



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Roger Edwards, Chair
D.J. Whittemore, Vice Chair
James Barnes
Larry Chesney
Sarah Chvilicek
Philip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, April 7, 2015
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, April 7, 2015, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Edwards called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: Roger Edwards, Chair
D.J. Whittemore, Vice Chair
James Barnes
Larry Chesney
Philip Horan
Greg Prough

Commissioners absent: Sarah Chvilicek

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
William Whitney, Director, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Roger D. Pelham, MPA, Senior Planner, Planning and Development
Sandra Monsalve, AICP, Senior Planner, Planning and Development
Renée Schebler, Planning Technician, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Commissioner Prough led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Mr. Webb recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

Chair Edwards opened public comment.

Cathy Brandhorst discussed several issues, none of which related directly to land use planning or zoning.

There was no additional public comment. Chair Edwards closed the public comment period.

Mr. Webb informed the Commission and the public that staff will be requesting a continuance of Item 9B, DCA 14-009 – Sign Code. The Planning Commission will hear the staff presentation, then open the public comment period. After the public comment period is closed, the Planning Commission can take action on the continuance. If continued, the item would continue to a date time certain, it would be a public hearing and the public will have an opportunity to offer comment again at that time.

6. Approval of Agenda

In accordance with the Open Meeting Law, Vice Chair Whittemore moved to approve the agenda for the April 7, 2015 meeting as written. Commissioner Chesney seconded the motion, which carried unanimously.

7. Approval of March 3, 2015 Draft Minutes

Commissioner Horan moved to approve the minutes for the March 3, 2015, Planning Commission meeting. Commissioner Prough seconded the motion which carried unanimously.

8. Consent Items

A. Possible approval of a resolution to accept dedication of Legend Trails Booster Pumpstation in the Galena area.

Chair Edwards asked the Commission if anyone needed to have a full presentation on this item. The answer was no.

Commissioner Horan moved to approve Consent Item 8A. Commissioner Horan asked if this was a public hearing item as it was listed in the motion. The answer was no and that the wording should be taken out of the motion. Commissioner Prough seconded the motion which carried unanimously.

9. Planning Items and Public Hearings

A. Request to Re-Initiate Development Code Amendment Case Number DCA14-005 –

To re-initiate an amendment to Washoe County Code, Chapter 110, Development Code, in order to prepare an ordinance (as required by NRS 278A.090 regarding planned unit developments), that would add Article 442, Specific Plan Standards and Procedures, and amend Article 106, Master Plan Categories and Regulatory Zones to provide criteria and procedures for rezoning to Specific Plan regulatory zones, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, and provide for other matters properly relating thereto and authorizing the chair to sign a resolution carrying out the actions described in the item.

Chair Edwards opened the public hearing. Mr. Webb reviewed the staff report dated March 30, 2015. Staff is requesting a re-initiation of this item because more than 125 days

has passed since the first initiation. Staff intends to bring this item back to the Commission at their next meeting in May with the proposed Development Code amendment.

Chair Edwards asked legal counsel if he should read the resolution. Mr. Edwards responded that he did not need to read the resolution verbatim since the agenda item is styled for the Commission to take action to approve signing the resolution and it is included in the materials made available to the public.

Chair Edwards opened Public Comment. There were no requests to speak. Chair Edwards closed public comment.

Chair Edwards opened discussion from the Commission. There was no discussion. No disclosures were made by members of the Commission.

Commissioner Prough moved, after giving reasoned consideration to the information contained in the staff report, to adopt the resolution contained in Exhibit A to the staff report of this item to initiate an amendment to Washoe County Code, Chapter 110, Development Code providing for criteria and procedures for rezoning, approval and regulation of Specific Plan Developments. He further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to bring the amendment back to this Commission for a hearing within 125 days of today's date. Vice Chair Whittemore seconded the motion which carried unanimously.

B Development Code Amendment Case Number DCA14-009 – To amend Washoe County Code Chapter 110 (Development Code) to amend Article 500 - Signs: Title and Contents; to remove Article 502 - Billboard Regulations and Article 504 - Sign Regulations; and to adopt new Article 505 (Sign Regulations).

Chair Edwards opened the public hearing. Trevor Lloyd reviewed his staff report dated January 15, 2015. Mr. Lloyd restated that staff is asking for a postponement on this case. They are not necessarily asking for a time certain continuance. There are unresolved issues and staff will bring back a final draft to the Commission. Those issues have to do with the Regional Recreational Travel and Tourism signs – the large signs. Mr. Lloyd felt that it was premature to discuss this section of the case in great detail at this meeting. He asked the Commission's permission to give a little background on where they are now. With the complexity of the sign code, it might be helpful to give some background now and return in a month or two for consideration of the proposed amendments.

Chair Edwards commented that we have been dealing with the sign code since he started here in 2008. Mr. Lloyd stated that one of the reasons that this has taken so long is that staff is, for the most part, creating a new sign code to address the content neutrality issue.

Mr. Lloyd stated that another highlight of this draft code is that the signage is based on the use of the property and not the zoning of the property. Chair Edwards asked how, for example, can there be a sign on a mobile home repair lot that is talking about UNR football; and also how can you tie a sign's location, which might be in the middle of the freeway on or off ramp, with the content of the sign? Mr. Lloyd responded that what you find in the real world is that signage is very valuable to business owners and the content becomes "self-regulating" as they want to attract business. Commissioner Prough stated the other side of this is that the mobile home repair person can put a sign up and take a royalty from Squaw Valley (or whoever) to help offset his costs. Having been in advertising for thirty years, they (signs) are lucrative in multiple facets.

He added that he doesn't know that it can be narrowed down like that. Chair Edwards agreed, especially now that there are digital signs that can have 5 or 6 repetitive faces.

Chair Edwards asked if it is the plan of the upcoming code to limit the sign to the type of business that the sign post is located in? Mr. Lloyd responded that the proposed code is limiting the size of the sign based on the use of the property. It is not limiting the message. Hypothetically you could run into these types of problems stated previously. He stated that we don't see this as a real issue today, but there is that opportunity, especially in terms of temporary signage. Chair Edwards asked if this sign code would overlay the two cities. Mr. Lloyd said no, it's only for the unincorporated County.

Chair Edwards commented that he doesn't know how you get a content neutral sign.

Deputy DA Edwards asked to interject a comment about the discussion so far. He said as he understood it, things like the time, size, and the material, for example, of a sign are potentially what can be regulated according to the use of the property. The message on the sign would not be limited to the use of the property. Staff agreed that is correct. The hypothetical example of a mobile home repair park having a "ski at Squaw Valley", sign on it, for example, is potentially something that could happen and would not be restricted or prohibited by the sign code as it is being contemplated.

Roger Pelham with Planning and Development stated that what this boils down to is if the height of the sign, it's location, the lighting of the sign are all appropriate, based upon the primary use type on the parcel, then the sign is appropriate. The owner can use that sign for whatever message he chooses. That gets our code out of the "strict scrutiny standard" and into a lower level of review.

Vice Chair Whittemore asked why we would limit the signage on the use of the property rather than the zoning of the property. Say the property is zoned that they could have a casino on it and have a gigantic sign but a hot dog stand can't have a giant sign; however the property might be completely tied to its ability to have people drive by and see the sign.

Mr. Webb asked the Commission to see page 43 of the draft sign code. Table 5.1 lists the type of use on the property and shows the signage allowed, regardless of the zoning of the property. Mr. Webb urged the Planning Commission to determine first – are the definitions in the principal use types adequate? Then look at the number and size of the signs and determine if that seems adequate. The direction given by the Board of County Commissioners was for this sign code to become sign content neutral. You can't look at the message on the sign, you need to regulate it by time, place, and manner.

Vice Chair Whittemore said he would be more comfortable with the size of the sign regulated by the size of the property. Mr. Lloyd referenced table 5.1 and responded that similar uses are going to be granted similar size of signs. He also clarified that the property is required to have an established principal use in order to have a permanent sign. Vice Chair Whittemore found it offensive that a property owner can't put up a sign without having a business. Mr. Lloyd responded that the current code prohibits that as well.

Commissioner Prough asked for clarification that a commercial property owner cannot put a billboard up if the property is vacant. Mr. Lloyd said that is correct.

Chair Edwards commented that the content neutral is a nice touch and that a new code should be for the County and include the cities.

Mr. Lloyd said the new draft code is written in clear language, very simple to read and to follow. The table discussed previously will answer most of the user's questions. In the section on billboards, staff is recommending prohibition of billboards. Staff member Renee Schebler helped perform a billboard survey. There are currently 33 billboards in the unincorporated Washoe County, down from 109 billboards in 2002. With this draft code, staff anticipates that this pattern will continue. This code also provides a reduction in potential sign clutter. The new proposed code would provide standards for electronic digital signs, including size and where they are allowed. The signs would be restricted to commercial centers and to locations of at least 1 acre in size.

Commissioner Horan asked if the current signs will be "grandfathered" in. Mr. Lloyd replied that currently there are not that many of these signs and they would be allowed to stay. Mr. Webb stated that if a sign was legally established and legally conforming as of today, using today's code, it would be a non-conforming use and could continue in the future. If a sign was established unlawfully, it would be an unlawful sign in the future. If staff receives a complaint, code enforcement, if appropriate, would take action to have the sign removed, or have the sign be changed to comply with code.

Mr. Lloyd stated that the proposed code would prohibit any animation or video signs.

Mr. Lloyd said the sign code working group had a diverse cross section of the community as members, and all have provided input. With the exception of one segment of the group, the working group is very pleased and supportive of the proposed code changes. The draft has been taken to several Citizen Advisory Boards and staff has held 2 community workshops. Feedback has been positive and constructive requests have been received, also. Staff is hoping to adopt a significantly better sign code than we have now. Possibly in a year or so it can be reviewed. Mr. Lloyd also said that former Deputy District Attorney Greg Salter put a lot of work into this revision of the sign code.

Commissioner Horan asked if the letter from Scenic Nevada requesting a postponement is the basis for the continuance. Mr. Lloyd said no, but their involvement, as well as others, in the working group is part of the basis for postponement.

Commissioner Prough asked whether being content neutral meant that a billboard in the proximity of, say, a school could still display a sign that is of questionable "taste", even if there is a business there. Mr. Lloyd responded that the current billboard code is content neutral. There have been concerns about "questionable content" in some instances; however the County does not have the authority of regulating content. Commissioner Prough asked if there was an appeal process, where citizens could appeal a proposed sign. Mr. Lloyd responded, no there is not, for the reason that we don't want to be the police of the messages (content).

Chair Edwards opened the Public Comment:

John Hara of Scenic Nevada said they were pleased with the Sign Code Working Group. Sign code is very complex. Scenic Nevada believes there was a change that puts the proposed sign code in jeopardy and exposes the County going forward. Citing the table in the proposed code, under Special Use Permits – it gives somebody the ability to have a billboard of unlimited size. These are part of the types of issues they are concerned about. The issues that they are raising are "not so much about a negotiation as they are about getting the strongest possible sign code you can put into place". Mr. Hara said that Mr. Lloyd talked of a self-regulating sign code. This is possibly a philosophical difference between them. Scenic Nevada does not believe that, at the community level, we will be happy if we have a "self-regulating" sign code. "You have to draw the lines and make the boxes so that everyone clearly understands what's

going on; If you have a self-regulating code, that's what you get". There are three issues that Scenic Nevada would like to have addressed.

Lori Wray of Scenic Nevada stated they are in support postponing this case to a later date so that more people can take a look at this sign code. There are some fundamental problems with the draft. It's not a matter of getting everything they want, they would like to raise some issues that are important for the County. Staff has told Scenic Nevada that they have good arguments, which they should bring up to the Planning Commission and the Board of County Commissioners (BCC), which they have. They have spoken to 2 County Commissioners who may ask for this to be put on their agenda later in the month. That's another reason for the postponement – if the BCC wants to go in a different direction, it could make some changes in the proposed sign code. There are unintended consequences to content neutrality. If you don't control what's on a sign, Scenic Nevada feels there will be billboards, even though staff says billboards will be prohibited. The type that is not being talked about tonight, and the Commissioners will be talking about, is the Recreational Tourist and Recreational category. Those signs can get really big, you can get a SUP for a digital, put it along the freeway, and run any add you want. The content neutrality is an income stream for companies. The prime example is the Motor Sports Park which is going to be used for a digital billboard. Scenic Nevada feels that there is a lot of good stuff in the sign code and they are pleased to be part of it and would like the Planning Commission to take a good look at it.

Cathy Brandhorst discussed issues of interest not directly related to the proposed sign code.

Chair Edwards closed public comment.

Chair Edwards asked John Hara if they were comfortable with a 30 day delay on this case or would 60 or 90 days give them more time to work with the group? Mr. Hara said it would depend on the process. Mr. Webb stated that the case has to be heard within 125 days from the ordinance initiation. The case was initiated in January 2015. It was determined by Deputy DA Edwards that the 125 day time period for the public hearing was satisfied at tonight's meeting. If the resolution was adopted in January 2015, the Planning Commission has 180 days to take action on the resolution which would be in July 2015.

Commissioner Barnes and Vice Chair Whittemore spoke in favor of a continuance.

Vice Chair Whittemore asked about the content neutrality. He is wondering if the requirements of basing the signs on the use of the property rather than the zoning that we are not limited property owner's free speech. Deputy DA Edwards replied that in the proposed sign code, the use of the property will only limit the number and size of the sign, not the content on the sign.

Commissioner Chesney supported a continuance based on the willingness of the parties to negotiate in good faith and get this done.

Commissioner Horan supported a continuance. He asked about dual track with Scenic Nevada talking with County Commissioners and whether we were working at cross purposes.

Director Whitney gave kudos to staff, Scenic Nevada, and the community for working together on this proposed sign code update. He assured the Planning Commission that they are not working at cross purposes with the County Commission. Planning Staff has prepared a staff report to have this matter heard at the April 28th BCC meeting so the County Commissioners can address concerns and provide direction to staff. This is a complex code and has been

worked on for a number of years. If it is before the Planning Commission more than once, that is a good thing. It gives the Commission time to ask more questions and understand it better.

Chair Edwards moved to continue this item to the June 2, 2015 Planning Commission meeting.

10. Planning Items

- A. Washoe County 2014 Regional Plan Annual Report** – Review and authorize transmittal of the 2014 Washoe County Regional Plan Annual Report, as amended to incorporate Planning Commission comments, to the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board on behalf of the Washoe County Planning Commission (per *Nevada Revised Statutes section 278.0286*).

Chair Edwards opened the Planning Item. Sandra Monsalve reviewed her staff report dated March 27, 2015.

Chair Edwards let the record show that Commissioner Whittemore was excused from the meeting. Deputy DA Edwards stated the Commission still had a quorum.

There was no discussion on the Annual Report.

Chair Edwards opened public comment. There were no requests to speak. Chair Edwards closed public comment.

Chair Edwards moved that based on testimony and comments received during the meeting, discussion and review of this matter by the Commission, and consistency with the adopted annual reporting procedures and state law, the Washoe County Planning Commission directs staff to submit the Washoe County 2014 Regional Plan Annual Report, included as Attachment B to the staff report accompanying this item, with the following changes (No Changes) to the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board on behalf of the Washoe County Planning Commission. Commissioner Chesney seconded the motion which carried unanimously.

Mr. Webb let the Commission know that Ms. Monsalve will be leaving Washoe County to take a Planning Manager position in Beaverton, Oregon.

11. Chair and Commission Items

- A. Future Agenda Items - None
- B. Requests for Information from Staff - None

12. *Director's and Legal Counsel's Items

- A. * Report on Previous Planning Commission Items

Mr. Webb updated the Commissioners on two previous cases from the March agenda:

- Special Use Permit SW14-002 (Truckee River RV Park) approved by the Planning Commission on March 3, 2015: Construction has not begun. The applicant is working to comply with the Conditions of Approval.

- Development Code Amendment DCA 14-010 heard by the Planning Commission on March 3, 2015: Scheduled for first reading with the Board of County Commissioners on April 14, 2015, scheduled for second reading on April 28, 2015, with possible adoption in June 2015.

B. Legal Information and Updates

13. *Public Comment

Cathy Brandhorst spoke about people possibly cashing her checks and other issues of interest to herself.

14. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Kathy Emerson, Recording Secretary

Approved by Commission in session on _____, 2015.

Carl R. Webb, Jr., AICP
Secretary to the Planning Commission