



Planning Commission Staff Report

Meeting Date: May 2, 2017

Subject: Development Code Amendment Case Number WDCA17-0001

Applicant: Planning and Development Division

Agenda Item Number: 8B

Summary: To amend Washoe County Code, Chapter 110, Article 505 (Signs)

Recommendation: Recommend approval and authorize the Chair to sign the attached resolution

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Washoe County
Commission District: All Commission Districts

Description

Development Code Amendment Case Number WDCA17-0001 – For possible action, hearing, and discussion on an amendment to Chapter 110 of the Washoe County Code (Development Code) within Article 505, Section 505.30 (Electronic Message Display Signs), to allow certain Electronic Message Display (EMD) signs to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign is (1) operated by a governmental entity, (2) located on property owned or controlled by a governmental entity, and (3) designed to convey public health, safety, and welfare information including traffic control and directional information. The planning commission may act to recommend approval of the proposed amendment with or without changes or to deny the proposed amendment. If approval is recommended, the action will be reflected in a resolution recommending approval that will be forwarded on to the county commission for further action.

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Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background and Proposed Amendments

BACKGROUND ON PROPOSED CODE CHANGES

At the January 24, 2017 County Commission meeting, the Board asked staff to bring forward an amendment to the sign code (Article 505) to reduce the required setbacks for electronic message displays (EMDs) from neighboring residential property lines. The Board did not provide specific language but asked staff to draft language which would provide more flexibility locating EMD (digital) sign for governmental agencies when the sign will promote the general welfare of the public. Staff has provided draft language that reduces the required setbacks for EMD signs from residential regulatory property lines from 200 feet to 100 feet if the proposed EMD promotes the general welfare of the public.

The County Commission initiated the amendment of the Sign Code (Article 505) at their February 28, 2017 meeting. The amendment was initiated in order to provide for exceptions for certain electronic message display (EMD) placement requirements specifically for governmental entities when the EMD promotes the general welfare of the public.

PROPOSED AMENDMENT

Section 110.505.30 Electronic Message Display Signs. All electronic message display (EMD) signs shall require the approval of an administrative permit by the Board of Adjustment; or a special use permit by the Board of County Commissioners if the EMD is a Regional Recreation, Travel and Tourism sign. An EMD shall meet the following criteria unless otherwise approved by the Board of County Commissioners by means of a special use permit:

- d. Except as otherwise provided herein, an EMD shall not be placed within 200 feet from any residential regulatory zone property line. If the EMD is otherwise permitted under the provisions of this Section, is operated by a governmental entity, and is located on property owned or controlled by a governmental entity, then the EMD shall not be placed within 100 feet from any residential regulatory zone property line if the sign will be used only:
 - (1) For any of the purposes identified in WCC 110.505.30(d);
 - (2) To convey locational, directional, or traffic control information; or
 - (3) To promote public safety, health, and welfare.

Citizen Advisory Board (CAB) Workshop

An all CAB workshop was held on Thursday April 7, 2017 at the Washoe County offices. The workshop was properly noticed to all of the CAB members and on the Washoe County web page, however, there were no attendees at this workshop.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff comment: *This amendment is consistent with the policies and action programs in the Master Plan.*

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

Staff comment: The proposed amendment will provide for the orderly development of the County by relaxing setback/buffering standards in order to promote the general welfare of the public from public messaging by a governmental agency.

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

Staff comment: The proposed amendment responds to changed conditions; specifically, changes in sign technology and the desire to promote the general welfare of the public due to the new technology are supported by this amendment. Specifically, there is a need for EMD signs from governmental agencies which are closer than the currently required minimum 200 foot separation from residential regulatory zones. The amendment would allow the placement of such signage closer to residential regulatory zones, the occupants of which are the primary beneficiaries of the message

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Staff comment: The Conservation and Population Elements of the Washoe County Master Plan will not be adversely affected by the proposed amendment.

Public Notice

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of WDCA17-0001, to amend Washoe County Chapter 110 (Development Code) within Article 505 Section 505.30 Electronic Message Display (EMD) signs, to change the buffering standards for civic EMD signs in order to provide for exceptions for certain EMD placement requirements specifically for governmental entities when the EMD promotes the general welfare of the public:

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA17-0001, to amend Washoe County Chapter 110 (Development Code) within Article 505 to allow certain Electronic Message Display (EMD) sign to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign is (1) operated by a governmental entity, (2) located on property owned or controlled by a governmental entity, and (3) designed to convey public health, safety, and welfare information

including traffic control and directional information. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.

Staff Report and Action Order xc: Dave Solaro, Director, CSD
 Nate Edwards, Deputy District Attorney
 Bob Webb, Planning Manager, Planning & Development



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AN AMENDMENT TO THE WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 505 (SIGNS), TO ALLOW CERTAIN ELECTRONIC MESSAGE DISPLAY (EMD) SIGNS TO BE LOCATED CLOSER THAN THE EXISTING MINIMUM 200 FOOT DISTANCE REQUIREMENT (WCC 110.505.30 (D)) BETWEEN ANY RESIDENTIALLY ZONED PROPERTY AND AN EMD. THE EXCEPTION WOULD ALLOW AN OTHERWISE PERMITTED EMD TO BE LOCATED WITHIN 100 FEET OF RESIDENTIALLY ZONED PROPERTY IF THE SIGN IS (1) OPERATED BY A GOVERNMENTAL ENTITY, (2) LOCATED ON PROPERTY OWNED OR CONTROLLED BY A GOVERNMENTAL ENTITY, AND (3) DESIGNED TO CONVEY PUBLIC HEALTH, SAFETY, AND WELFARE INFORMATION INCLUDING TRAFFIC CONTROL AND DIRECTIONAL INFORMATION;

Resolution Number 17-07

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Commission; and
- B. The Board of Washoe County Commissioners initiated an amendment to the Washoe County Code Chapter 110 (Development Code), Article 505 (Signs) to provide exceptions for certain electronic message displays (EMDs) placement requirements for governmental entities; and
- C. Development Code Amendment Case Number WDCA17-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on May 2, 2017; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA17-0001:
1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

- 1) The Washoe County Planning Commission does hereby recommend approval of WDCA17-0001 as set forth in Exhibit A to this resolution to amend Washoe County Code Chapter 110, Development Code, at Article 505 *Signs* to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign is (1) operated by a governmental entity, (2) located on property owned or controlled by a governmental entity, and (3) designed to convey public health, safety, and welfare information including traffic control and directional information.
- 2) A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation to be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on May 2, 2017.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr., AICP, Secretary

James Barnes, Chairman

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

SUMMARY: An ordinance amending Washoe County Code, Chapter 110, Development Code, Section 110.505.30, to allow certain Electronic Message Display (EMD) signs to be located closer than the existing 200 foot minimum distance requirement between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be placed within 100 feet of a residentially zoned property if it (1) is operated by a governmental entity, (2) is located on property owned or controlled by a governmental entity, and (3) only conveys public health, safety, and welfare information including traffic control and directional information.

BILL NO. ____

ORDINANCE NO. ____

TITLE:

An ordinance amending Chapter 110 of the Washoe County Code (Development Code) within Article 505, Section 110.505.30 (Electronic Message Display Signs), to allow certain Electronic Message Display (EMD) signs to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign (1) is operated by a governmental entity, (2) is located on property owned or controlled by a governmental entity, and (3) only conveys public health, safety, and welfare information including traffic control and directional information.

WHEREAS:

- A. This Board desires to amend Article 505, Signs, of the Washoe County Code Chapter 110, Development Code, as provided herein; and,
- B. As authorized by Washoe County Code Section 110.818.05, the Board initiated an amendment to the Development Code for Article 505 for this matter by Resolution on February 28, 2017; and,
- C. The Washoe County Planning Commission held a duly noticed public hearing for WDCA17-0001 on May 2, 2017, and adopted Resolution Number 17-XX recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board desires to adopt this Ordinance; and
- E. This Board has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, and therefore is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1. Section 110.505.30, *Electronic Message Display Signs*, is hereby amended to read as follows:

Section 110.505.30 Electronic Message Display Signs. All electronic message display (EMD) signs shall require the approval of an administrative permit by the Board of Adjustment; or a special use permit by the Board of County Commissioners if the EMD is a Regional Recreation, Travel and Tourism sign over 300 square feet in size. An EMD shall meet the following criteria unless otherwise approved by the Board of County Commissioners by means of a special use permit:

- (a) EMDs shall contain static copy only.
- (b) Static copy on the EMD must be displayed for a minimum of 8 seconds with instantaneous transition from one message to the next.
- (c) Each EMD shall meet the standard building setback requirements of Article 406, Building Placement Standards, of this Code for the regulatory zone in which the sign is proposed to be located.

(d) Except as otherwise provided herein, an EMD shall not be placed within 200 feet from any residential regulatory zone property line. **If the EMD is otherwise permitted under the provisions of this Section, is operated by a governmental entity, and is located on property owned or controlled by a governmental entity, then the EMD shall not be placed within 100 feet from any residential regulatory zone property line if the sign will be used only:**

(1) For any of the purposes identified in WCC 110.505.30(d);

(2) To convey locational, directional, or traffic control information; or

(3) To promote public safety, health, and welfare.

(e) An EMD shall not be placed within 200 feet from any other EMD.

(f) An EMD shall only be located on properties with regulatory zones of General Commercial (GC), Tourist Commercial (TC), Neighborhood Commercial (NC), and Industrial (I) on parcels one acre in size or larger or on properties with regulatory zones of Public/Semi-Public Facilities (PSP) and Parks and Recreation (PR) that are ten acres or larger in size. Only one EMD shall be allowed per site.

(g) A freestanding EMD sign structure shall not exceed 12 feet in height and shall be a monument sign as defined at Section 110.505.75, Definitions, unless the EMD is placed on a property with a Regional, Recreation, Travel and Tourism use type.

(h) Within the General Commercial (GC), Neighborhood Commercial (NC) and Industrial (I) regulatory zones, an EMD shall only be allowed within a Commercial Center as defined at Section 110.304.25(f) of this Code.

(i) An EMD shall not exceed 50% of the allowable sign display area of signs allowed on any site per this Article and an EMD shall not exceed a maximum of 120 square feet in size.

(j) EMDs shall not operate at brightness levels of more than 0.3 foot-candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the following formula: Measurement Distance =

$$\sqrt{\text{Area of Sign} \times 100}$$

The measurement distance can be rounded to the nearest whole number.

(k) All permitted EMDs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be either programmed to automatically dim according to ambient light conditions, or manually adjusted to comply with subsection (j) above.

(l) All special use permit or administrative permit applications for EMDs shall include a statement by a licensed engineer certifying that the lighting will comply with the lighting standards of this Article Code.

(m) EMDs shall not be allowed within any designated scenic corridor or scenic byway as identified in either state statute, or in Washoe County Code or Master Plan.

(n) Illumination Measurement Criteria:

- (1) The illuminance of an EMD shall be measured with a light meter set to measure foot-candles accurate to at least two decimals.
- (2) Illuminance shall be measured with the EMD off, and again with the EMD displaying a solid white image for a full color capable EMD, or a solid message for a single-color EMD. Measurements shall be taken one hour after sunset.
- (3) All measurements shall be taken facing the sign structure with the light meter pointed at the center of the EMD and measured from the edge of the travelway of the nearest public roadway or at the property line of any residential regulatory zone.

SECTION 2. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on _____ (month) _____ (day), _____ (year).

Proposed by Commissioner _____.

Passed _____ (month) _____ (day), _____ (year).

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

Attest:

County Clerk

Chair of the Board

This ordinance shall be in force and effect from and after the _____ day of the month of _____ the year _____.