



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, July 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, July 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
James Barnes
Larry Chesney
Philip Horan
Greg Prough

Commissioners absent: D.J. Whittemore, Vice Chair
Sarah Chvilicek

Staff present: William Whitney, Director, Planning and Development
Eva M. Krause, AICP, Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Roger D. Pelham, MPA, 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

Director Whitney recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

With no response to the call for public comment, Chair Edwards closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Horan moved to approve the agenda for the June 2, 2015 meeting as written. Commissioner Chesney seconded the motion, which carried unanimously.

7. Approval of August 5, 2014 Draft Minutes

Commissioner Horan moved to approve the minutes for the August 5, 2014 Planning Commission meeting as written. Commissioner Edwards seconded the motion which carried unanimously.

Approval of January 6, 2015 Draft Minutes

Commissioner Horan moved to approve the minutes for the January 6, 2015 Planning Commission meeting as written. Commissioner Chesney seconded the motion which carried unanimously.

Approval of June 2, 2015 Draft Minutes

Commissioner Horan moved to approve the minutes for the June 2, 2015 Planning Commission meeting as written. Commissioner Chesney seconded the motion which carried unanimously.

8. Public Hearings

A. Special Use Permit Case Number SW15-002 (Turquoise Solar, LLC) – Hearing, discussion, and possible action to provisionally approve a 60MW Solar Energy project. The project includes a 585 acre photovoltaic field, a 60MW sub-station, and a 120Kv transmission line connecting the proposed new sub-station to the NV Energy Pah Rah sub-station. The project also includes up to 7,200 cubic yards of grading. The construction of a new sub-station will require a conformance review with the Truckee Meadows Regional Plan for a Project of Regional Significance and will, if provisionally approved by the Washoe County Planning Commission, require subsequent action by the Washoe County Board of Commissioners to sponsor an amendment to the Truckee Meadows Regional Plan to identify the location of the new sub-station and transmission line(s) on the Regional Utility Corridor Map of the Truckee Meadows Regional Plan.

- Applicant: Turquoise Solar, LLC
- Property Owner: Stonefield, Inc.
- Location: 21575 Interstate 80, Reno Technology Park
- Assessor's Parcel Numbers: 084-110-26, 084-110-24, 084-110-27
- Parcel Size: 784.68 acres
- Master Plan Category: Industrial and Rural (I) (R)
- Regulatory Zone: Industrial and General Rural (I) (GR)
- Area Plan: East Truckee Canyon
- Citizen Advisory Board: Truckee Canyon
- Development Code: Authorized in Article 810, Special Use Permit and Article 812, Projects of Regional Significance
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 21, T20N, R22E, MDM, Washoe County, NV

- Prepared by: Eva M. Krause - AICP, Planner
Planning and Development Division
Washoe County Community Services Department
- Phone: 775.328.3796
- E-Mail: ekrause@washoecounty.us

Chair Edwards opened the public hearing. Eva Krause reviewed her staff report dated June 19, 2015.

Ms. Krause is proposing Amendment of Conditions – Changing Engineering’s condition 2.g. as follows:

Access roads serving the project shall be all-weather and shall be surfaced with a minimum of six (6) inches of Type 2 Class B aggregate road base of approved equal and shall be provided with adequate roadside drainage and cross drainage consistent with County drainage standards.

In addition, Planning is recommending removing Condition 1.d. There is only one parking space so there is no real parking lot. Staff feels they don’t need a paved parking spot or to light the parking area.

The applicant will speak about Condition 6.b. – Maintain sportsman’s access to BLM property.

Cynthia Albright, AICP, of Stantec Consulting, the applicant’s representative, stated that she appreciates working with Washoe County staff and they have been wonderful to work with. It makes the process easier when you have a great working relationship with staff. Ms. Albright reviewed a PowerPoint presentation. She stated that growth in this type of renewable energy is projected to increase to 10% of the Nation’s energy needs by 2015. This project is a fabulous example of northern Nevada bringing renewable energy to our area. The plan is to connect the power that is generated from this facility of renewable energy to the switching yard which is under construction. Water demand is very low, sewer demand is very low, and the transportation demand is very low. There are not going to be any employees located there – the facility will be operated remotely. When the facility needs to be cleaned or serviced, an employee will come out to take care of that. The facility will be fenced and there will be no public access. The plan is to minimize impacts of this development on the Reno Technology Park as well as the surrounding uses and the residents of Reno, Sparks, and Washoe County. The roads are proposed to be 12 feet wide, which allows for very minimal grading. The only access on this particular site will be on All Terrain Vehicles. The solar panels will be attached to tables. The project will be built in one phase. The most that is visible from Interstate 80 going east is the far southeast corner of the solar project. A slide with a visual simulation was available on a PowerPoint slide. Driving on I80, you will see the project for approximately 1 minute and 9 seconds. The project is not visible from I80 going west due to the topographic feature of the area.

Chair Edwards reminded the applicant and representative that each speaker will have the 3 minute time limit.

Jill Daniel, president and founder of Estuary Capital Partners, a developer of renewable power projects based in San Francisco and Reno. Ms. Daniel has been working with Nick Pavich and Unique Infrastructure Group since late 2013 to think about power solutions for the data centers that are considering locating to the Reno Technology Park, as well as the data centers already at the technology park. Many of the high technology companies are interested in sourcing as

much power as they can from renewable resources, which do not emit carbon dioxide. This project will generate 140,000 megawatt hours per year of clean, renewable power with no carbon emissions. Compared to traditional power, this project will remove 70,000 tons per year of carbon dioxide from the atmosphere. Solar power is the least invasive form of renewable power available today, using minimal water, has minimal effect on wildlife, and has zero carbon emissions. The site was chosen because it is an industrial area, already disturbed, low value to wildlife, and they thought the solar project would be a nice addition to the infrastructure in the area.

Nick Pavich, Managing Member of Unique Infrastructure Group (UIG), representing UIG the master developer of the Reno Technology Park and also Stonefield, Inc., the owner of all of the land in the Reno Technology Park with the exception of 350 acres that belongs to Apple. They came before the Planning Commission and the Board of County Commissioners in 2011. The Reno Technology Park is subject to a development agreement with Washoe County, which was approved in January 2012. The agreement contains very specific conditions on what can be developed and how it can be developed. One of the big conditions was approval of a gated, private road project, responding to the needs of these mission critical facilities that they are developing, along with the energy facilities that they are developing on the site. Mr. Pavich stated that he spoke to Mark Freese at NDOW about his condition 6b. Mr. Freese was not that familiar with the roadway situation at the technology park. Mr. Pavich made him aware that there is no public access to the park from I80 and the owner nor the master developer want to grant one. It would be in violation of every representation they've made to the current tenant, along with everyone else they are marketing to. Discussion in 2011 with the Board of County Commissioners regarding BLM right-of-way in a portion of the Reno Technology Park was for UIG to work with BLM and the Pah Rah range livestock permittees to allow them seasonal access for release and roundup of cattle. BLM is not looking for access to get to I80. They plan to have a settlement agreement focused on the livestock permittees. Mr. Pavich respectfully requested the Planning Commission consider not including condition 6b. They will work with NDOW on access for the hunters.

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

Chair Edwards asked whether the issue of 100-year old land tortoises was resolved? Ms. Krause responded that she does not believe there are any land tortoises on this parcel. There was an environmental study done as part of the application. Cynthia Albright responded that there are no tortoises or any wildlife issues on the property.

Commissioner Prough stated that he was at the East Truckee River Citizen Advisory Board meeting and heard the entire application and spoke with Ms. Daniel and Ms. Albright there. He had a concern about taking out condition 6b since this was not presented to the CAB. Commissioner Prough wanted clarification from Mr. Pavich that he was not prohibiting hunting in the areas around the project. Mr. Pavich responded "No", they can't prohibit hunting on the BLM and other private land. They are prohibiting hunting only on land owned by the technology center. Commissioner Prough asked what security is planned for the facility. Mr. Pavich responded that the entire technology park is fenced and will be gated. Their major problem has been people cutting through the fence and locks to trespass through the property. Apple and UIG just spent \$300,000 on a surveillance system. Apple has their facility fenced and has 24/7 security. He is not sure what Turquoise Solar has in mind other than the perimeter security that UIG has set up.

Chair Edwards asked if there were any disclosures on this item. Commissioner Prough stated his attendance at the CAB meeting.

Commissioner Barnes asked Ms. Krause for her view on the sportsman's issue. Ms. Krause stated the recommendation came directly from NDOW. She had not known there was any sportsman's access through the property. She wrote it as a condition but NDOW sent it as a recommendation. Ms. Krause feels that the condition should be removed since it is an industrial area, zoned industrial, and if there are other ways to access their property, their access does not need to go through the subject property.

Commissioner Horan asked how we are treating NDOW's other recommendations in the staff report. Ms. Krause responded that the applicant has no objections to the other conditions and will work with NDOW on those. She further stated that she has no authority to enforce NDOW conditions. If it does come to a conflict, NDOW can request another hearing on this issue. The person making the condition has the authority to enforce it. Commissioner Horan said if NDOW is not mandating the recommendations, then they should not be conditions.

Chair Edwards stated that the facility has been fenced for some time and wouldn't this issue have been dealt with previously? Ms. Krause stated that she would have thought that would be the case and she did not have knowledge of the sportsmen's access until NDOW sent the letter.

Commissioner Chesney asked whether they would amend the conditions to drop all of NDOW's comments? Counsel Edwards stated that whatever conditions the Commission wants to have as part of the permit should be included tonight. With respect to 6b, and the letter from NDOW – the request to maintain access is broad. Maintain access where? Is there some area they are saying where access should be maintained? There is a vagueness issue there which is his first concern. If the condition were taken out, he does not see that being a risk if there were to be some sort of right of access or easement there. It leaves that issue separate and to be dealt with by others at the appropriate time. The request to remove the condition is a valid one for these two reasons.

Commissioner Prough asked whether the question of maintaining sportsmen's access was dealt with when Apple came before the Commission for their facility. Chair Edwards responded that he can't believe that this issue wasn't dealt with at the beginning of this project. Counsel Edwards said that they have changed some of the language with the standard form for some of these types of permits. They include a provision that says essentially that "this permit does not relieve you from any other legal obligations that you have with respect to the property". If there are CC&R's that apply to the property or an agreement someone has with their neighbor, or there is an access easement, the granting of a permit does not extinguish that.

Chair Edwards moved 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 approve, with the conditions contained in Exhibit A to the staff report, as amended (amending condition 2.g. and deleting conditions 1.d. and 6.b.) Special Use Permit Case Number SW15-002 for Turquoise Solar, LLC, subject to conformance review by the regional planning authorities having made all five findings in accordance with Washoe County Code Section 110.810.30. Commissioner Chesney seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for 60MW solar facility and sub-station, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

B. Development Code Amendment Case Number DCA14-009 – Consideration and possible action to recommend to the Washoe County Board of County Commissioners to amend Washoe County Code, Chapter 110, by changing Article 500 - Signs: Title and Contents; to remove Article 502 - Billboard Regulations and Article 504 - Sign Regulations and to adopt a new Article 505 (Sign Regulations); and to possibly authorize the Chair to sign a resolution effecting these changes. The purpose of the amendments is to combine the regulations relating to billboards and signs into one Article and to rewrite the sign provisions relating to signage in Washoe County.

Chair Edwards opened the public hearing. Commissioner Barnes disclosed for the record that he received a telephone call from Lori Wray of Scenic Nevada in which she laid out pretty much the same points that are in the letter from Scenic Nevada, which they sent to the Commission. Chair Edwards asked if there were any more disclosures. Commissioner Horan received an email and a letter from Scenic Nevada but had no personal contact with anyone. Commissioner Chesney received an email. Commissioner Prough received a voicemail on his phone but never spoke to them (Scenic Nevada). Chair Edwards disclosed that he received one phone call and a couple of emails, he also received a packet from Scenic Nevada in an email, which is a duplicate of what the Commission has in their packet today.

Planner Trevor Lloyd introduced several members of the team present; Roger Pelham, who will be delivering a portion of the presentation; Renée Schebler, Greg Salter, Deputy District Attorney, who is no longer working for Washoe County was a very big part of this team. Mr. Lloyd stated that Nate Edwards, our Legal Counsel has stepped in and has familiarized himself with this proposed code and the legal issues surrounding essentially the First Amendment Law and sign codes in general. Mr. Lloyd stated he would direct any legal questions to legal counsel. Additionally, there are several members here who have attended the Sign Code Working Group. This is an outside group that includes County staff, representatives from the sign code community, Scenic Nevada, the real estate industry, the development community, Commissioner Barnes was part of this group, and several members of the Citizen Advisory Boards. They met several times over a year's time and hashed out some provisions to this draft code. As a result, what we are bringing here tonight is something we can all be proud of. Mr. Lloyd stated that by no means is this a perfect code. Given the complexity of signage in

general, there are many opinions and many different interests. The proposed amended code is a substantial improvement over the existing code and that is something that they take a great deal of pride in.

Mr. Lloyd hopes that tonight we can bring some clarity to some misconceptions around the draft Sign Code amendments. A big part of this draft is ensuring that we protect and preserve the scenic qualities of Washoe County. His presentation will provide comparisons between what the County is proposing and the existing code.

Mr. Lloyd reviewed his staff report dated June 19, 2015. At the end of the 15 minute allotted time, Mr. Lloyd asked for a time extension. Chair Edwards stated he would like to suspend the time limit. DDA Edwards said that is a legitimate action by the Chair and the agenda does contemplate that scenario. Mr. Lloyd continued his presentation. Roger Pelham took over the presentation to talk about the Sign Code meetings and public involvement. In summary, Mr. Pelham provided several examples of concessions that have been made at the request of Scenic Nevada and believes the draft Sign Code received broad general support from the community, it will support commerce and civic uses, and will preserve and protect the natural landscape and beauty of Washoe County.

Mr. Lloyd went over a minor change in the draft sign code in Section 110.505.30(h), referencing Section 110.505.75 should be 110.505.70. Mr. Lloyd thanked the Working Group.

Chair Edwards asked DDA Edwards whether the Commission should ask for public comment now or question staff. DDA Edwards said it is at the Chair's discretion but it would make sense to go to public comment now and bring staff up as you need during the Commission's discussion.

Chair Edwards opened public comment.

Diane McCormack stated she moved to Reno eight years ago after the death of her husband. She lived in Truckee for 20 years. Her husband was very involved in local politics, was mayor for two terms. When she moved to Reno, she was not used to the billboards. Driving down Virginia with her grandchildren one day they saw the Wild Orchid sign. She had to explain to her grandchildren what some of that meant. She became involved with Scenic Nevada and does support the amendments to the billboard ordinance.

Chair Edwards clarified that Ms. McCormack is referring to the amendments in the Scenic Nevada flyer. Ms. McCormack said yes.

Mark Wray, as attorney for Scenic Nevada, asked for the 5 minute public comment time period for speaking on behalf of Scenic Nevada. This request was granted. Mr. Wray stated beginning in November 2013, Scenic Nevada participated heavily in at least 17 meetings of the Sign Code Working Group. Scenic Nevada can support the proposed draft sign code in many respects but believes strongly that several amendments are needed. One is eliminating the RRTT category – which Scenic Nevada opposed since the first day it was mentioned in a Working Group meeting in the fall of last year. Mr. Wray stated that this draft code is based on the principle that the type of allowable signage at any given property is depending on the use on that property. He further stated that out of the blue, staff handed them a new sign code stating that if someone has a Regional, Recreational, Travel and Tourism property, that person can erect a billboard-size sign on an adjacent parcel if the adjacent parcel is next to a freeway. The people at the meeting including himself, questioned this. Mr. Wray stated that apparently one of the Commissioners was doing a favor for Norm Dianda. Norm leases land off I80 in East Truckee Canyon but has an adjacent industrial parcel right on the freeway. He wants to put a digital billboard on his industrial property. Evidently staff was told to find a way to make it happen. Mr. Wray said that's why we suddenly had this new use category called RRTT. The pretense is that the billboard is connected to the racetrack, but really it would be a digital billboard advertising "all manner of products" with little or nothing to do with the racetrack. Mr. Wray said that Norm just

wants a sign and he told him that. Everyone else's sign in the County will be limited to the use on the property. He stated that State law prohibits an elected official from adopting a law based on a favor to someone. Favoritism is wrong and opens the door for others to sue the County to get the same treatment. The RRTT is a cancer in the draft code and he urges the Commission to support the amendment to eradicate it. Mr. Wray would like the Commission to please consider amending the draft code to restore the definition of billboard in the existing law and the existing language that new billboards are prohibited remain. The slide that said we continue prohibiting billboards is an exercise in semantics. The existing County Code and State Law defines a billboard as a sign that advertises goods and services not sold on the premises where the sign is located. The draft code removes that definition but it belongs there and in State law. Two weeks ago in *Reed vs. Gilbert*, the U.S. Supreme Court affirmed the critical distinction between on and off premise sign is Constitutionally valid and appropriate for local sign ordinances. Without this distinction it would make every sign a billboard. Mr. Wray said this is the opposite of the claim made by staff - that they are prohibiting billboards. The people of Washoe County are strongly against this and taxpayers sometimes have to pay for billboard removal under State law. There is a fiscal impact to consider. Mr. Wray also said that regardless of what staff says, digital billboards are distracting, that's what they are about. Second, referencing the slide of the point three foot candles, those are in Reno. "If you thought they are too bright, those are .3 foot candles."

Lori Wray brought copies of Scenic Nevada's compromise on the lighting standard, offered to NDOT, which was distributed to the Commissioners. Ms. Wray stated she is in support of Scenic Nevada's amendments. She stated the cost of removing billboards is high for taxpayers. The Moana Lane widening project involved four billboards which cost taxpayers \$295,000. In Minnesota taxpayers paid 4.3 million for removal of one digital billboard. Both payments were made to Clear Channel Outdoor. They are here today to ask the Commission to amend the draft code before recommending approval to the County Board of Commissioners. They are not opposed to the entire draft, just certain portions. These are their amendments: restore the current billboard definition to differentiate between on and off premise signs and prohibit billboards; to eliminate all references to the RRTT category; and to replace industry brightness standards with recommendations in the Veridian report. They offered a compromise to NDOT and are offering the compromise tonight. They think the County's refusal to define billboards properly is directly related to the Dianda sign. Ms. Wray stated that staff says it's because of the need to have a content neutral sign code but we all know that distinguishing between on and off premise signs has no impact on content neutrality. Distinguishing between on and off premise signs will have an impact on the RRTT category. If the billboard definition is restored, Mr. Dianda could not have his digital billboard along the freeway but could have an on-premise sign up to 200 square feet for his Q&D property and digital sign of up to 450 square feet on his motor sports park venue. Ms. Wray said the draft as is will cause confusion, lead to more billboards, including digital, and possibly lawsuits from the billboard industry, and that affects taxpayers. They also see many regulations for billboards being tossed. According to Ms. Wray, under this draft, anyone with a sign permit can post billboard ads, including residential properties. Another problem includes the impacts on the East Truckee Canyon. A digital billboard advertising every 20 seconds across from the Nature Conservancy Truckee River Restoration Project does not conform with the vision of reducing the impacts of off-premise signs. Another problem is with Scenic Byways. Ms. Wray asked the Commission to try to find a way to pass Scenic Nevada's amendments tonight.

Karen Munson, who works for Young Electric Sign Company, stated she was not a part of any of the meetings, they did have other staff who participated in the many meetings. Ms. Munson thanked Trevor and his team, acknowledging that what they have done is a daunting task. There are quite a few changes and drastic reductions in the size and the allowances of signs. They don't absolutely love it, but they will accept it with some conditions for the electronic message display signs. They believe the draft is extremely restrictive. Even though much of

the County is in the Suburban Rural areas, there are still signs. Moana Nursery has a sign that is over six feet in height and they would not be able to have this sign. His sign has some electronic changing, airplanes that come across and flowers that grow. With the proposed draft code, that sign would not be allowed. There are some churches and properties proposed in Spanish Springs which may want some signs. With traffic at 45 mph, a six foot sign doesn't make sense for those churches and businesses to show any of their events. Ms. Munson does not believe removing the RRTT category would be fair for the 3 locations because the Board of County Commissioners have taken the time to review this and would also be unfair to staff and others who made presentations to the Board of County Commissioners. Ms. Munson said that they believe the electronic messaging signs can be regulated. There are allowances for static and they would like to see the 20 second hold reduced to 10 seconds, but they could live with it. Currently, the code for billboards would say that a billboard is a sign over 450 square feet – there would be very few signs allowed over 450 sq. feet without a Special Use Permit.

Mike Freeborg asked for the five minute public comment time period for speaking on behalf of the Digital Signage Committee of the International Sign Association. The request was granted. Based on Mr. Freeborg's interpretation of the proposed code, you can only have a digital sign on a four lane road and can only be six feet tall. Generally 4 lane roads have a wide right-of-way and along with an additional 10 foot setback – a six foot tall sign is going to appear extremely small. Based on his calculations if you can have a 120 square foot sign but it can only be 50% of the allowed square footage area, that means a six foot tall sign can only be three foot tall in message center by 40 foot wide. He doesn't believe that is the intent of the code. They would recommend a taller height allowance, at least 12-15 feet. Visual of the City of Centennial was shown- it is 15 foot tall, a monument sign, the message center is up "above the tumbleweeds". The whole point of a sign is so it can be read and have impact on its users. The concern with the proposed code is that you are allowed a six foot digital sign, but effectively, it's a ban on digital that is readable and functional for that kind of use on a four lane road. Mr. Freeborg stated that they believe the 20 second hold time is excessive. With traditional billboards that are 672 square foot, hold times are generally eight seconds. With less allowed square footage, you need to be able to rotate through images to show a story. Visual of Lonetree Elementary image was shown to demonstrate what a vehicle driving by would get to know about what's going on at this property. Video of 10 second hold time animation had technical difficulty, Mr. Freeborg said he would provide links to staff so they could view this. People think they need to have long hold times to prevent Las Vegas style signs but what is most important is effective brightness levels. They do "second the motion" for the proposed brightness regulations. The brightness standards are good as written, they have been adopted by 170 jurisdictions to date, including eight state departments of transportation. In order to save costs for the applicant, they would strongly recommend having them sign an affidavit indicating the sign brightness will adhere to the recommended brightness levels rather than having a review by a licensed engineer.

John Hara thanked the Commission for allowing him to speak here tonight. He is a Washoe County resident, a board member of Scenic Nevada, and alternate on the County Sign Code Working Group. It is Mr. Hara's opinion the sign code was not that broken in the first place, with a few minor tweaks, it could be in there. They have worked hard in the working group to make that happen. Mr. Hara stated that for some reason with all the good stuff you heard from Roger and Trevor, and there is a lot of good stuff in there, they have made a decision to go with the redefinition of what defines a billboard, which unconventional, non-standard, and isolates Washoe County from the majority of communities in the United States. Many communities are grappling with the issue that the technology of digital billboards has outpaced policies and laws. Sign companies are taking advantage of this. What you get from sign companies and businesses are not necessarily the best thing for communities. Mr. Hara had a picture of Lavender Ridge, a local business, with a billboard, a Yesco sign, Yesco is owned by Samsung. It is an example of more, bigger and brighter. Mr. Hara stated he hopes the Commission will

read the letter from Scenic Nevada. It has been their experience that to date in these public hearings there has not been due diligence, there hasn't been rigor and follow-up questions. All the points they bring up, "generally go into the nether". There is no acknowledgement of what they are trying to say in terms of issues.

Chair Edwards stated that he would have given Mr. Hara more time to finish his points, but that the Commission has read the letter from Scenic Nevada. Mr. Hara said the Commission can consider them an unpaid extension of their staff – they consult with National experts and do hundreds of hours of research. Chair Edwards stated that Scenic Nevada was given quite a bit of credibility in the staff report.

Chair Edwards stated that Jennifer Kaufman does not wish to speak but is in favor of Scenic Nevada's amendments.

Jack Hawkins stated that he is an architect and a concerned citizen. He wants the Planning Commission to be progressive in their thoughts. He said we now have smart phones and computers. In his opinion, billboards are becoming unnecessary. They are visual clutter and ruin the scenic environment. Staff has done a good job trying to clean up the code. He would make this as restrictive as possible. Mr. Hawkins supports going with the recommendations from Scenic Nevada. He is not affiliated with them but has followed what they are trying to do to protect our environment. A handful of people are making a lot of money, but the rest of us have to suffer with the signs forever. He stated RTC is trying to clean up Virginia Street and can't get rid of 9 billboards. In his opinion, it completely ruins Virginia Street. Mr. Hawkins said we don't need billboards like we did 50 years ago or 20 years ago. The billboard industry is aggressive and money generated. In his opinion, we don't need that kind of advertising for businesses to be successful.

Lyn Hawkins opposes RRTT allowances for billboards and urged the Commission to provide amendments to protect scenic beauty in Washoe County now and in the future. She recently visited the Gold Coast in Queensland, Australia. Billboards there are restricted in height, size, and location. The visual focus is on natural beauty. "Let's retain our focus on the natural beauty of our area."

With no additional requests to speak, Chair Edwards closed the public comment period.

Commissioner Chesney asked whether existing signs are "grandfathered" in? Mr. Lloyd answered yes. Commissioner Chesney asked if the Dianda sign will fall under the 450 foot requirement. Mr. Lloyd answered, yes, it is one of the three proposed locations that will allow for an RRTT under 450 square feet. Commissioner Chesney asked how many public meetings have they had. Mr. Lloyd responded there have been two public workshops, three or four Citizen Advisory Board meetings, the RRTT item has gone twice to the Board of County Commissioners, those meetings are in addition to all of the working group meetings. Time span is about two and one-half years.

Commissioner Barnes asked about the flashing digital billboard in the East Truckee Canyon. Mr. Lloyd responded that the RRTT signs cannot be flashing and they are proposing a 20 second hold time. There would be an allowance for a message display sign at this location and potentially two others and would require the approval of a Special Use Permit by the County Commission. The County Commission requested they adopt language to provide for such a sign where there is a need to attract attention, to provide location and direction. A Special Use Permit can impose additional conditions such as hours of operation.

Commissioner Prough asked clarification that under the new proposal there will be no sign greater than 45 square feet and no more billboards which are in excess of 450 feet? Mr. Lloyd said that was correct. Commissioner Prough asked clarification of Scenic Nevada's request about billboards. Mr. Lloyd stated that he thinks what they are saying is they would like to keep the current definition of what a billboard is. Part of the problem is that in the current code there

are three definitions of a billboard and they all say something different and the definition overlaps with the current on-premise definition, creating a lot of confusion.

Chair Edwards asked Legal Counsel about picking a definition of a billboard that may be different than the definition in another part of the country. DDA Edwards does not think that if a different community somewhere chooses a different standard that it will be a likely legal problem for the County. If a court with controlling jurisdiction has said this, then yes, the County needs to abide by it. DDA Edwards thinks that different Counties picking different standards is commonplace.

Chair Edwards stated he thinks the new definition is more vague and asked about the on and off premise. DDA Edwards believes that the controlling case law allows the County to maintain the on and off premise distinction. The controlling case law also allows the County not to include the on-premise, off-premise distinction, which is what the proposed code does. This is a policy question for the Planning Commission and the County Commission; whether to include this or not to include it. Staff has advocated to not keep this distinction, Scenic Nevada has advocated to keep the distinction.

Chair Edwards questioned whether these cases would have to be heard by the Planning Commission under a special use permit or an administrative permit? Mr. Lloyd stated that under the new code, any sign over 120 square feet would require a special use permit and be heard by the Board of Adjustment. The RRTT signs would require approval of a special use permit directly through the County Commission.

Chair Edwards asked about lost revenues for sign removals. Mr. Lloyd stated that if a sign is deemed illegal or abandoned, the County can force removal. DDA Edwards responded that if you take a private property, the government has to pay compensation. Also, NRS 278.0215 says if you create a code that allows signs and you later change the code and don't "grandfather" them in but require property owners to take them down, the government has to pay compensation.

Chair Edwards questions on and off-premise use. Mr. Lloyd said taking this out of the code is for clarity. Taking the question of on or off-premise out makes enforcement very easy – the sign is either 450 square feet or it's not. Chair Edwards questioned the 6 foot height. He feels it is too short and would like to see it changed.

Chair Edwards asked about the County Commission approving the RRTT special use permits rather than the Planning Commission or Board of Adjustment. Director Whitney responded that this is direction by the County Commission for them to hear the three RRTT cases.

Chair Edwards reiterated that he would like to see the sign height of six feet changed or maybe the monument height can be changed. Mr. Lloyd requested that if this is going to be the Commission's recommendation that they give a number with it. Chair Edwards asked if they can recommend 12 foot signs.

Chair Edwards asked for clarification on the size limit for a digital sign. Mr. Lloyd explained the idea behind the limitation on a digital (emd) sign is that there is concern from citizens that those signs would present more of a nuisance than a static sign. That is why the proposed size limit is 120 square feet. This is a set standard and could not be varied under the proposed sign code.

Commissioner Prough thanked staff for their hard work. He understands Scenic Nevada's wanting to maintain a rural setting. He is opposed to getting rid of signage altogether for the use of smart phones. He agrees that six feet is inadequate and could cause a safety hazard. Commissioner Prough also agrees with taking the 20 second display time down since the advertising helps business and the County. As it stands now, Commissioner Prough cannot support the proposed sign code and would like to see some revisions. The current language is too broad. He asked if there were accommodations to revisit it at some later time.

Commissioner Barnes does not have a problem with the 20 second time and would also not have a problem continuing the case to be looked at further.

Commissioner Chesney agreed that a couple of changes are needed; the monument sign is an issue. The on and off-premise is an issue and doesn't make business sense to restrict having the event at one location and the sign at another.

Commissioner Horan would support the recommendation with a change to the monument sign and going down from 20 seconds to 10 seconds . If they continue this to some other time, they will find something else that people are not in agreement with. He agrees with not distinguishing between the on or off-premise.

Chair Edwards asked the Commission about the 20 second time. Commissioner's Horan, Chesney and Prough were fine going down to 10 seconds. Commissioner Barnes and Chair Edwards prefer the 20 seconds. Chair Edwards says the community complains about the flashing signs which happens with a short time frame. Commissioner Chesney changed his mind and is good with the 20 second time frame.

Commissioner Barnes prefers the six foot height but can go with a 12 foot height. Commissioner Prough agrees with the twelve foot height. Mr. Pelham clarified that the six foot height restriction applies only to an electronic message display sign and these are only placed on roadways having four lanes.

Chair Edwards stated he would entertain a motion with the recommendation to change the 6 foot height to 12 feet for the electronic message display signs and also the minor change to Section 110.505.30(h) as stated earlier.

DDA Edwards recommended adding a catch all to page 35 of 58 in the staff report, Section 110.505.05(a), in front of the second sentence, add "Unless otherwise required by law" , all signs not specifically permitted. Mr. Lloyd stated that staff supports that amendment.

Chair Edwards moved that, after giving reasoned consideration to the information contained in the staff report and the changes in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of DCA14-009 as set forth in Exhibit A to the Washoe County Commission 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 a new Article 505 (Sign Regulations), as contained in Exhibit A. I further move to authorize the Chair to sign the Resolution contained at Exhibit A on behalf of the Washoe County Planning Commission and direct staff to present a report of this Commission's recommendation to the Washoe County Commissioners within 60 days of today's date. This recommendation for approval is based on the following findings in accordance with Washoe County Code Section 110.818.15(e)

The motion was based on the following findings:

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 amendments respond 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.

4. No Adverse Effects. 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.

Chair Edwards would also include the recommendation to change the height of electronic messaging signs from six feet to twelve feet. Also, the change to page 35, Section 110.505.05(a), to include language before the second sentence to say "Unless otherwise required by law" all signs not specifically permitted or exempted by this article are prohibited.

Commissioner Horan seconded the motion.

Commissioner Prough clarified that they are asking staff to change the height to twelve feet, leaving the time at 20 seconds, and the rest of the code stands. Also added is the catch all. Chair Edwards confirmed that is correct.

The motion of approval carried with 4 for, 1 against.

9. Planning Items

*A. Discussion and possible action to review and confirm the following order of alternates selected to represent the Washoe County Planning Commission (PC) on the Truckee Meadows Regional Planning Commission (RPC) in the event the regularly appointed members are unavailable to serve: First Alternate, Larry Chesney; Second Alternate, Phillip Horan; Third Alternate, Gregory Prough; and Fourth Alternate to be filled by whomever is appointed to the Washoe County Planning Commission to represent District 2; and further, to direct the Planning Commission Secretary to transmit the list of confirmed alternates to the Washoe County Board of County Commissioners (BCC) and to the Executive Director of the Truckee Meadows Regional Planning Agency (TMRPA).

Chair Edwards opened public comment, with no response, public comment was closed.

After a brief discussion, Commissioner Horan moved to confirm the order of alternates to the Regional Planning Commission as follows (*list the first, second, third and fourth alternate names*). I further move to direct the Planning Commission Secretary to transmit the confirmed list of alternates to the Washoe County Board of County Commissioners and to the Executive Director of the Truckee Meadows Regional Planning Agency. Commissioner Prough seconded the motion which carried unanimously.

10. Chair and Commission Items

*A. Future agenda items - None

*B. Requests for information from staff

Chair Edwards inquired from staff whether a new Commissioner from District 2 has been appointed. Director Whitney said a new appointment was being worked on and will be going to the County Commission sometime in July.

11. Director's and Legal Counsel's Items

***A.** Report on previous Planning Commission items

Director Whitney congratulated the Commission on an exceptional job tonight adopting the sign code.

***B** Legal information and updates

DDA Edwards made the Commission aware that the County has been sued regarding refunds of certain development fees in the Warm Springs area. It pertains to an old specific plan area approved in the 90's.

12. *General Public Comment

With no response to the call for public comment, Chair Edwards closed the public comment period.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:25 p.m.

Respectfully submitted,



Kathy Emerson, Recording Secretary

Approved by Commission in session on August 4, 2015.



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