@washoecounty.us>  
**Sent:** Friday, December 23, 2016 3:42 PM  
**To:** Kim Robinson  
**Cc:** Slaughter, John; Berkbigler, Marsha; Lipparelli, Paul A.; Lipparelli, Paul A.; Edwards, Nathan  
**Subject:** RE: Memo re: RPGB/AB 39

Kim,  
Per your request, this is the memo that Commissioner Berkbigler said was available to all at yesterday's RGB meeting.  
Sincerely, Bill Whitney

**From:** Lipparelli, Paul A.  
**Sent:** Thursday, December 22, 2016 2:05 PM  
**To:** Washoe County Commissioners  
**Cc:** Slaughter, John; Whitney, Bill; Edwards, Nathan  
**Subject:** RPGB opinion on County's BDR

The private attorney who works for the Regional Planning Staff and a fluctuating majority of the Governing Board wrote a memo that Washoe County's BDR may violate state law and the settlement agreement. I found out about the opinion recently in an email from Commissioner Berkbigler. I'll first note there was apparently no attempt by Regional Planning Staff or the attorney to contact Washoe County or the D.A.'s office prior to seeking an opinion, writing an opinion or publishing it in the RPGB's meeting packet. There was, therefore, no opportunity to explain the county's perspective and how it bears on the opinion memo. The attorney's memo notes the obligations of the regional planning partners to work together and cooperate on regional issues. The memo accuses the County of failing in that obligation, yet the agency and its attorney committed that very wrong. The Regional Planning Agency's website contains the attorney's memo and a copy of the County's BDR, but it does not publish all the attachments to the attorney's memo.

The memo admits the County's BDR does not violate the settlement agreement provision (Section F) that bars any of the members from seeking to undo the 2002 settlement with legislation. Obviously, a bill that seeks to change the make-up of the governing board or the eligibility of county appointees does not affect the terms of the settlement agreement which applies to annexation, joint planning and spheres of influence. The memo tries other routes to finding a legal basis for action against the county—one statutory, one based in Regional Plan language and another based on a precursor of the settlement agreement. None hold up.

Statutory. A regional planning statute requires local governments: "Before submitting a recommendation for proposed legislation 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." NRS 278.0286(2). First, Washoe County did alert the director of Regional Planning of the bill draft request—which the opinion letter admits. But more importantly, the obligation to provide all relevant information concerning a recommendation for legislation applies only when, as the highlighted language above sets forth, the proposal is related to the mandatory provisions of the comprehensive regional plan. The make-up of the governing board is set by statute not by the "mandatory provision of the comprehensive plan." The



mandatory provisions of the regional plan are described in NRS 278.0274 which provides that the regional plan must include certain goals, policies, maps and other documents relating to such things as population, conservation, limitation of premature expansion of development, land use and transportation, classification of future land uses by density, public facilities and services, annexation, intergovernmental coordination, and utility projects. The make-up of the governing board can be changed only through legislation and not through the plan. The statute cited by the attorney's memo does not apply to a proposal to change the statute that sets forth the composition of the governing board because that is not a mandatory provision of the regional plan.

Regional Plan Language. The attorney's memo also cites to Section X of the RPGB's Regulations on Procedure. The memo's analysis of Section X suffers from the same defect as the statutory analysis. Section X also applies only to proposed legislation that relates to the "mandatory provision of the comprehensive regional plan." For the reasons described above, Section X does not apply to the County's BDR.

The Settlement Agreement. First, it's worth repeating that the attorney's memo admits the County's BDR does not violate the language of Section F of the 2002 Settlement Agreement which bars the parties from undoing the settlement through legislation that is "either inconsistent or contrary to the terms of this settlement agreement." The settlement agreement did not touch the issue of the composition of the governing board so the County's BDR is not inconsistent or contrary to the settlement. Section F also provides the parties: "agree that all other legislative items will be addressed pursuant to NRS 278.0276 (2) and the 2001 Memorandum of Understanding on legislative issues, as amended." We have already shown that NRS 278.0276(2) has no application to the County's BDR. The 2001 "Memorandum of Understanding" may not even exist. No copy of it is included in the Regional Planning Agency's board packet nor attached to available version of the attorney's memo. The attorney's memo contains a footnote explaining that no signed copy of the memo could be found. To continue the analysis we will assume the purported 2001 Memorandum of Understanding actually exists and is still enforceable. Nothing in the terms of the 2001 MOU requires any of the parties to refrain from pursuing its own legislation. Instead, the MOU is written in aspirational terms like "[e]very effort will be made...", "[e]ach entity commits...", "...each entity will strive..." The aspirational 2001 MOU also does not mandate when all the efforts, cooperations, disclosures, and strivings must take place. Nothing stops the parties from accomplishing all that prior to the start of the legislative session or before any hearings are scheduled on the County's bill. In other words, it's not too late.

Other matters.

- The attorney's memo suggests that a court could enjoin the county from pursuing the legislation or direct the county to comply with the statutes and plan. It is difficult to see how a district court or even Justice Hardesty (if he can still act as the settlement judge) could seek to bar the county commission from pursuing legislation. And, no court could bar a single commissioner or a citizen working through a state legislator from proposing legislation. That remedy seems far-fetched.
- The County's need to comply with the Legislature's deadlines for the submission of BDR required the BCC to act when it did and submit its proposals. Nothing prevents the cities and the County from having the dialogue the attorney's memo and the Regional Planning Staff appear to believe is necessary or would be useful.
- The Regional Planning statutes are 27 years old. The need to consider refinements of a law that old is not patently unreasonable.
- If the make-up of the RPGB was changed as proposed by the County, each entity would have the obligation to fund 33.33% of the agency's budget. Sparks' and Washoe County's obligations would go from 30% to 33.33%. Reno's would decrease from 40% to 33.33%. Based on the agency's 2015-16

total budget of \$684,014, Sparks and Washoe County would pay about \$22,600 more under the new proportions.

- The requirement that if county commissioners are chosen to serve on the RPGB only those with the largest proportions of unincorporated county territory can be chosen is odd. The attorney's memo suggests that is the way to give the greatest voice to citizens outside the city limits. But that assumes that those 2 commissions are somehow discounting the interests of city residents that live in their commission districts and thinking only of the unincorporated citizens. That's unlikely if not impossible. Using that logic, the representatives from the city councils on the RPGB should be those council members whose city wards contain the largest amount of shared boundaries with the unincorporated county. Because, using that logic, only those council members would have the ability to speak on issues like annexation and joint planning areas. It's strained logic.

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Paul A. Lipparelli  
Assistant District Attorney—Civil Division  
(775) 387-5713



---

**From:** Robinson, K.  
**Sent:** Friday, December 23, 2016 10:53 AM  
**To:** Slaughter, John; Whitney, Bill  
**Subject:** Memo re: RPGB/AB 39

Dear John and Bill,

In the RPGB meeting yesterday, Commissioner Berkbigler read portions of a memo described as being from the DA's office. Commissioner Berkbigler indicated that this memo was available to all, and offered a copy to the RPGB members, legal counsel and staff. Could I please get a copy of this memo?

Thanks!

Kim



Kimberly H. Robinson, MUP  
Executive Director  
Truckee Meadows Regional Planning Agency  
1105 Terminal Way Suite 316  
Reno, NV 89502  
775.321.8393  
www.tmrpa.org

**EXHIBIT "25"**

**EXHIBIT "25"**

MEMORANDUM OF LEGISLATIVE COOPERATION

BY AND BETWEEN THE

COUNTY OF WASHOE, CITY OF RENO and CITY OF SPARKS

WHEREAS, it is recognized that the interests of the citizens of Washoe County can best be served by a cooperative approach to inter-governmental relations and a unified effort by Washoe County and the cities of Reno and Sparks within Washoe County to achieve desired legislative action by the Nevada Legislature; and,

WHEREAS, Washoe County and the cities of Reno and Sparks have strived, through the regional planning process set forth in NRS 278.026 - 278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and,

WHEREAS, it is understood by and between Washoe County and the cities of Reno and Sparks that their respective positions may not be similar on all issues considered by, or bill drafts presented to, the 1993 Nevada Legislature, whether related to regional planning issues or matters of general governmental interest; and,

WHEREAS, it is desired by Washoe County and the cities of Reno and Sparks to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the citizens of Washoe County.

NOW, THEREFORE, with the recommendation for approval by the Regional Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners and the City Councils of the City of Reno and the City of Sparks, it is intended that during the 1993 Legislative session:

1. Representatives and assigned lobbyists of Washoe County and the cities of Reno and Sparks will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.
3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representative and assigned lobbyists all activities and positions that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.

5. Representatives and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.

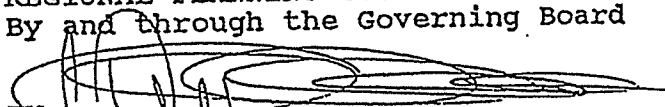
6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.

7. Local legislators will be informed, when approached by representatives or assigned lobbyists on a given legislative issue, whether the position espoused is a unified position of the respective entities.

8. Representatives and assigned lobbyists will actively solicit the support of businesses, institutions and other affected interest groups on behalf of the unified legislative agenda of the three entities.

IN WITNESS WHEREOF, the parties hereto have executed this 8th day of ~~January~~, 1993.  
February

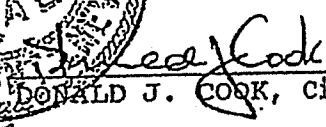
REGIONAL PLANNING GOVERNING BOARD  
By and through the Governing Board

BY:   
TONY ARMSTRONG, Chairperson

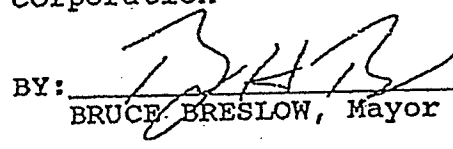
CITY OF RENO, a municipal corporation

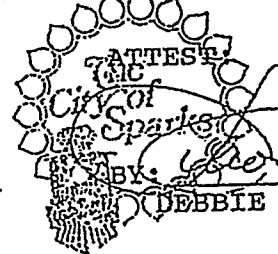
BY:   
PETER J. FERRAZZA, Mayor

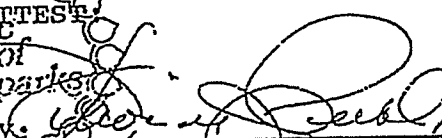


  
DONALD J. COOK, City Clerk

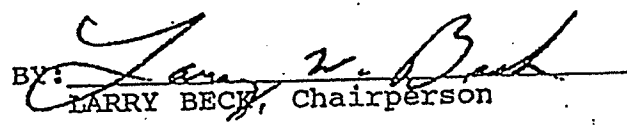
CITY OF SPARKS, a municipal corporation

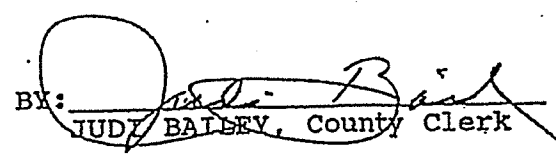
BY:   
BRUCE BRESLOW, Mayor



ATTEST:  
  
DEBBIE PEEBLES, City Clerk

COUNTY OF WASHOE, By and through its Board of County Commissioners

BY:   
LARRY BECK, Chairperson

ATTEST:  
  
JUDY BAILEY, County Clerk

Approved as to proper form and compatibility with the laws of the State of Nevada, pursuant to NRS 277.140.

ATTORNEY GENERAL OF THE STATE OF NEVADA

By:  Date: 4/5/93

**MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND BETWEEN THE  
COUNTY OF WASHOE, CITY OF RENO AND CITY OF SPARKS**

**WHEREAS**, it is recognized that the interests of the citizens of the Truckee Meadows can best be served by a cooperative approach to intergovernmental relations and a unified effort by the region, Washoe County, and the cities of Reno and Sparks, within Washoe County to achieve desired legislative action by the Nevada Legislature; and,

**WHEREAS**, the region, Washoe County, and the cities of Reno and Sparks have endeavored, through the regional planning process set forth in NRS 278.026 - 278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and,

**WHEREAS**, it is understood by and between the region, Washoe County, and the cities of Reno and Sparks that their respective positions may be not similar on all issues considered by, or bill drafts presented to, the 1995 Nevada Legislature, whether related to regional planning issues or matters of general governmental interest; and

**WHEREAS**, it is desired by the region, Washoe County, and the cities of Reno and Sparks to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the citizens of the Truckee Meadows;

**NOW, THEREFORE**, with the recommendation for approval by the Regional Planning Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners and the City Councils of the City of Reno and the City of Sparks, it is intended that during the 1995 Legislative session:

1. Representatives and assigned lobbyists of the region, Washoe County, and the cities of Reno and Sparks will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.
3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representative and assigned lobbyists all activities and positions that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.
5. Representatives and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.

**MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND BETWEEN WASHOE COUNTY, CITY OF RENO AND CITY OF SPARKS  
PAGE 2**

6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.

7. Local legislators will be informed, when approached by representatives or assigned lobbyists on a given legislative issue, whether the position espoused is a unified position of the respective entities.

8. Representatives and assigned lobbyists will actively solicit the support of businesses, institutions and other affected interest groups on behalf of the unified legislative agenda of the three entities.

IN WITNESS WHEREOF, the parties hereto have executed this agreement by the day and year appearing by the signatures below.

REGIONAL PLANNING GOVERNING BOARD,  
By and through the Regional Planning Governing Board

By: Steve Bradhurst Dated: 1/12/95  
Steve Bradhurst, Chairperson  
Regional Planning Governing Board

CITY OF RENO,  
By and through its City Council

By: Peter Spang 1/10/95  
Mayor, City of Reno

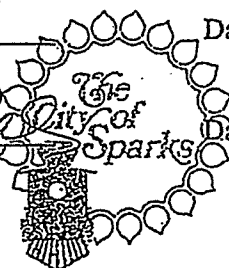
Attest: June Cook 1/10/95  
Reno City Clerk



CITY OF SPARKS,  
By and through its City Council

By: [Signature] Dated: January 23, 1995  
Mayor, City of Sparks

Attest: [Signature] Dated: January 23, 1995  
Sparks City Clerk



MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND BETWEEN WASHOE COUNTY, CITY OF RENO AND CITY OF SPARKS  
PAGE 3

COUNTY OF WASHOE,  
By and through its Board of County Commissioners

By: James M. Shaw  
Chairperson, Washoe County  
Board of County Commissioners

Dated: January 26, 1995

Attest: JUD BAILEY  
Washoe County Clerk - Great District

Dated: \_\_\_\_\_

Approved as to proper form and compatibility with the laws of the State of Nevada, pursuant to NRS 277.140.

ATTORNEY GENERAL OF THE STATE OF NEVADA

By: Julius F. ... Dated: February 7, 1995



MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
COUNTY OF WASHOE, CITY OF RENO, CITY OF SPARKS,  
THE REGIONAL TRANSPORTATION COMMISSION,  
AND THE WASHOE COUNTY SCHOOL DISTRICT

WHEREAS, it is recognized that the interests of the citizens of the Truckee Meadows can best be served by a cooperative approach to intergovernmental relations and a unified effort by the region, Washoe County, the cities of Reno and Sparks, and other affected entities as described by the Regional Plan within Washoe County, to achieve desired legislative action by the Nevada Legislature; and

WHEREAS, the region, Washoe County, the cities of Reno and Sparks, and other affected entities have endeavored, through the regional planning process set forth in NRS 278.026 - 278.029, to identify and seek solutions to issues of regional concern with the goal of eliminating or minimizing jurisdictional duplication of services while simultaneously preserving the jurisdictional integrity of each affected entity; and

WHEREAS, it is desired by the region, Washoe County, the cities of Reno and Sparks, and other affected entities to work together to present to our local legislators, to the extent possible, a unified legislative position that best addresses the needs and interests of the citizens of the Truckee Meadows; and

WHEREAS, it is understood by and among the region, Washoe County, the cities of Reno and Sparks, and other affected entities that their respective positions may not be similar on all issues considered by, or bill drafts presented to, the 1997 Nevada Legislature, whether related to regional planning issues or matters of general governmental interest.

NOW, THEREFORE, with the recommendation for approval by the Regional Planning Governing Board and the adoption of this memorandum of legislative cooperation by the Washoe County Board of County Commissioners, the City Councils of the City of Reno and the City of Sparks, and the boards of other affected entities, it is intended that during the 1997 legislative session:

1. Representatives and assigned lobbyists of the region, Washoe County, the cities of Reno and Sparks, the Regional Transportation Commission, and the Washoe County School District will meet and confer regularly during the session with regard to pending and proposed legislation.
2. Every effort will be made by and through each entity's representatives and assigned lobbyists to identify and achieve a unified position with regard to pending and proposed legislation.

CITY OF SPARKS

JUL 26 1996

OFFICE OF THE CITY CLERK

3. Any differences in position on proposed legislation will be identified and discussed to determine whether there are other avenues of resolution outside the legislative process by which the differences could be resolved.
4. Each entity commits to fully disclose to the representatives and assigned lobbyists of the other entities all activities and positions that it takes, or intends to take, with regard to bills that are part of or that materially affect the unified legislative agenda.
5. In recognition of the limited number of bill draft requests available to local government, representatives, and assigned lobbyists of each entity will strive to develop regional legislative positions and to find regional solutions to local conflicts that may arise during the session.
6. Representatives and assigned lobbyists of each entity will provide assistance and information to each other and to local legislators during the session for the purpose of advancing bills in the unified legislative agenda.
7. Local legislators will be informed, when approached by representatives or assigned lobbyists of each entity on a given legislative issue, whether the position espoused is a unified position of the respective entities.
8. Representatives and assigned lobbyists of each entity will actively solicit the support of businesses, institutions, and other affected interest groups on behalf of the unified legislative agenda.

IN WITNESS WHEREOF, the parties hereto have executed this memorandum this 7<sup>th</sup> day of October, 1996.

CITY OF RENO, a municipal corporation

ATTEST:

Jeff Griffin  
 Jeff Griffin, Mayor

Donald J. Cook  
 Donald J. Cook, City Clerk

CITY OF SPARKS, a municipal corporation

ATTEST:

Bruce H. Brestow  
 Bruce H. Brestow, Mayor

Deborine J. Peebles  
 Deborine J. Peebles, City Clerk

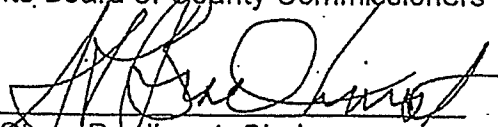


CITY OF SPARKS  
 OFFICE OF THE CITY CLERK

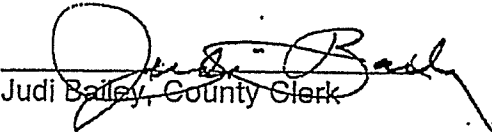
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8-12-96

COUNTY OF WASHOE, by and through  
its Board of County Commissioners

  
Steve Bradhurst, Chairperson

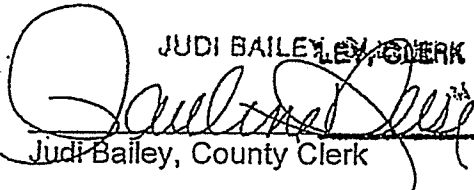
ATTEST:

  
Judi Bailey, County Clerk

REGIONAL TRANSPORTATION  
COMMISSION, by and through its Board

  
Jim Shaw, Chairperson


ATTEST:

JUDI BAILEY, CLERK  
  
Judi Bailey, County Clerk Deputy

WASHOE COUNTY SCHOOL  
DISTRICT, by and through its Board

  
Bob Bentley, President

ATTEST:

  
Marilyn Fendelander, Clerk of the  
Board

CITY OF SPARKS

JUL 26 1996

OFFICE OF THE CITY CLERK

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
WASHOE COUNTY, AND WASHOE COUNTY SCHOOL DISTRICT

2002 - 2003

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, and affected entities wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2003 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, and affected entities understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2003 session;

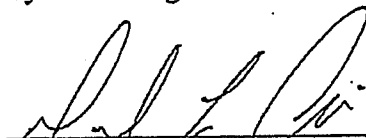
NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGB, the Regional Transportation Commission of Washoe County, the Washoe County School District Board of Trustees, and the governing bodies of other affected entities who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2003 session of Nevada's Legislature:

1. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.
2. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.

3. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
4. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, and affected entities will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations, if any adopted by the RPGB.
5. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
6. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
7. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

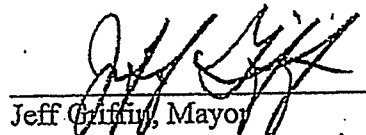
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
\_\_\_\_\_  
David Aiazzi, Chair


12/3/02  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Jeff Griffin, Mayor

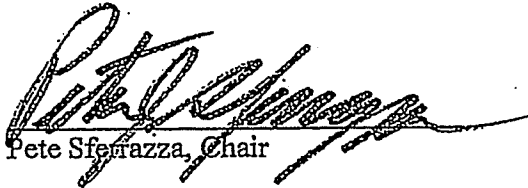
11/12/02  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

  
Tony Armstrong, Mayor

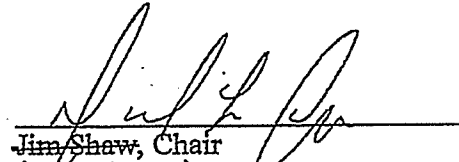
12-10-02  
Date

WASHOE COUNTY,  
by and through its commission

  
Pete Sferazza, Chair

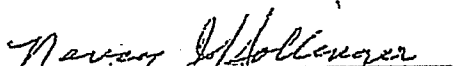
12/9/02  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
Jim Shaw, Chair  
Dave Aiazzi

01/17/03  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
Nancy J. Hollinger, President

1/7/03  
Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
TRUCKEE MEADOWS WATER AUTHORITY, WASHOE COUNTY, WASHOE COUNTY  
DISTRICT HEALTH DEPARTMENT, AND WASHOE COUNTY SCHOOL DISTRICT

2004 - 2005

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, the Washoe County District Health Department, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2005 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2005 session;

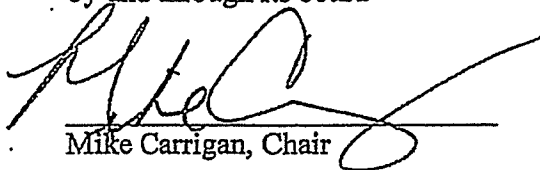
NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGB, the Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County School District Board of Trustees, the Washoe County District Board of Health, and the governing bodies of other affected entities and service providers who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2005 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.

3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.
4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, affected entities, and service providers will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

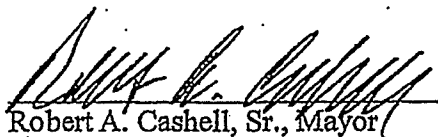
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

**REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),**  
by and through its board

  
Mike Carrigan, Chair

9/9/04  
Date

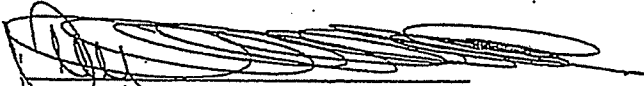
**CITY OF RENO, a municipal corporation**  
by and through its council

  
Robert A. Cashell, Sr., Mayor

11-17-04  
Date

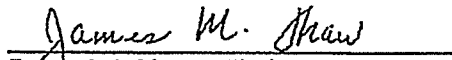


CITY OF SPARKS, a municipal corporation  
by and through its council

  
Tony Armstrong, Mayor


11-10-04  
Date

WASHOE COUNTY,  
by and through its commission

  
James M. Shaw, Chair


9/30/04  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
Dwight Dortch, Chair

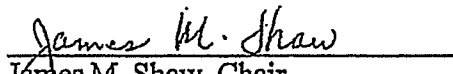
9/30/04  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
Jonnie Pullman, President


10/22/04  
Date

WASHOE COUNTY DISTRICT HEALTH DEPARTMENT,  
by and through its board

  
James M. Shaw, Chair

9/30/04  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board

  
Tony Armstrong, Chair

10-8-04  
Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
TRUCKEE MEADOWS WATER AUTHORITY, WASHOE COUNTY, WASHOE COUNTY  
DISTRICT HEALTH DEPARTMENT, AND WASHOE COUNTY SCHOOL DISTRICT

2006 - 2007

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, the Washoe County District Health Department, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2007 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2007 session;

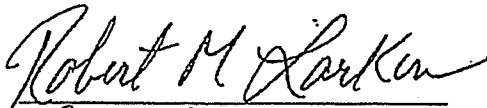
NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGB, the Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County School District Board of Trustees, the Washoe County District Board of Health, and the governing bodies of other affected entities and service providers who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2007 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.

3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.
4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, affected entities, and service providers will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

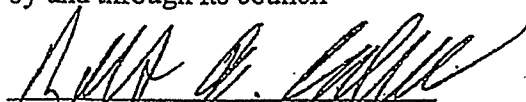
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
Robert Larkin, Chair

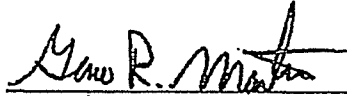
8-10-2006  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
Robert A. Cashell, Sr., Mayor

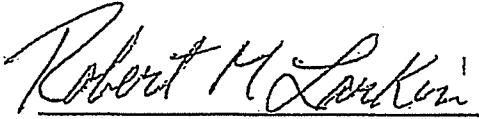
8-31-06  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Geno Martini, Mayor

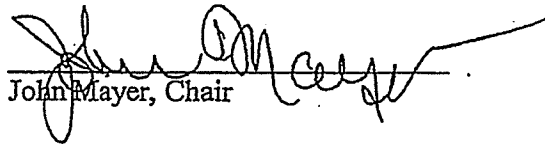
11-13-06  
Date

WASHOE COUNTY,  
by and through its commission

  
\_\_\_\_\_  
Robert Larkin, Chair

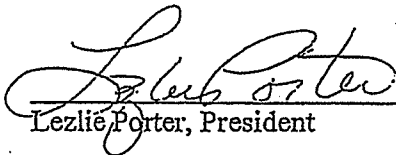
8/22/06  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
\_\_\_\_\_  
John Mayer, Chair

7-7-06  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
\_\_\_\_\_  
Lezlie Porter, President

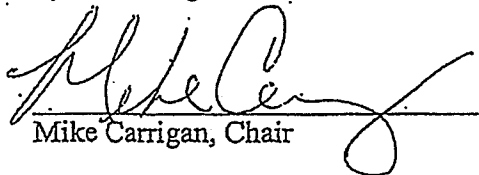
8-8-06  
Date

WASHOE COUNTY DISTRICT HEALTH DEPARTMENT,  
by and through its board

  
\_\_\_\_\_  
Phil Salerno, Chair

9/28/06  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board

  
\_\_\_\_\_  
Mike Carrigan, Chair

9/20/06  
Date

9L(5)

**Addendum to the 2006-2007 Memorandum of Legislative Cooperation**

This Addendum is amending the 2006-2007 Memorandum of Legislative Cooperation by and between the City of Reno, City of Sparks, Regional Planning Governing Board, Regional Transportation Commission, Truckee Meadows Authority, Washoe County, Washoe County District Health Department and Washoe County School District (hereinafter collectively referred to as "Local Governments"):

WHEREAS, all of the respective governing bodies of the Local Governments have previously executed the 2006 -2007 Memorandum of Legislative Cooperation;

WHEREAS, all of the Local Governments are desirous of extending the duties and obligations set forth in the 2006-2007 Memorandum of Legislative Cooperation to the Reno Sparks Convention and Visitors Authority (hereinafter "RSCVA") and to the Incline Village General Improvement District (hereinafter "IVGID");

WHEREAS, the RSCVA and IVGID are desirous of being subject to the duties and obligations set forth in the 2006-2007 Memorandum of Legislative Cooperation;

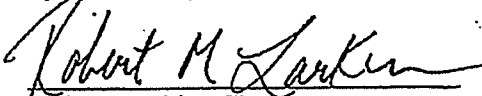
WHEREAS, by executing this Addendum the RSCVA and IVGID are agreeing to be subject to the duties and obligations of the 2006-2007 Memorandum of Legislative Cooperation;

NOW THEREFORE, the Local Governments, the RSCVA and IVGID agree to make the following findings and declarations:

1. The execution of this Addendum to the 2006-2007 Memorandum of Legislative Cooperation by the RSCVA and IVGID will subject the RSCVA and IVGID to duties and obligations as fully set forth therein.

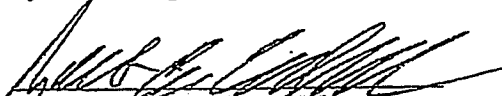
IN WITNESS THEREOF, the Local Governments, the RSCVA and IVGID hereto have executed this Addendum on the dates signified below:

**REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),**  
by and through its board

  
Robert Larkin, Chair

12/8/06  
Date

**CITY OF RENO, a municipal corporation**  
by and through its council

  
Robert A. Cashell, Sr., Mayor

12/19/06  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

Geno E. Martini  
Geno Martini, Mayor

1/11/07  
Date

WASHOE COUNTY,  
by and through its commission

Robert M. Larkin  
Robert Larkin, Chair

12/8/06  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

John Mayer  
John Mayer, Chair

1-5-07  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

Lezlie Porter  
Lezlie Porter, President

12-20-06  
Date

WASHOE COUNTY DISTRICT HEALTH DEPARTMENT,  
by and through its board

Phil Salerno  
Phil Salerno, Chair

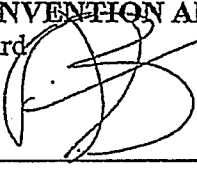
12-14-06  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board

Mike Carrigan  
Mike Carrigan, Chair

1/11/07  
Date

**RENO SPARKS CONVENTION AND VISITORS AUTHORITY,**  
by and through its board

1/17/07 

John Breternitz, Chair

1/17/07  
Date

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT,**  
by and through its board

Bea Epstein

John Behn, Chair

Bea Epstein

\*Truckee Meadows Water Authority

1/31/07  
Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
CITY OF RENO, CITY OF SPARKS, REGIONAL PLANNING GOVERNING BOARD,  
REGIONAL TRANSPORTATION COMMISSION,  
TRUCKEE MEADOWS WATER AUTHORITY, WASHOE COUNTY, WASHOE COUNTY  
HEALTH DISTRICT, AND WASHOE COUNTY SCHOOL DISTRICT

2008 - 2009

WHEREAS, the cities of Reno and Sparks, the Regional Transportation Commission (RTC), the Washoe County School District, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, Washoe County, the Washoe County Health District, and other affected government agencies and service providers in the Truckee Meadows region have numerous mutual areas of interest, including master planning, facility planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2009 session of Nevada's Legislature; and

WHEREAS, the cities of Reno and Sparks, the RPGB, Washoe County, affected entities, and service providers understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2009 session;

NOW, THEREFORE, the Board of Washoe County Commissioners, the Reno City Council, the Sparks City Council, the RPGB, the Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County School District Board of Trustees, the Washoe County Health District, and the governing bodies of other affected entities and service providers who are signatories to this memorandum ("the parties") make the following findings and declarations regarding the 2009 session of Nevada's Legislature:

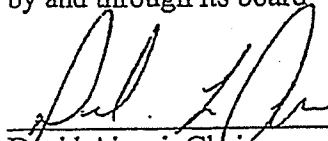
1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.

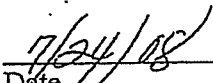


3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.
4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, affected entities, and service providers will file all relevant information with the RRGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RRGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

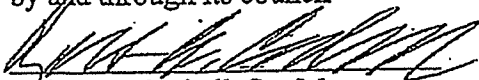
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

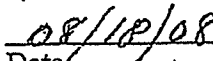
REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
\_\_\_\_\_  
David Aiazzi, Chair

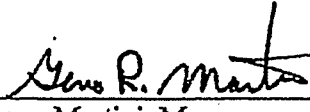
  
\_\_\_\_\_  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Robert A. Cashell, Sr., Mayor

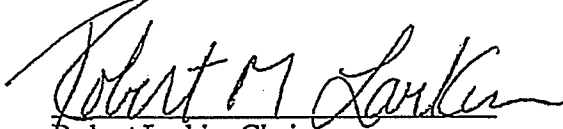
  
\_\_\_\_\_  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Geno Martini, Mayor

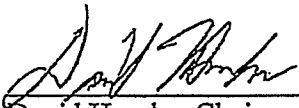
08/18/08  
Date

WASHOE COUNTY,  
by and through its commission

  
\_\_\_\_\_  
Robert Larkin, Chair

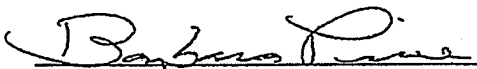
8/18/08  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
\_\_\_\_\_  
David Humke, Chair

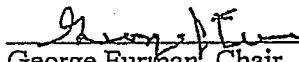
Sept 20, 2008  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
\_\_\_\_\_  
Barbara Price, President

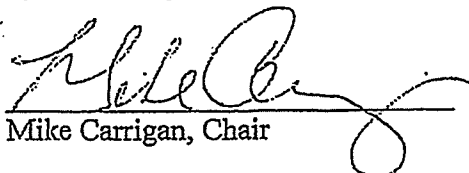
8/26/08  
Date

WASHOE COUNTY HEALTH DISTRICT,  
by and through its board

  
\_\_\_\_\_  
George Furnan, Chair

10/22/08  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board

  
\_\_\_\_\_  
Mike Carrigan, Chair

10/9/08  
Date

**Addendum to the 2008-2009 Memorandum of Legislative Cooperation**

This Addendum is amending the 2008-2009 Memorandum of Legislative Cooperation by and between the City of Reno, City of Sparks, Regional Planning Governing Board, Regional Transportation Commission, Truckee Meadows Water Authority, Washoe County, Washoe County Health District and Washoe County School District (hereinafter collectively referred to as "Local Governments"):

WHEREAS, all of the respective governing bodies of the Local Governments have previously executed the 2008-2009 Memorandum of Legislative Cooperation;

WHEREAS, all of the Local Governments are desirous of extending the duties and obligations set forth in the 2008-2009 Memorandum of Legislative Cooperation to the Reno Sparks Convention and Visitors Authority (hereinafter "RSCVA");

WHEREAS, the RSCVA is desirous of being subject to the duties and obligations set forth in the 2008-2009 Memorandum of Legislative Cooperation;

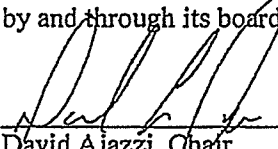
WHEREAS, by executing this Addendum the RSCVA is agreeing to be subject to the duties and obligations of the 2008-2009 Memorandum of Legislative Cooperation;

NOW THEREFORE, the Local Governments and the RSCVA agree to make the following findings and declarations:

I. The execution of this Addendum to the 2008-2009 Memorandum of Legislative Cooperation by the RSCVA will subject the RSCVA to duties and obligations as fully set forth therein.

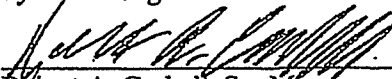
IN WITNESS THEREOF, the Local Governments and the RSCVA hereto have executed this Addendum on the dates signified below:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
\_\_\_\_\_  
David Aiazzi, Chair

November 13, 2008  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Robert A. Cashell, Sr., Mayor

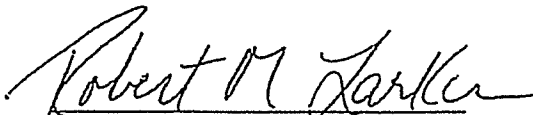
12/19/08  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

  
Geno Martini, Mayor

11/13/08  
Date

WASHOE COUNTY,  
by and through its commission

  
Robert Larkin, Chair

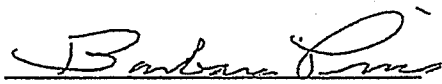
12/16/08  
Date

REGIONAL TRANSPORTATION COMMISSION of Washoe County,  
by and through its board

  
David Humke, Chair

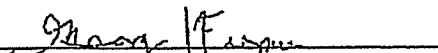
12-12-08  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its board

  
Barbara Price, President

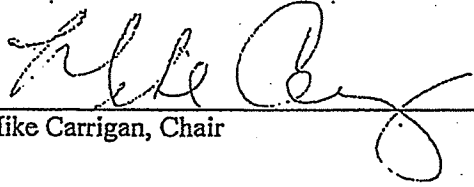
12-5-08  
Date

WASHOE COUNTY HEALTH DISTRICT,  
by and through its board

  
George Furman, Chair

11/26/08  
Date

TRUCKEE MEADOWS WATER AUTHORITY,  
by and through its board



Mike Carrigan, Chair

1/15/09  
Date

RENO SPARKS CONVENTION AND VISITORS AUTHORITY,  
by and through its board



Sharon Zadra, Chair

10/23/08  
Date

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
LOCAL GOVERNMENTS, AFFECTED GOVERNMENT ENTITIES, SERVICE  
PROVIDERS AND OTHER AGENCIES IN THE TRUCKEE MEADOWS REGION

2010 - 2011

WHEREAS, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, local governments, affected entities, service providers, and other agencies in the Truckee Meadows region have numerous mutual areas of interest, including, but not limited to, master planning, facilities planning, regional planning, delivery of services; tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2011 session of Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2011 session;

NOW, THEREFORE, the RPGB, and the governing bodies of local governments, affected entities, service providers and other agencies (herein after identified as "the parties") make the following findings and declarations regarding the 2011 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.
3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.

4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, and affected entities will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information in a timely manner and in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

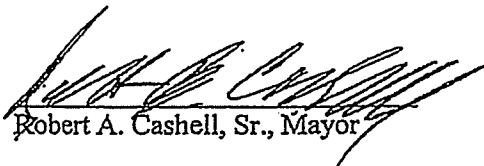
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),  
by and through its board

  
Mike Carrigan, Chair

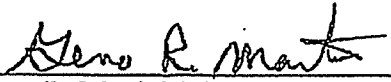
1-27-11  
Date

CITY OF RENO, a municipal corporation  
by and through its council

  
Robert A. Cashell, Sr., Mayor

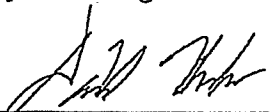
1-19-11  
Date

**CITY OF SPARKS**, a municipal corporation  
by and through its council

  
\_\_\_\_\_  
Geno R. Martini, Mayor

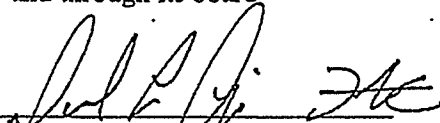
02/10/11  
Date

**WASHOE COUNTY**,  
by and through its commission

  
\_\_\_\_\_  
David Humke, Chair

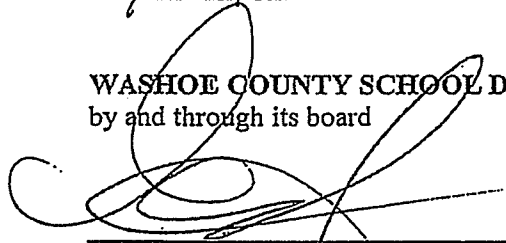
4-5-11  
Date

**REGIONAL TRANSPORTATION COMMISSION** of Washoe County,  
by and through its board

  
\_\_\_\_\_  
Dave Aiazzi, Chair

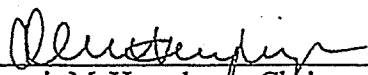
April 19, 2011  
Date

**WASHOE COUNTY SCHOOL DISTRICT**,  
by and through its board

  
\_\_\_\_\_  
Estela L. Gutierrez, President

2/9/11  
Date

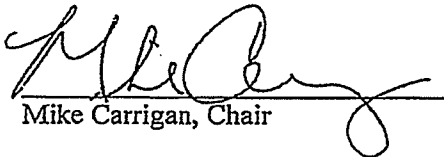
**WASHOE COUNTY HEALTH DISTRICT**,  
by and through its board

  
\_\_\_\_\_  
Dennis M. Humphreys, Chair

9/23/10  
Date

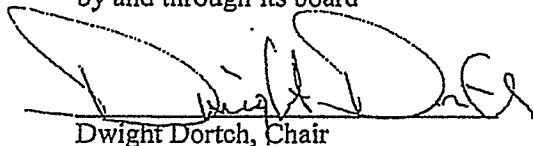


**TRUCKEE MEADOWS WATER AUTHORITY,**  
by and through its board

  
Mike Carrigan, Chair

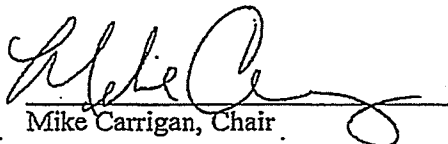
1-27-11  
Date

**RENO SPARKS CONVENTION AND VISITORS AUTHORITY,**  
by and through its board

  
Dwight Dortch, Chair

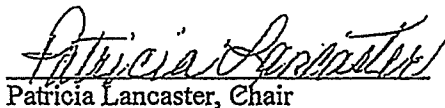
1-27-11  
Date

**WESTERN REGIONAL WATER COMMISSION,**  
by and through its board

  
Mike Carrigan, Chair

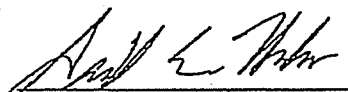
1-27-11  
Date

**SUN VALLEY GENERAL IMPROVEMENT DISTRICT,**  
by and through its board

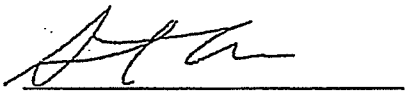
  
Patricia Lancaster, Chair

2-15-11  
Date

**SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT**

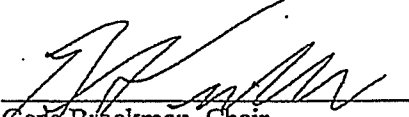
  
David E. Humke  
Chairman, Board of Trustees

11-5-11  
Date

  
Steve Cohen  
Chairman, Local Managing Board

4/23/11  
Date

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT**  
by and through its board

  
\_\_\_\_\_  
Ted Fuller

3/9/2011  
Date



# TRUCKEE MEADOWS REGIONAL PLANNING AGENCY

April 27, 2011

**Please find attached a signed original of the 2010-2011 Memorandum of Legislative Understanding (MOU) for your records.**

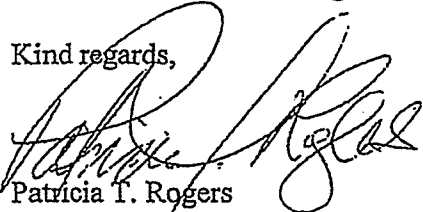
In 2010, the Regional Planning Governing Board (RPGGB) directed staff to work with Washoe County and the cities of Reno and Sparks as well as other local governments and agencies in the region to update the MOU for the 2010-2011 legislative session. The Regional Transportation Commission of Washoe County, the Truckee Meadows Water Authority, the Washoe County Health District, the Reno-Sparks Convention and Visitors Authority, and the Washoe County School District chose to participate again this session.

The Sun Valley General Improvement District, the South Truckee Meadows General Improvement District, and the Western Regional Water Commission recently considered and approved their first time participation in the MOU. Incline Village General Improvement District (IVGID) has participated in the MOU in past sessions; although the agency chose not to participate during the last legislative session their board did approve participation this session.

The MOU focuses on the principles of support, coordination, cooperation, discussion, disclosure, and mutual assistance between and among the participating entities.

Please contact Patricia Rogers at 775/321-8397 if you have any questions regarding the MOU.

Kind regards,



Patricia T. Rogers

Government Relations-Community Outreach Representative



RECEIVED

SEP 15 2010

TRUCKEE MEADOWS  
REGIONAL PLANNING AGENCY

Office of the  
CITY CLERK

September 14, 2010

Ms. Patty Rogers  
Regional Planning Governing Board  
1 East First Street, Suite 1100  
Reno, NV 89501

Reference: Memorandum of Legislative Cooperation (Sparks #A-3840)

Dear Ms. Rogers:

On September 13, 2010, the Sparks City Council approved a Memorandum of Legislative Cooperation by and among the City of Sparks, the City of Reno, Regional Planning Governing Board (RPGGB), Regional Transportation Commission (RTC), Truckee Meadows Water Authority (TMWA), Washoe County, Washoe County District Health Department (WCHD), Reno Sparks Convention and Visitor Authority (RSCVA), and the Washoe County School District (WCSD).

Senior Administrative Analyst Kathy Clewett will be obtaining signatures for the City of Sparks for this document. If you have any questions or concerns, please contact her at 353-2410 or by e-mail at [kclewett@cityofsparks.us](mailto:kclewett@cityofsparks.us). When all signatures have been obtained, please forward an original and/or copy of the fully executed document to the Sparks City Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads "Linda K. Patterson".

Linda K. Patterson  
City Clerk and  
Clerk of the City Council

cab

Copy:  
Kathy Clewett  
A-3840  
A.I. 6.3

MEMORANDUM OF LEGISLATIVE COOPERATION  
BY AND AMONG THE  
LOCAL GOVERNMENTS, AFFECTED GOVERNMENT ENTITIES, SERVICE  
PROVIDERS AND OTHER AGENCIES IN THE TRUCKEE MEADOWS REGION

2012 - 2013

WHEREAS, the Regional Planning Governing Board (RPGB) established pursuant to *Nevada Revised Statutes* (NRS) 278.0264, local governments, affected entities, service providers, and other agencies in the Truckee Meadows region have numerous mutual areas of interest, including, but not limited to, master planning, facilities planning, regional planning, delivery of services, tax policy, governance, natural resources, human resources, economic development, and others; and

WHEREAS, a cooperative approach to intergovernmental relations and a unified effort within the region best serves the interests of the residents of the Truckee Meadows in achieving desired results in Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies wish to work together to present, to the extent possible, a unified, cooperative, legislative effort for the 2013 session of Nevada's Legislature; and

WHEREAS, local governments, affected entities, service providers and other agencies understand that their respective interests may differ on some issues considered by, or presented to, Nevada's Legislature during its 2013 session;

NOW, THEREFORE, the RPGB, and the governing bodies of local governments, affected entities, service providers and other agencies (herein after identified as "the parties") make the following findings and declarations regarding the 2013 session of Nevada's Legislature:

1. Employees and contract lobbyists representing the parties will present their bill draft requests to each other at an informal meeting prior to the start of the session, in order to provide information and be available to ask and answer questions with regard to proposed legislation that affects the parties, directly or indirectly.
2. Employees and lobbyists representing the parties will meet and confer regularly during the session with regard to proposed legislation that affects the parties, directly or indirectly. Also, these employees and lobbyists will use this meet and confer mechanism as an initial forum for conflict resolution, should conflicts arise.
3. Employees and lobbyists representing the parties will make every effort to identify and communicate a unified, cooperative position on proposed

legislation, especially in light of the limited number of bill draft requests available to government agencies and legislators.

4. The parties and their representatives will identify and discuss their differences regarding proposed legislation, and determine whether there are other options, inside or outside the legislative process, which would resolve those differences.
5. Each of the parties commits to disclose to the employees and lobbyists of the other parties the position it has taken, or intends to take, regarding legislative measures of mutual interest. Also, as required by subsection 2 of NRS 278.0286, the cities of Reno and Sparks, Washoe County, and affected entities will file all relevant information with the RPGB before submitting a recommendation for proposed legislation relating to the mandatory provisions of the Truckee Meadows Regional Plan. The parties will file such information 60 days prior to submittal to the Legislative Council Bureau in accordance with the deadlines established in regulations adopted by the RPGB.
6. Employees and lobbyists representing the parties will provide assistance and information to each other, to individual legislators, and to standing legislative committees for the purpose of advancing measures in which there is a mutual interest.
7. Employees and lobbyists representing the parties will inform individual legislators and standing legislative committees whether opinions they express on a given matter represent a unified regional position or a singular position taken by the party.
8. The parties will actively solicit support for the unified, cooperative legislative approach from business, institutional, and other interest groups.

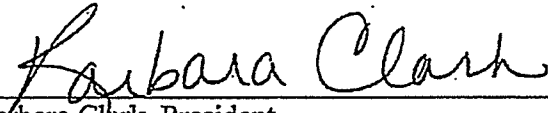
IN WITNESS THEREOF, the parties hereto have executed this memorandum on the dates signified:

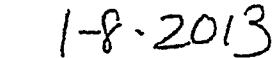
**REGIONAL PLANNING GOVERNING BOARD (NRS 278.0264),**  
by and through its board

Bonnie Weber  
Bonnie Weber, Chair

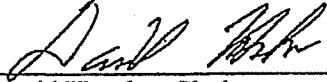
2-14-13  
Date

WASHOE COUNTY SCHOOL DISTRICT,  
by and through its Board of Trustees

  
\_\_\_\_\_  
Barbara Clark, President

  
\_\_\_\_\_  
Date

RENO SPARKS CONVENTION AND VISITORS AUTHORITY,  
by and through its board

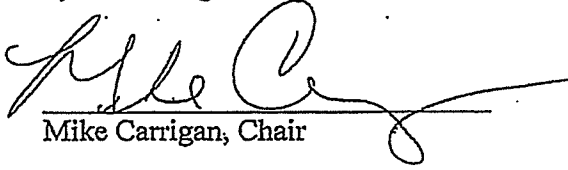
  
\_\_\_\_\_  
David Humke, Chair

12-12-12  
Date





**TRUCKEE MEADOWS WATER AUTHORITY,**  
by and through its board



Mike Carrigan, Chair

1-16-2013.  
Date

CITY OF SPARKS, a municipal corporation  
by and through its council

Geno R. Martini  
Geno R. Martini, Mayor

02/18/13  
Date

Attest:

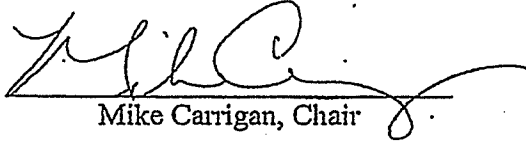
Yeresa Gardner  
City Clerk



Approved as to form and legality:

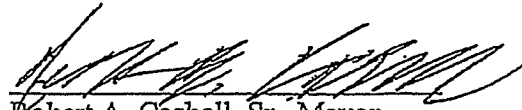
[Signature]  
City Attorney

WESTERN REGIONAL WATER COMMISSION,  
by and through its board

  
Mike Carrigan, Chair

1-16-13  
Date


CITY OF RENO, a municipal corporation  
by and through its council



Robert A. Cashell, Sr., Mayor

1-16-13  
Date

WASHOE COUNTY HEALTH DISTRICT,  
by and through its board

  
\_\_\_\_\_  
, Chair

11-15-12  
Date

**SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT**

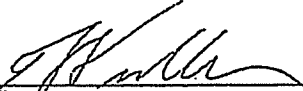
Robert M. Lovkin 11/13/12  
Date

Chairman, Board of Trustees

[Signature] 11/1/12  
Date

Chairman, Local Managing Board


**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT**  
by and through its board

  
\_\_\_\_\_  
Theodore J. Fuller, Chairman

November 14, 2012  
Date

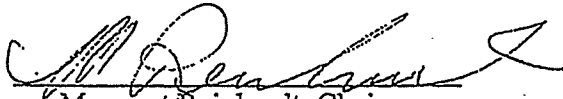


PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT,  
by and through its Board of Trustees

  
Larry J. Johnson, President

12-10-12  
Date

SUN VALLEY GENERAL IMPROVEMENT DISTRICT,  
by and through its board

  
Margaret Reinhardt, Chair

11/8/12  
Date

WASHOE COUNTY,  
by and through its commission

Bonnie Weber  
for David Humke, Chair

1/22/13  
Date

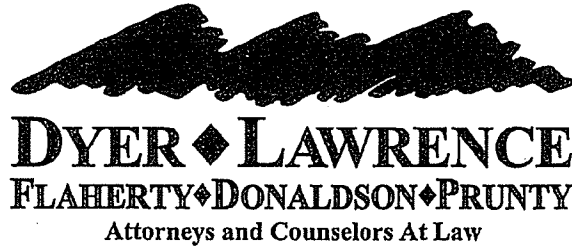
Attest:  
Amy L. Harvey, Chief Deputy  
for Amy Harvey, County Clerk

**EXHIBIT "26"**

**EXHIBIT "26"**

SANDRA G. LAWRENCE\*  
FRANCIS C. FLAHERTY  
THOMAS J. DONALDSON  
JESSICA C. PRUNTY  
NORMAN J. AZEVEDO

\* ALSO ADMITTED IN CALIFORNIA



**DYER ♦ LAWRENCE**  
**FLAHERTY ♦ DONALDSON ♦ PRUNTY**  
Attorneys and Counselors At Law

SUE S. MATUSKA\*  
CASEY A. GILLHAM  
KIRK R. BRENNAN\*

*OF COUNSEL*  
MICHAEL W. DYER

January 17, 2017

Honorable Christopher Hicks  
Washoe County District Attorney  
1 South Sierra Street  
South Tower, 4th Floor  
Reno, NV 89501

[chicks@da.washoecounty.us](mailto:chicks@da.washoecounty.us)


Re: AB 39

Dear District Attorney Hicks:

I am writing this letter requesting a meeting with you and your staff on behalf of the Regional Planning Governing Board (RPGB). The RPGB has directed that I file an action to address the procedural infirmities it believes is associated with AB 39 proposed by Washoe County. Prior to initiating such an action directed by the RPGB, I would like to meet with you and your staff to determine whether there is a non-litigation course satisfactory to both parties. It is my client's resolute belief that it is in the best interest of all citizens of Washoe County to resolve this matter amongst the parties without seeking court intervention.

I will make myself available to meet with you and your staff at your earliest convenience.

Sincerely,



NORMAN J. AZEVEDO  
Attorney at Law

NJA/ra

cc: Charlene Bybcc, Chair, RPGB  
Kim Robinson, Executive Director

**EXHIBIT "27"**

**EXHIBIT "27"**



# REGIONAL PLANNING GOVERNING BOARD

Regional Planning Governing Board  
Regular Meeting  
Thursday, November 14, 2002, 2:00 p.m.  
Washoe County Commission Chambers  
1001 East Ninth Street, Reno, NV 89512

## MEMBERS

David Aiazzi, Chairperson  
Joanne Bond, Vice-Chairperson  
Geno Martini  
Mike Carrigan  
Sherrie Doyle  
Pierre Hascheff  
Jim Galloway  
Jeff Griffin  
Ron Schmitt  
Ted Short

Dave Ziegler, Interim Director

The announcement of this meeting is posted at Truckee Meadows Regional Planning Agency, Reno City Hall, the Washoe County Main Library, the Washoe County Courthouse, Sparks City Hall, Regional Transportation Commission Planning Office, the Washoe County Administrative Building and at [www.tmrpa.org](http://www.tmrpa.org).

- I. Roll call
- II. Salute to the flag\*
- III. Approval of agenda
- IV. Approval of minutes
  - A. Minutes of the September 12, 2002 joint RPGB and RPC workshop (*pp. 1-10*)
  - B. Minutes of the October 10, 2002 regular RPGB meeting (*pp. 11-16*)
- V. Public comment\* – [Public comment is limited to three minutes. The public is encouraged to provide information on issues not on the posted agenda during the Public Comment period. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a "Request to Speak" card and turning it into the RPGB clerk.]
- VI. Business of the day
  - A. Implementation of settlement agreement on Regional Plan-related litigation
    1. Consideration of master schedule (*pp. 17-26*)
    2. Designation of representative to regularly report to the District Court on the status of criteria for cooperative planning (*pp. 27-28*)
  - B. Consideration of, and possible action on, regulations necessary to carry out the program of regional planning (*pp. 29-40*)
  - C. Consideration of, and possible action on, submittal to the RPC of proposed amendments to 2002 Regional Plan (*pp. 41-46*)
  - D. Consideration of and possible action on local government requests for time extensions regarding study areas for spheres of influence and Truckee Meadows Service Areas pursuant to policies 1.1.4 and 3.3.2 of the Regional Plan (*pp. 47-56*)
  - E. Report on legal counsel's review of interagency memorandum of understanding regarding legislative cooperation and coordination during the 2003 session of Nevada's legislature\* (*pp. 57-58*)
- VII. Administrative Matters
  - A. Consideration of, and possible action on, advance schedule of RPGB meetings for calendar year 2003 (*pp. 59-64*)

---

In accordance with NRS 241.020, this agenda closes three working days prior to the meeting. We are pleased to make reasonable accommodations for people who are disabled and wish to attend meetings. If you should require special arrangements for the meeting, please contact our offices at 321-8385 before the meeting date. Asterisks (\*) denote non-action items.

- B. Consideration of, and possible action on, selection of legislative representative of the RPGB for the 2003 session of Nevada's legislature *(pp.65-66)*
- C. Consideration of, and possible action on, appointment of Director of Regional Planning *(pp.67-110)*
- D. Consideration of, and possible acceptance of, quarterly financial report *(pp.111-116)*
- E. Consideration of, and possible action on, amendment to FY 2002-2003 budget *(pp.117-124)*
- F. Consideration of, and possible direction to staff on, bylaws regarding decorum and conduct *(pp.125-134)*
- G. Consideration of, and possible action on, grant of authority to director to execute contracts up to \$25,000 or other limit as appropriate *(pp.135-140)*
- H. Consideration of, and possible action on, grant of authority to chair and/or interim director to execute contracts for short-term staff support for (1) GIS systems and (2) conformance review activities *(pp.141-142)*

VIII. Director, member, and legal counsel reports

- A. Legal reports requested at September 12, 2002, RPGB meeting on: (1) authority of RPGB to retain legislative representation; (2) authority of a member entity to withhold a portion of funding for approved budget based on its determination that a budget item is unreasonable or unnecessary; (3) legal effect of a member entity's withholding of a portion of funding for approved budget\* *(pp.143-144)*
- B. Update on activities of the Washoe County School District\*

IX. Request for and action on future agenda items

- A. Consideration of, and possible action on, 12-month calendar of agenda items *(pp.145-146)*
- B. Members' and director's requests for agenda items

X. Written correspondence\*

- A. RPC Resolution (No. 02-08) of appreciation for TMRPA staff for their participation in the Regional Plan update *(pp.147-148)*
- B. RPC Resolution (No. 02-11) of appreciation for staff of local governments and affected entities for the participation in the Regional Plan update *(pp.149-150)*
- C. Report on development of residential, industrial, and commercial land inventory *(pp.151-152)*
- D. RSCVA room tax correspondence

XI. Adjournment

[Note: Any time periods listed next to an item are approximations only for the convenience of the board and commission and are not binding. The board and commission may take items in a different order or take more or less time than indicated.]





# REGIONAL PLANNING GOVERNING BOARD

**MEMBERS**  
David Aiazzi, Chairperson  
Joanne Bond, Vice-Chairperson  
Mike Carrigan  
Dwight Dortch  
Jim Galloway  
Pierre Hascheff  
Toni Harsh  
Geno Martini  
Ron Schmitt  
Ted Short  
Dave Ziegler, Director

## MINUTES

### REGIONAL PLANNING GOVERNING BOARD Regular Meeting Thursday, November 14, 2002

The Regional Planning Governing Board met in regular session in the Washoe County Commission Chambers, 1001 E. Ninth Street, Reno, Nevada, and conducted the following business:

#### I. ROLL CALL

The clerk called the roll and Regional Planning Governing Board members in attendance were: Dave Aiazzi, Jim Galloway, Geno Martini, Ron Schmitt, Ted Short, Tony Armstrong and Toni Harsh. Absent were Joanne Bond, Mike Carrigan, Sherrie Doyle, Jeff Griffin and Pierre Hascheff.

Also present were Dave Ziegler, TMRPA Interim Director, Rosanna Coombes, Connie Anderson, Mary Arey and Norm Azevedo, Legal Counsel.

Chairman Aiazzi welcomed the newest member of the Board, Toni Harsh.

#### II. SALUTE TO THE FLAG

Toni Harsh led the salute to the flag and the Pledge of Allegiance.

#### III. APPROVAL OF AGENDA

Member Harsh requested placing Agenda Item VIII-A prior to Item VII-B. Jonni Pullman, Washoe County School District liaison, requested that Item VIII-B be moved up on the agenda.

MEMBER MARTINI MADE A MOTION TO APPROVE THE NOVEMBER 14, 2002 AGENDA AS AMENDED, SECONDED BY MEMBER HARSH. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

#### IV. APPROVAL OF MINUTES

MEMBER GALLOWAY MADE A MOTION TO APPROVE THE MINUTES OF THE JOINT RPGB-RPC WORKSHOP MEETING OF SEPTEMBER 12, 2002, SECONDED BY MEMBER MARTINI.

## **REGIONAL PLANNING GOVERNING BOARD MINUTES**

**November 14, 2002**

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Because Members Harsh and Armstrong would be abstaining from voting on the minutes and there would not be a majority necessary to pass the motion, Chairman Aiazzi stated the minutes would be postponed until the next meeting in December.

APPROVAL OF THE MINUTES OF THE OCTOBER 12, 2002 RPGB MEETING WERE CONTINUED TO THE DECEMBER MEETING DUE TO LACK OF A MAJORITY VOTE NECESSARY TO PASS.

### **V. PUBLIC COMMENTS**

None

### **VI. BUSINESS OF THE DAY**

- A. Implementation of settlement agreement on Regional Plan-related litigation.
  - 1. Consideration of master schedule

Dave Ziegler gave a brief update on the settlement agreement, the master schedule and the steering committee responsible for the pending settlement agreement action items. The list of items was in the matrix on pages 23-26 in the packet, which delineated who was responsible for coordinating each action item. Mr. Ziegler reviewed the timeline for the next 120 days, stating a final draft packages would be prepared for each local government's action by mid-January.

Mr. Ziegler pointed out that one of the cooperative planning criteria that had been delegated to the Regional Water Planning Commission (RWPC), and the RWPC had selected a consultant to work on this. He briefly discussed the meeting of the RWPC the day before, stating there had been a difference of legal opinion regarding conformance to the Regional Plan. Mr. Ziegler said local staff would work this out if possible.

Member Galloway suggested taking the disagreement out of the political realm and taking it to the judge for an interpretation, but that the settlement agreement had to be honored. He pointed out that an interim water policy had to be completed within 120 days but not the final product, and he was optimistic that the RWPC could complete it.

Member Schmitt stated the Regional Water Management Plan did not control the Regional Plan, and there was a mandate to have the water plan done within 120 days. He had a problem turning to the judge for a decision on this.

Member Martini stated if the RWPC could not meet the 120-day timeline, it could go to the judge for an extension of time. Member Armstrong asked if the RWPC knew it only had 120 days to complete its plan; Mr. Ziegler said it did.

**MEMBER MARTINI MADE A MOTION TO ACCEPT THE MASTER SCHEDULE AS SUBMITTED BY STAFF, SECONDED BY MEMBER SCHMITT. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.**

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2. Designation of representative to regularly report to the District Court on the status of criteria for cooperative planning.

Dave Ziegler said the judge had ordered an elected official be designated to report to the court before November 28, and the steering committee would put together a written report for presentation.

Member Schmitt felt it was appropriate for Chairman Aiazzi to take the role of representative to the court, or if not, there should be a representative from each entity. Chairman Aiazzi said there would be a representative from each entity as parties to the mediated settlement along with the lead representative of the Governing Board.

MEMBER SCHMITT NOMINATED DAVE AIAZZI TO BE THE REPRESENTATIVE TO REPORT TO DISTRICT COURT ON THE STATUS OF COOPERATIVE PLANNING, SECONDED BY MEMBER HARSH. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

### VIII. DIRECTOR, MEMBER, AND LEGAL COUNSEL REPORTS. *[Taken out of agenda order.]*

#### B. Update on activities of the Washoe County School District (WCSD).

Jonni Pullman, WCSD liaison, said the mission of the school district was high achievement for each of the 58,000 students in Washoe County. She reviewed the honors the school district had received recently, and complimented teachers for their dedication. Ms. Pullman expressed gratitude to the public for the passage of the school bond and the Governing Board for allowing the district to present its issues. She stated there would be a public involvement process on the bond money distribution, with the main focus on setting priorities.

Chairman Aiazzi asked if the locations of new middle schools could be presented to the Governing Board, or if it could help in finding locations for the schools. Ms. Pullman said it would be beneficial to work together on this issue. Chairman Aiazzi asked Ms. Pullman if the school district wanted to become a full member of the Governing Board, and she answered that the budget and time constraints made it difficult.

Chairman Aiazzi thanked Ms. Pullman for the presentation, and she apologized that she had to leave the meeting early.

### VI. BUSINESS OF THE DAY *[continued]*

#### B. Consideration of, and possible action on, regulations necessary to carry out the program of regional planning.

Connie Anderson, Regional Planner, TMRPA, stated the regulations were being brought back, as well as a Regional Planning Resolution No. 02-10 recommending adoption of the regulations. She said there was also a set of regulations covering the Cooperative Planning process for consideration and possible adoption.

Norm Azevedo clarified the word "parties" as used in the regulations, stating parties that had signed the settlement agreement could not appeal, but individual property owners could seek appeals.

## REGIONAL PLANNING GOVERNING BOARD MINUTES

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MEMBER MARTINI MADE A MOTION TO APPROVE THE REGULATIONS, SECONDED BY MEMBER SHORT. THE MOTION PASSED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT. *[MEMBER ARMSTRONG WAS NOT PRESENT.]*

C. Consideration of, and possible action on, submittal to the RPC of proposed amendments to 2002 Regional Plan

Rosanna Coombes, Long Range Planner, TMRPA, summarized the amendments resulting from the 2002 Regional Plan and the settlement agreement stating that the Board needed to consider taking action to sponsor these amendments.

Member Galloway stated the County staff had reviewed the list and felt it was consistent with the settlement agreement.

MEMBER GALLOWAY MADE A MOTION TO PROCEED WITH THE AMENDMENTS, SECONDED BY MEMBER HARSH. THE MOTION PASSED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT. *[MEMBER ARMSTRONG WAS NOT PRESENT.]*

D. Consideration of and possible action on local government requests for time extensions regarding study areas for spheres of influence and Truckee Meadows Service Areas pursuant to policies 1.1.4 and 3.3.2 of the Regional Plan.

Bob Lissner spoke during the public hearing portion of the agenda item. He represented his company and several other properties, had submitted a letter to the Board dated November 13, 2002, which reflected his official position on study areas. He stated he and the other property owners could not waive the timeline required in the Regional Plan, which required the study areas to be heard by November 9. Mr. Lissner would like to waive the timelines and wanted to cooperate, because the study areas were in limbo. He asked that Cold Springs be considered in this area, and suggested giving agencies more time to do this.

*[Member Armstrong returned to the meeting.]*

Chairman Aiazzi asked legal counsel if this requirement could be waived or the timeframe extended. Mr. Azevedo stated the advice had been that if all parties agreed to an extension of the deadlines, that would be fine, and he did not understand the basis for not extending the deadline.

Mr. Lissner believed that if all parties agreed the deadline could be extended. He would not agree to extend at this time because the Regional Water Management Plan would be completed in May 2003, and they had not yet looked at the study areas. Chairman Aiazzi said the letter suggested extending the study area process by three months. Mr. Lissner wanted the RWPC's schedule extended also. Chairman Aiazzi said if the timeline were extended, the City of Reno could still proceed more quickly than other entities. Mr. Lissner also wanted Washoe County to study his properties.

Member Schmitt said there were two different items being discussed, the timeline for the conformance reviews and the study area deadline of May 2003. Chairman Aiazzi said the criteria for the study areas had to be done within 120 days. Member Schmitt reminded the Board that it was in violation of the law if the timeline was not extended. Mr. Azevedo stated the Board was not in violation due to the litigation, but if there were not an extension of time, an intermediate step would have to be taken with the agreement of all entities.

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MEMBER SCHMITT MADE A MOTION TO APPROVE AN EXTENSION OF THE TIMELINE TO MAY 9, 2003, SECONDED BY MEMBER MARTINI. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- E. Report on legal counsel's review of interagency memorandum of understanding regarding legislative cooperation and coordination during the 2003 session of Nevada's legislature.

Mr. Azevedo reviewed the memorandum and recommended to send it forward to the next signatory. In addition, on November 8, 2002, legal counsel from each entity met to discuss what legislation, if any, would be necessary to implement the settlement agreement. He reported that all parties except Washoe County said no legislation was needed. Washoe County proposed legislative changes to Chapter 548 of the Nevada Revised Statutes. These changes addressed the role of the RWPC and its interaction with the 2002 Regional Plan, but no resolution was reached.

Mr. Azevedo stated the consensus was that amendments would address the concerns between the RWPC and Governing Board. He was concerned that legislative changes would have a broader impact than the settlement agreement intended, and did not recommend.

*[Member Short left the meeting.]*

Chairman Aiazzi said the agreement stated no one would seek legislative changes if it was to the detriment of the agreement, and asked if this should go to the judge for a determination. Mr. Azevedo stated the judge had retained jurisdiction over the settlement agreement. Chairman Aiazzi suggested making changes at the next legislative session but not this year.

Member Harsh asked if this was "uncharted waters" in Nevada, and Mr. Azevedo said it was. She asked if this should go to the legislature, and Mr. Azevedo suggested going to the legislature in two years, so there would be a "track record" on this issue through the settlement agreement.

Member Galloway asked if a legislative change was necessary in order to implement the settlement agreement. Mr. Azevedo said this could be addressed by amendments to the 2002 Regional Plan, which would be in the best interest of the Governing Board.

### VII. ADMINISTRATIVE MATTERS

- A. Consideration of, and possible action on, advance schedule of RPGB meetings for calendar year 2003.

MEMBER MARTINI MADE A MOTION TO APPROVE THE MEETING SCHEDULE FOR 2003, SECONDED BY MEMBER SCHMITT. THE MOTION PASSED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT. (MEMBER SHORT WAS NOT PRESENT.)

### VIII. DIRECTOR, MEMBER, AND LEGAL COUNSEL REPORTS. *[Continued]*

Norm Azevedo made an announcement that he was resigning from the Attorney General's office effective December 2, 2002. He thanked the Governing Board for being able to work with them, and how much he had enjoyed working with the dedicated and hard-working staff.

## REGIONAL PLANNING GOVERNING BOARD MINUTES

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Chairman Aiazzi would place the topic of securing legal counsel on next month's agenda to discuss whether there was a way to retain Mr. Azevedo in the future. Member Armstrong thanked Mr. Azevedo, stating he had always been professional and made excellent decisions, and suggested the Board try to retain his services.

- A. Legal reports requested at September 12, 2002, RPGB meeting on: (1) authority of RPGB to retain legislative representation; (2) authority of a member entity to withhold a portion of funding for approved budget based on its determination that a budget item is unreasonable or unnecessary; (3) legal effect of a member entity's withholding of a portion of funding for the approved budget.

Mr. Azevedo answered the three questions from page 143 of the packet. First, it was his opinion that the Governing Board did have the authority to retain legislative representation, and it had used a lobbyist in 1991. Secondly, Mr. Azevedo read NRS 278.02164, which stated local governments were to share all costs through an interlocal agreement, but was silent regarding the withholding of funding. Thirdly, Mr. Azevedo stated Judge Hardesty had directed the entities to work together, and it was his opinion that non-funding would be a breach of the interlocal agreement. He suggested taking steps to address the issue but if no agreement were reached, then it could be taken to court.

Chairman Aiazzi clarified that if the Board hired someone, the local entities had to pay their share, and if not, they could be taken to court. Mr. Azevedo recommended taking all administrative steps to address the non-payment before going to court. Member Galloway said the opinion of Washoe County's attorney had not changed, which was that the engagement of a lobbyist by the Governing Board was not a usual or necessary expense to the operation of the agency. He stated he would take Mr. Azevedo's opinion back to the County's legal counsel.

Chairman Aiazzi stated he would like to continue Agenda Item VII-B until next month so the subcommittee could look at the two proposals and report back to the Board.

Member Schmitt disagreed with continuing Item VII-B, stating time was of the essence to get a lobbyist on board and educate him or her on the issues before the legislative session began. He wanted to go forward with the interviews and get the selection ready for a vote in December. Chairman Aiazzi said that was what he was proposing.

Member Harsh asked Mr. Ziegler if he thought the Board needed a lobbyist, or whether he could perform those duties. Chairman Aiazzi stated that answer depended on another agenda item, and he preferred not to discuss it at this point.

Member Armstrong asked what the Board would do if one entity decided not to pay for its share of a lobbyist. Chairman Aiazzi did not know, and said this could be placed on next month's agenda. Member Armstrong asked for information from Mr. Azevedo on whether there was a precedent for this type of action.

### VII. ADMINISTRATIVE MATTERS *[continued]*

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- B. Consideration of, and possible action on, selection of legislative representative of the RPGB for the 2003 session of Nevada's legislature.

This item was continued until the December 12, 2002 meeting.

- C. Consideration of, and possible action on, appointment of Director of Regional Planning

*[Dave Ziegler left the room for this discussion.]*

Mary Arey, TMRPA Administrative Services Manager, stated there was a report on page 77 of the packet on the selection process and the recommended, ranked list of candidates submitted by the Regional Planning Commission.

Chairman Aiazzi stated the RPC was required to bring forward three names, which it had done, and the Board's choice was to: 1) choose to do nothing and start the process over; 2) choose to interview all three candidates; or 3) choose the top candidate, Dave Ziegler as Director.

Member Schmitt stated this had to be moved forward, and he thought the Governing Board has had the rare opportunity to see someone in action under extreme conditions.

MEMBER SCHMITT MADE A MOTION TO OPEN NEGOTIATIONS ON A CONTRACT WITH DAVE ZIEGLER, SECONDED BY MEMBER ARMSTRONG.

Member Armstrong supported Dave Ziegler as the only viable choice as Director. Member Galloway also supported this decision. Member Armstrong stated the last time a Director was hired, the Chair and Vice-Chair of the Governing Board were present for the negotiations, and suggested this be done again.

THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- D. Consideration of, and possible acceptance of, quarterly financial report.

Chairman Aiazzi said if everyone was ready, motions could be made quickly on the next five items before a quorum was lost.

MEMBER ARMSTRONG MADE A MOTION TO APPROVE THE QUARTERLY FINANCIAL REPORT, SECONDED BY MEMBER MARTINI. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- E. Consideration of, and possible action on, amendment to FY 2002-2003 budget.

MEMBER GALLOWAY MADE A MOTION TO APPROVE THE AMENDMENT TO THE 2002-2003 BUDGET, SECONDED BY MEMBER MARTINI. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- F. Consideration of, and possible direction to staff on, bylaws regarding decorum and conduct.

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MEMBER GALLOWAY MADE A MOTION TO APPROVE THE BYLAWS REGARDING DECORUM AND CONDUCT, SECONDED BY MEMBER SCHMITT. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- G. Consideration of, and possible action on, grant of authority to director to execute contracts up to \$25,000 or other limit as appropriate.

MEMBER GALLOWAY MADE A MOTION TO GRANT AUTHORITY TO THE DIRECTOR TO EXECUTE CONTRACTS UP TO \$25,000, SECONDED BY MEMBER SCHMITT. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

- H. Consideration of, and possible action on, grant of authority to chair and/or interim director to execute contracts for short-term staff support for (1) GIS systems and (2) conformance review activities.

MEMBER MARTINI MADE A MOTION TO GRANT AUTHORITY TO THE DIRECTOR TO EXECUTE CONTRACTS FOR SHORT-TERM STAFF SUPPORT, SECONDED BY MEMBER GALLOWAY. THE MOTION PASSED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

**VIII. DIRECTOR, MEMBER AND LEGAL COUNSEL REPORTS.** *[Already heard earlier.]*

**IX. REQUEST FOR AND ACTION ON FUTURE AGENDA ITEMS.**

- A. Consideration of, and possible action on, 12-month calendar of agenda items.

Chairman Aiazzi asked if there were any other items to address, and if not, the calendar would go forward as is.

- B. Members' and director's requests for agenda items.

Member Harsh asked if there was a logistics problem regarding the approval of the minutes in the months to come. Chairman Aiazzi said they were not approved because there were not enough members present, but that should be resolved in the future.

Member Galloway brought up Member Armstrong's request for a report on what would happen if there were no agreement between entities on funding for a lobbyist. Chairman Aiazzi said he had that on the list for the next agenda.

*[Member Armstrong left the meeting at 3:40 p.m.]*

**X. WRITTEN CORRESPONDENCE.**

Mr. Ziegler said there was written correspondence regarding Items VII-B and C in the packet, but requested that he speak with Member Schmitt regarding Item VII-D.

- A. RPC Resolution (No. 02-08) of appreciation for TMRPA staff for their participation in the Regional Plan update.



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No action was taken on this item.

- B. RPC Resolution (No. 02-11) of appreciation for staff of local governments and affected entities for the participation in the Regional Plan update

Chairman Aiazzi read Resolution 02-11, and thanked everyone that had been involved in the Regional Plan update process. Member Galloway concurred, and thanked the public who had also attended the meeting. However, he did not agree with one part of the resolution, which stated: "Whereas, the 2002 Regional Plan Update represents an innovative planning concept that focuses growth and development in a compact regional form and pattern, of which the staffs of local governments and affected entities can be justifiably proud."

Member Schmitt asked staff that was present to stand, stating they had gone above and beyond the call of duty and thanked them all. There was a round of applause for the staff.

Member Short asked if the Board packets could be sent out earlier because he had not received his until the day before the meeting. Mr. Ziegler stated there had been technical difficulties with the equipment, and he apologized.

- C. Report on development of residential, industrial, and commercial land inventory.

Chairman Aiazzi requested a written report on this to place on a future agenda. Member Galloway asked that this report be expedited, but realized staff had not had time recently to complete the report.

- D. RSCVA room tax correspondence.


Chairman Aiazzi said this item was postponed.

**XV. ADJOURNMENT**

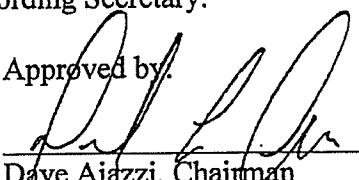
MEMBER GALLOWAY MADE A MOTION TO ADJOURN AT 3:45 P.M., SECONDED BY MEMBER MARTINI. THE MOTION PASSED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT. (MEMBER ARMSTRONG WAS NOT PRESENT.)

Respectfully submitted by Katherine McShane, Recording Secretary.

Reviewed by:

  
Dave Ziegler, Director  
Truckee Meadows Regional Planning Agency

Approved by:

  
Dave Aiazzi, Chairman  
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON JANUARY 16, 2003.

**EXHIBIT "28"**

**EXHIBIT "28"**

*This page is for information / archive purposes only and is not part of the original document*

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**About this document:**

- This document was adopted by the RPGB on November 14, 2002.
- Version 4 was later administratively revised to make a few editorial corrections.
- The RPGB adopted further revisions to the regulations on procedure affecting dispute resolution, on February 12, 2004, based on a District Court order. These revisions resulted in Version 5.

***The file name and path is:***

H:\450.RPGB\Regs on Procedure\Regulations on Procedure2002Ver4 (02-11-14).doc

***Date/Time modified:***

2/14/03 4:30 pm

SUPERCEDED

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# TRUCKEE MEADOWS REGIONAL PLANNING AGENCY

## REGIONAL PLANNING GOVERNING BOARD REGULATIONS ON PROCEDURE

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### I. REGIONAL PLAN AMENDMENTS

1. Applicability. These procedures apply to Regional Plan amendments proposed by the RPC, RPGB or a local governing body.
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. 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]
5. 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]
  - 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

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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]

SUPERSEDED

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## II. CONFORMANCE REVIEW: PROJECTS OF REGIONAL SIGNIFICANCE

1. Applicability. Local governments shall use RPC Resolution 00-01 (June 28, 2000), 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 or affected entity 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. Comments May Be Requested. The Director or the RPC may request comments from entities other than the entity submitting the project on conformance with the adopted Regional Plan.
4. 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]
5. 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.
6. 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 (RPGGB) within 45 days after the determination is made. [For additional details, see Subsection 3 of NRS 278.0278.] An affirmative vote by a simple majority of a quorum of the RPGGB is required to make a finding of conformance.

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### III. CONFORMANCE REVIEW: MASTER PLANS, FACILITY PLANS AND OTHER SIMILAR PLANS (HEREINAFTER, "MASTER PLANS")

1. Applicability. These procedures apply to the master plans (and amendments thereto) of local governments and other affected entities as defined in NRS 278.026. These procedures also apply to master 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 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. Comments May Be Requested. The Director or the RPC may request comments from entities other than the entity submitting the plan on conformance with the adopted Regional Plan.
4. Determination Required. Before the adoption or amendment of any master 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]
5. Review and Suggestions Required. Before the adoption or amendment of any master 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]
6. 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.
7. Public Hearing. The RPC shall review the master plans or amendments 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



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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]

8. 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.]
9. 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 issuance of that determination, stating the reasons why the plan is in conformance. The RPC shall issue a final determination of conformance or nonconformance within 45 days after the objection is filed. [Subsection 5, NRS 278.0282]
10. 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 its issuance. 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.]

SUPERSEDED

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#### IV. 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]

SUPERSEDED

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**V. PROCEDURE AND PRACTICE BEFORE THE REGIONAL PLANNING COMMISSION (RPC) AND THE REGIONAL PLANNING GOVERNING BOARD (RPGB) ON THE TOPIC OF COOPERATIVE PLANNING<sup>1</sup>**

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.
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. "Appellant" 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. "Appellee" means any party opposing an appeal of a decision to the Commission or the Board.
  - d. "Board" means the Regional Planning Governing Board.
  - e. "Commission" means the Regional Planning Commission.
  - f. "Director" means the Director of the Regional Planning.<sup>2</sup>
  - g. "Intervenor" 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 Cooperative Planning effort and who either:
    - (1) submits an appeal to the Commission as provided in D.1 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 Cooperative Planning effort or any representative of an intervenor as defined in V.2.g. of these rules.
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.

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- a. An appeal from a Cooperative Planning effort must be filed with the Commission within seven (7) days of action taken by the local governing body.
  - 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.

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) At the beginning of the public hearing, the Commission will announce the matter to be heard, explain the rights and responsibilities of all parties and explain any future proceedings that may occur in relation to the matter to be heard.
  - (2) Presentation by appellant.
  - (3) Brief synopsis by agency describing the nature of the appeal, summary of issues and recommendations.
  - (4) Testimony or legal argument by appellant.
  - (5) Testimony or legal argument by appellee.
  - (6) Cross-examination of witnesses by appellant.
  - (7) Cross examination of witnesses by appellee.
  - (8) Final argument or summation by appellant.
  - (9) Final argument or summation by appellee.
  - (10) Summation by agency.
- c. Taking testimony
  - (1) The Commission may refuse to hear any testimony that, in the Commission's opinion, is irrelevant, repetitive, defamatory or spurious.

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- (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.
  - d. 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.
  - e. Notice of a hearing before the Commission will be given as provided in NRS chapter 241.
6. Continuances. If, in the opinion of the Commission, any testimony, documentary evidence, information presented at a hearing or any other matter properly before the Commission justifies allowing additional research, review or time in order to properly decide the case, the Commission may continue the matter to a specific time and date to allow for such research or review. 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) 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) A summary of the evidence and testimony in the matter, including the recommendations of the agency staff.
    - (3) Findings of fact and conclusions of law based on the evidence and testimony in the matter.
    - (4) 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.

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10. Procedure on Appeals to Board.

- a. An appellant seeking Board review of the Commission's decision must serve and file position paper in support of its position within seven (7) days after the record of the proceeding before the Commission has been filed with the Board.
- b. The appellee must serve and file a position paper opposing appellant's position paper within 21 days after service of appellant's memorandum of points and authorities.
- c. The appellant may serve and file a position paper in which the appellant replies to the appellee's position paper not later than 10 days after service of appellee's position paper opposing appellant's original position paper.
- d. Any party may request a hearing before the Board and the Board is obligated to conduct a hearing on an appeal arising under these rules in response to such a request.
- e. Notice of a hearing before the Board will be given as provided in NRS chapter 241.
- f. In deciding an appeal, the Board will make its determination at a regularly scheduled public meeting of the Board.
- g. At any party's request, the Board shall permit the record prepared before the Commission and filed with the Board pursuant to V.10.a. of these rules to be supplemented by any relevant testimonial or documentary evidence.
- h. 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.
- i. Findings of fact and decisions of the Board must be based upon substantial evidence contained in the record prepared before the Commission.
- j. The Board may request a party to the appeal to prepare and submit proposed findings of fact, including a ruling on each proposed finding.
- k. 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. 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

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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.

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<sup>1</sup> The Regulations and Procedures as adopted by the Regional Planning Governing Board November 14, 2002, consisted of two separate documents: 1) Regulations on Procedures and 2) Procedure and Practice before the Regional Planning Commission and the Regional Planning Governing Board on the Topic of Cooperative Planning.

The Regulations on Procedures have been administratively revised on December 18, 2002 to insert the "Procedure and Practice before the Regional Planning Commission and the Regional Planning Governing Board 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.

<sup>2</sup> As adopted by the Regional Planning Governing Board 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.

SUPERSEDED

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## VI. 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. A city that has submitted an annexation program or amendment thereto and that disagrees with the reasons for a determination of nonconformance by the RPC may file an objection with the RPC within 45 days after the issuance of that determination, stating the reasons why the program is in conformance. 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 final determination of the RPC on an annexation program may be appealed to the RPGB not later than 30 days after its issuance. [For additional details, see Subsection 4 of NRS 268.625 and Subsection 4 of NRS 278.028]



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## VII. 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 its determination, stating the

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reasons for the objection. 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 its issuance, Reno, Sparks or Washoe County may appeal to the RRGB 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]
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.

SUPERSEDED

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## VIII. 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.

SUPERSEDED

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**IX. LEGISLATION AND PROJECTS RELATING TO THE REGIONAL PLAN**

1. 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]

**SUPERSEDED**