

Appendix E
Washoe County Question #3

WC #3

Shall The Truckee Meadows Regional Plan be amended to reflect and to include a policy or policies requiring that local government land use plans be based upon and in balance with identified and sustainable water resources available within Washoe County?

DESCRIPTION OF EFFECT

The Truckee Meadows Regional Plan recognizes that the region is "resource constrained" and that water is one of the resources that is constrained; however, no current policies or ordinances are in place at either the regional or local level to make this regional plan provision meaningful. Currently identified water resources within Washoe County with good near-term (20-year) potential availability are estimated at 175,000 acre feet annually - or enough to support a population of approximately 550,000 to 600,000. The current identified TMSA (20-year service area designated for urban development) in the regional plan requires an estimated water demand of 236,000 acre feet annually and the long-term (beyond 20-years) service area requires an estimated service demand of 383,000 acre feet annually. The effect of this initiative - if affirmed - would require the amendment of the Truckee Meadows Regional Plan to reflect and contain policies requiring that future land uses and known potentially available water resources within Washoe County be in balance. By law, the regional policies would have to be adopted within local government master plans and, as applicable, ordinances.

Argument "In Favor" of WC #3

A yes vote on WC-3 would direct local governments to live within our water means by linking land use planning to known water resources. This community's challenge is to provide a clean reliable supply of water for the health of our people, our economy and the natural environment for future generations.

Logic dictates that land use plans and water resources should be in balance. Passage of this question does not stop growth as some have indicated but it ensures healthy sustainable economic growth. Backers of the initiative and our elected officials should have the same objective – that is, planning realistically for the future when additional resources, such as water, are no longer available or too costly to obtain.

A yes vote on this question will require the Regional Plan to identify water resources that match development patterns and zoning densities for the future. Although the Regional Plan recognizes that natural resources are constrained, it does not require the identification of water resources nor does it promote efficient development patterns that ensure a sustainable community when the water to supply new development is no longer available twenty-plus years from now.

Nevada Revised Statute 278.160(8)(g) says a master plan adopted in Washoe County must provide “An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.”

Planning: According to Webster’s dictionary the word means “any detailed scheme, program, or method worked out beforehand for the accomplishment of an object; or goal.” Presently it would appear that the plan for economic viability and stability for Reno, Sparks and Washoe County is to do all our growing in the next 20 years, deplete our resources and let tomorrow take care of tomorrow.

Currently developers are required to bring paper water rights. That does not get the community wet water, associated infrastructure, or identify what the costs would be and who would pay. When the current identified water resources have been utilized, where do we go from there? There is no plan! Vote yes on WC-3.

The above argument was submitted by the Ballot Question Committee composed of citizens in favor of this question as provided by NRS 295.121

Rebuttal to Argument “In Favor” of WC #3

The arguments in favor of this ballot question are misleading, incorrectly cite Nevada law and ask you to defer local land use decisions to a regional plan, rather than local elected officials. Based on these arguments, voting “no” on this question is necessary.

The folks in favor of this question cite 278.160(8)(g) and Webster’s Dictionary as authority to remove land use planning from the local level and reallocate it to the regional plan. First, there is no NRS 278.160(8)(g)!! This is what happens when you leave planning to persons who are unfamiliar with planning law, mistakes are made which can negatively impact our community.

Instead of relying upon piecemeal citations, real Nevada law states, “[t]he planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission’s judgment bears relation to the planning thereof.” NRS 278.150(1). Local planning commissions are appropriately responsible for master plans in Nevada, as they understand the nuances of their local jurisdictions.

The above rebuttal was submitted by the Ballot Question Committee composed of citizens in opposition to this question as provided by NRS 295.121

Argument “In Opposition” to WC-3

This ballot initiative is redundant to long-established Nevada water laws that already encourage and require water sustainability. Water rights must be acquired and dedicated before a new building permit is issued and, in the case of subdivisions, water sufficient to serve the new parcels must be acquired and dedicated before final approvals are granted.

This check-and-balance system ensures that no new development occurs without the appropriate amount of sustainable water.

For example, let's say a developer wants to build a new daycare facility. Assuming the developer did not obtain the water when purchasing the land, the developer must go into the open market to purchase the water before receiving any final approvals. If the water is too expensive or unavailable, no development may occur. Alternatively, if the developer purchases the water required for the facility, the developer may move forward (assuming compliance with other applicable laws) with a building permit and construction of the facility. This structure prevents the development of a daycare facility, or a supermarket, or a 1,000 home subdivision, if no water is available for the project.

If passed, this ballot initiative would require the Regional Plan to determine the sufficiency of water for projects. The Regional Plan is the "big picture" policy guide for Reno, Sparks and Washoe County. Appropriately, it does not include the "nuts-and-bolts" of a local development projects which is left to local ordinances. Regional staff are not equipped to review technical water data and determine, analyze and forecast when, where and how future development shall occur. These project-specific tasks are appropriately handled at the local level where project-specific details, such as water sustainability, are reviewed and approved.

If this question is passed, water rights must be acquired before projects are even conceptualized. This disconnect will cause speculators to hoard water and significantly drive up the price of water rights which will increase construction costs of new businesses and homes and will impair the health of our local economy.

Bottom line: this ballot question undercuts our local governments and stalls the prosperity and economic growth experienced in Washoe County in the last decade.

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Rebuttal to Argument "In Opposition" of WC #3

Vote yes on WC -3. Balancing water with population and land use should be a major consideration in planning. That's what planning is about. Zoning changes and density increases are often approved without regard for available, efficient, and cost-effective water supply, delivery and disposal. WC-3 would make this happen. You do not borrow or write a check for what you can't afford. Requiring balance is not redundant.

A recent study by UNR indicates that we currently have land use plans approved for 56,254 residential units that aren't built yet, and only 1/4 of these have water rights committed. Water rights for building these homes do not necessarily represent "real water."

The price of water rights is market driven as our community saw during the 2004-2006 housing bounce. Water rights are always going to be subject to market speculation. Current law mitigates against the “hoarding” of water rights, thus negating the argument of the opponents that a balanced plan will result in higher costs and impair the local economy.

Decisions we make now regarding how efficiently we use our water, and where we build and expand our communities, speak to what quality of life we will have for future generations.

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