

**NORTHERN NEVADA WATER PLANNING COMMISSION
MINUTES**

Wednesday, November 17, 2010

The regular meeting of the Northern Nevada Water Planning Commission (“NNWPC”) was held on Wednesday, November 17, 2010 in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** – Chairman Erwin called the meeting to order at 1:30 p.m. There was a quorum present.

Voting Members Present:

John Erwin, Chairman
Jerry Schumacher, Vice-Chairman
George W. Ball, Jr. (arrived at 1:34 p.m.)
Michael J. DeMartini
Mickey Hazelwood
Rosemary Menard
Wayne Seidel (arrived at 1:36 p.m.)
Stan Shumaker

Voting Members Absent:

John Flansberg
John Jackson
Neil Krutz
Darrin Price

Non-Voting Members Present:

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John Bird
Mark Clarkson
Harry Fahnestock
Kelvin Hickenbottom
Jon Palm

Staff Members Present:

Jim Smitherman
Chris Wessel
June Davis
John Rhodes, Legal Counsel

- 2. Approval of the agenda.**

Commissioner Menard made a motion to approve the November 17, 2010 NNWPC agenda as posted. Commissioner Ball seconded the motion, which carried unanimously.

- 3. There are no minutes for approval.**

- 4. Public Comments.**

Chairman Erwin called for public comments. He stated that he had a speaker request card from Peter Gower, Truckee Meadows Regional Planning Agency (“TMRPA”) related to agenda item 6, which would be heard at that time. He called for further public comments and hearing none, closed the public comment period.

- 5. Presentation of Resolution of Appreciation to Wayne Seidel in recognition of his exemplary service to the NNWPC, John Erwin, Chairman.**

Chairman Erwin read into the record NNWPC Resolution No. 10-01 “In support of recognizing Wayne Seidel’s contribution to Regional Water Management in the Truckee Meadows”. Chairman Erwin added his own thanks to Mr. Seidel for his work over the last 16 years. Mr. Seidel thanked members and staff and stated he enjoyed being a part of the water planning effort.

Commissioner Menard made a motion to approve Resolution 10-01. Commissioner Ball seconded the motion, which carried unanimously. Members applauded Mr. Seidel.

6. Review and discussion of all previously revised draft chapters and Introduction of the 2011 Comprehensive Regional Water Management Plan, presentation of Appendices and possible direction to staff, Jim Smitherman, Water Resources Program Manager.

Mr. Smitherman referred to the staff report provided to Commissioners and stated that he would provide a brief overview of the edits made to chapters 1, 2, 4, 6, 8 and 9.

Mr. Smitherman referred to the following edits:

Chapter 1:

- Policy 1.1.b, phrase, “...with the exception of certain smaller purveyors, to *submit* (replace “file”) water conservation plans with the Department of Conservation and Natural Resources *for review and approval for compliance*. Chairman Erwin suggested the edit.
- Policy 4.1.c – Chairman Erwin invited Peter Gower to speak on this item. Mr. Gower stated that TMRPA is concerned with the change from “The use of the Washoe County Consensus Forecast (*or other agreed upon forecast methodology*) ...” He explained that the Regional Plan is based on the Consensus Forecast, with which the Regional Water Plan must be consistent. Chairman Erwin stated that the Water Plan is updated every five years; he added that if the Consensus Forecast changes, the Plan would be updated to reflect the new information.

Commissioner Menard asked if the bulleted items are necessary. Mr. Gower stated that the 2010 Consensus Forecast has been adopted; the next update will be made in 2012. He added that the Regional Planning Governing Board (“RPGB”) states that if the Consensus Forecast is not adopted, the State Demographer’s information would be used. Commissioner Menard explained that when the Consensus Forecast is updated in 2012, the NNWPC will have to agree that sustainable water resources are available to meet the new projected population. Commissioners agreed to delete the bullet items, which satisfied Mr. Gower’s concerns.

- Policy 3.1.a – Mr. Smitherman pointed out the edits made to the discussion portion of the policy. Commissioner Menard referred to the policy language “The NNWPC will, after its review and approval”, and suggested defining or clarifying the statement. John Rhodes stated that the language comes from the Act, Section 42; however, he offered to work with Mr. Smitherman to better define the statement. Chairman Erwin added that the statement implies “adoption”.

Chairman Erwin next referred to the last sentence of the policy, “local governments adopt and implement the plan” and asked if that is correct. Commissioner Menard stated she sees a disconnect in the policy related to flood plain management. Mr. Smitherman stated that the Flood Project wants the policies related to flood management included in the Regional Water Plan. Commissioner Ball stated that the responsibilities of the NNWPC include “supply of municipal and industrial water, quality of water, sanitary sewerage, and treatment of sewage, drainage of storm waters and control of floods.” He added that the Flood Plan should be in conformance with the Water Plan. Commissioner DeMartini agreed with Commissioner Ball that the Flood Project is an important component of the Water Plan and added that it ties into water supply, wastewater and other aspects. He asked about the definition “build out of the watershed”. Mr. Smitherman explained that “build out” refers to all allowable properties being built as planned and zoned.

Commissioner Menard asked if the NNWPC has reviewed the Flood Management Plan. Mr. Smitherman stated that it has not yet been developed but is a requirement of the Army Corps of Engineers (“Corps”) Plan. He added that the Regional Water Planning Commission (“RWPC”) developed a draft Flood Plain Management strategy. Commissioner Menard asked if the Flood Project Technical Advisory Committee (“TAC”) is actively engaged in the process and if flood plain management is a statutory requirement of the Water Plan. Mr. Smitherman stated it is required, as was set up under the RWPC because the Flood Project was a division of Washoe County.

Commissioner Menard agreed with Commissioners Ball and DeMartini’s comments related to consistency between the Flood Plan and Water Plan. She suggested further definition of the role of the NNWPC.

- 3.1.b – Chairman Erwin referred to “elevations in Critical Flood Zone 1” and suggested adding “as experienced during the 1997 flood”. Mr. Smitherman clarified that the Critical Flood Zones were developed by the Flood Project and approved by City of Reno.

Commissioner Ball asked about the definition and use of “the 117 year”. Mr. Smitherman explained that the 1997 flood was determined to be a one in 117 year flood event. He agreed that the reference could be changed to “the 1997 flood”.

Chairman Erwin referred to the last sentence of the policy regarding coordination between Flood Project staff and appropriate local and regional government agencies and asked if the sentence is necessary. Commissioners Menard and Seidel agreed that the sentence was not needed.

Chairman Erwin referred to the last sentence, “The five-acre size limitation is expected to be reviewed by the communities in the future.” He asked if “communities” refers to local jurisdictions. Mr. Smitherman stated that Flood Project staff is meeting with the Corps today so could not be present; however, he offered to clarify the statement.

- 3.1.c – Terri Svetich, City of Reno, distributed copies of Policy 3.1.c with proposed edits relating to Flood Plain Storage outside of the Truckee River Watershed. Ms. Svetich briefly reviewed the proposed edits. Much discussion ensued, the highlights of which include:
 - “Impacts to drainageways and *hydrologically sensitive areas*” – discussion included whether wetlands, perennial and ephemeral streams and drainageways are considered hydrologically sensitive areas. Mr. Rhodes suggested adding, “which include...without limitation”.
 - Ms. Svetich explained that the intent of the additional language was to clarify the policy. Commissioner Schumacher asked why only City of Reno was included. Ms. Svetich stated it was simply used as an example.
 - Walt West, Washoe County, stated that County Code does not address volumetric measures. He recommended that staff discuss the Policy language in further detail following the Stormwater Permit Coordinating Committee (“SWPCC”) meeting the following day.
 - Commissioner Menard stated she appreciates the detail; however, she felt that sometimes “less is more”. She suggested possibly deleting all of the bullets. Commissioner Shumaker stated that staff’s intent was to include current information. Commissioner Menard agreed that is a good point; however, she added that a developer does not go the Water Plan for codes or ordinances. She suggested that the language might be more appropriately included as “criteria, discussion or narrative”.
 - Mr. Smitherman agreed to meet with the SWPCC to further define the policy language.

Chapter 2:

- Commissioner Menard referred to Table 2-3, “Environmental – Conversion not likely as intended for temporary use”. She suggested adding an explanation of environmental use being intended as

temporary. Mr. Smitherman agreed to add an explanation.

- Mr. Smitherman referred to the other edits that were made based on direction at the last meeting.

Chapter 4:

- Section 4.6.4 – Mr. Smitherman briefly explained the edits. Chairman Erwin referred to the fourth paragraph and made a couple of minor revisions to read, “Members of the Monitoring Subcommittee to the SWPCC began collecting quarterly data in March 2003 through September 2010 under this Plan, in the four tributaries involved in this program.”
- Mr. Smitherman reported that updates were made to the section based on information from the Truckee River Information Gateway (“TRIG”), which was provided by City of Reno staff.
- Commissioner DeMartini referred to Figure 4-5 and suggested that it should reference “Kjeldahl” Nitrogen. He suggested perhaps adding “Nitrates” to the chart. Mr. Smitherman offered to follow up with the source of the information. Commissioner Shumaker referred to the total maximum daily loads (“TMDLs”) and offered to check the numbers for consistency.

Chapter 6:

Mr. Smitherman explained that a few edits were made to Chapter 6. He added that “Table 6-6 – Regional Water Balance Key Findings” was moved from the appendix into Chapter 6.

Chapter 8:

- Chairman Erwin stated that overall the financial chapter is much better than in the past.
- Summary and Findings – Chairman Erwin referred to the fourth paragraph and suggested removing the sentence, “Anticipated “typical costs” per equivalent residential unit are also estimated to approximate the projected financial impact to persons within the Planning Area.”
- Chairman Erwin referred to the last paragraph of the Introduction and suggested it be moved to the Summary and Findings section. He also suggested adding a table for “new” fees. Commissioner Menard reiterated her suggestion to mention the value of the resource.
- Commissioner Seidel referred to the sentence, “Roughly \$50 million per year should be reinvested to maintain the existing water and wastewater utility assets.” He asked if there is an associated “life cycle”. Mr. Enloe stated that approximately 1 to 2% is typical.
- Chairman Erwin referred to the phrase, “...approximately \$300 per year, or \$25 per month per ERU”, and asked whether those costs are already in place or new. Mr. Enloe explained that it depends on the utility. Chairman Erwin offered to meet with Mr. Smitherman to further define the language.
- Commissioner Menard referred to Table 8-1 and stated that comparing numbers between Washoe County and TMWA is like comparing apples and oranges. Mr. Enloe added that Table 8-8 makes a reasonable comparison. Commissioner Menard reiterated that the reader and customer needs to understand the asset value of the water and sewer system and added that it needs to be included in the Executive Summary. She added that it should be stressed that it is very important to reinvest in infrastructure.
- Commissioner Menard referred to Table 8-2 and asked Commissioner Shumaker if the numbers are reasonably logical. Commissioner Shumaker agreed that reinvesting in infrastructure is necessary to grow; existing customers are responsible for maintaining the systems for new customers.
- Chairman Erwin referred to Table 8-4 and suggested that Water Supply, Treatment and Distribution should be collapsed into one line. Mr. Enloe agreed to work with Chairman Erwin on the table.

Chapter 9: Mr. Smitherman reported that in working with TMWA, some minor changes were made to Tables 9-1 and 9-2.

Mr. Smitherman reported that appendices would be as follows:

- Appendix A Chapter 531 Statutes of Nevada, 2007
- Appendix B Glossary – Mr. Smitherman stated that the Glossary requires a few revisions, i.e. updates to NRS 540A.
- Appendix C List of Facilities Found in Conformance with the Regional Water Plan – Chairman Erwin stated that the last Plan Update included by reference, documents such as the Truckee Meadows Service Area (“TMSA”)/Future Service Area (“FSA”) Facility Plans, TMWA’s 2030 Water Resource Plan and other Facility Plans and asked if those should be included on the Conformance list. Commissioner Menard suggested adding the phrase, “are deemed to be in conformance”. She added that a reference could be made as to where the document could be found. Mr. Rhodes added that the Water Plan is based on facility plans and are thereby included by reference. Commissioner Menard made a motion that, “The facility plans are deemed to be in conformance with the Regional Water Plan.” Mr. Rhodes offered to work on the language.

Commissioner DeMartini stated that he is confused and did not think it was the NNWPC’s job to deem TMWA’s Water Resource Plan to be in conformance. Mr. Rhodes read from the statute, the type of facility for conformance review are those of a kind or size to effect the working of the Comprehensive Plan as distinctly providing normal service to customers. He stated that the language needs to be further defined regarding facility plans that are referenced or incorporated in the Water Plan. He reiterated that he would work with Mr. Smitherman on the language.

- Appendix D Washoe County Question 3
- Appendix E Preliminary Assessment Reviews (Based on the TMWA / DWR Integration)
- Appendix F TMWA’s Rule 7
- Appendix G Findings and Recommendations regarding Landscape Ordinances
- Appendix H Implementation of Programs related to Outdoor Watering Programs
- Appendix I TMWA’s 2030 Water Resource Plan

Commissioner Schumacher referred to page 2 of Appendix C, the Capital Improvements Program, and requested clarification that the Caramella Ranch Segment would be developer paid.

Commissioner Seidel referred to Chapter 5 and stated that having served on the Flood Project TAC, as well as from personal experience, it is best to refer to “levees” as flood structures. He explained that the Federal Emergency Management Agency (“FEMA”) had an issue with approving “levees”. Mr. Smitherman asked for clarification of using “flood structures” and “flood walls”. Commissioner Seidel stated that the only existing structure that was approved as a levee to date was the Reno-Sparks Indian Colony Levee.

Chairman Erwin summarized that the intention is that the Water Plan will be finalized and distributed by the December 1, 2010 meeting. He added that the edits suggested today would be included and sent electronically to Commissioners.

7. Discussion regarding agenda items for the December 1, 2010, Commission meeting, dates and agenda items for future meetings including the required public hearing on the 2011 Comprehensive Regional Water Management Plan, and possible direction to staff, Jim Smitherman.

Mr. Smitherman referred to the staff report for the proposed agenda for December 1, 2010. He asked for suggestions on whether discussion of the Water Plan should be allowed prior to the Public Hearing. Mr. Rhodes offered to review previous agendas for the procedure on a Public Hearing. He suggested that discussion could be held prior to opening the Public Hearing.

Mr. Rhodes stated that there could be a work session first on the agenda, followed by the Public Hearing at 1:30 p.m. Chairman Erwin suggested beginning the meeting at 1:00 p.m. to allow for the Work Session.

Commissioner Menard requested discussion of how the Regional Water Plan should be presented to the Western Regional Water Commission ("WRWC") on December 10, 2010. She suggested a presentation to the WRWC by NNWPC members. She also suggested making it a joint meeting of the WRWC and NNWPC. Chairman Erwin asked if hard copies of the Plan need to be available for the Public Hearing. Mr. Smitherman stated that a couple of copies should be available as a public convenience. He added that following adoption of the Water Plan at the NNWPC Public Hearing, the Water Plan gets delivered to the County Clerk's office for a 30-day review period.

Chairman Erwin asked Commissioner Menard what she envisions as the presentation. She suggested that a brief overview of each chapter, the action items, and significant findings of the Water Plan should be presented by the NNWPC and/or staff. She added that a PowerPoint presentation of the high points could be developed for presentation to the WRWC.

Commissioner Ball stated that he agreed that such a presentation to the WRWC would be beneficial with the NNWPC present. Mr. Smitherman agreed to develop a brief presentation. Chairman Erwin suggested it should include the Policies, Chapter 9 Action Items, Chapter 8 Financial Summary, Regional Water Balance and maps.

Chairman Erwin summarized the items for the December 1, 2010 NNWPC meeting. Commissioner Menard made a motion to eliminate the Program Manager's Report and to approve the remaining agenda items as discussed. Commissioner DeMartini seconded the motion, which carried unanimously.

8. Commission Comments.

Chairman Erwin commended staff for the outstanding job done on the Regional Water Plan.

9. Staff Comments.

None

10. Public Comments.

Chairman Erwin called for public comments and hearing none, closed the public comment period.

11. Adjournment.

With no further business, the meeting was adjourned at 4:00 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on _____ 2011.

John Erwin, Chairman