



# PLANNING COMMISSION MEETING MINUTES

## Planning Commission Members

Neal Cobb, Chair  
Roger Edwards, Vice Chair  
Dian VanderWell  
Vaughn Hartung  
Roy H. Hibdon  
William Weber  
D.J. Whittemore  
Bob Webb, Secretary

Tuesday, January 3, 2012  
6:30 p.m.

Washoe County Administration Complex  
Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Planning Commission met in regular session on Tuesday, January 3, 2012, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

## 1. Determination of Quorum

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

Commissioners present: Neal Cobb, Chair  
Roger M. Edwards, Vice Chair  
Dian A. VanderWell  
Vaughn Hartung  
Roy Hibdon  
William Weber  
D.J. Whittemore

Commissioners absent: None

Staff present: Bob Webb, Community Services Planning Manager,  
Community Development  
Trevor Lloyd, Senior Planner, Community Development  
Greg Salter, Esq., Deputy District Attorney  
Dawn Spinola, Recording Secretary, Community Development

## 2. Pledge of Allegiance

Commissioner Whittemore led the pledge to the flag.

## 3. Ethics Law Announcement

Deputy District Attorney Salter provided the ethics procedure for disclosures.

#### 4. Appeal Procedure

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

#### 5. Approval of Agenda

Commissioner Hartung moved to approve the agenda for the January 3, 2012, Planning Commission meeting as written. Commissioner Edwards seconded the motion which carried unanimously.

#### 6. Approval of Minutes

None

#### 7. Public Comment

As there was no one wishing to speak, Chair Cobb closed the public comment period.

#### 8. Other Items

##### Item 8A

**Discussion and possible action to provide direction to staff regarding the process and substance of possible changes to Billboard Regulations (WCC 110, Article 502) and Sign Regulations (WCC 110 Article 504).** Directions regarding process may include (but not be limited to) public outreach and hearings, and the possible formation of a working group to study and propose changes to the billboard and sign codes. Possible substantive changes may include (but not be limited to) making the codes content neutral and updating them to reflect current conditions.

Mr. Lloyd reviewed the staff report dated December 19, 2011, pointing out the item was being heard primarily for the purpose of obtaining direction from the Commission and requesting concurrence to move forward. He noted the Board of County Commissioners (BCC) had directed staff to explore the possible code changes and recommend changes as necessary. He explained the major possible changes included distinguishing between on-premise and off-premise signs, clarification of what constituted a billboard, and making the code content neutral.

Mr. Lloyd went on to describe the planned process, which would include formation of a working group comprised of various interested parties and a workshop with the Planning Commission (PC) to explore proposed modifications.

Commissioner Hibdon asked what was meant by the term content neutral. Mr. Lloyd explained the County would not regulate what the sign says, so as not to conflict with First Amendment rights. The code would be changed to regulate the size and location of the sign, items under the county's jurisdiction based on zoning laws. Commissioner Hibdon asked if any Citizen Advisory Board members would be in the working group and Mr. Lloyd stated that was the intent.

Commissioner Weber asked whether or not there were any plans to work with the City of Reno with an eye towards creating similar ordinances. Mr. Lloyd noted the city was going through the same process so he intended to utilize their experience to avoid pitfalls.

Commissioner Hibdon asked about the City of Sparks and Mr. Lloyd responded that the County was fortunate to have a resource in Deputy District Attorney (DDA) Salter, who had worked with Sparks on that code. DDA Salter explained Sparks went content neutral in 2004 and experienced some technical problems, so they were learning from those.

Commissioner Edwards asked for further clarification about how any regulation could be content neutral. Mr. Lloyd explained the wording of the description may have been misleading as it was the content of the sign that would be content neutral, not the code.

Commissioner Hartung asked if the County would still oversee content to be sure it was suitable for public viewing. Mr. Lloyd reiterated the County would not regulate what the sign says. DDA Salter explained the content would not be addressed in the code. It would be rewritten to deal with things like time, place, manner, restrictions, size, illumination, aesthetics or traffic visibility triangles. The present sign code does not deal with obscenity. Commissioner Hartung asked if the Nevada Revised Statutes addressed the issue of obscenity and DDA Salter said it does not.

Commissioner Whittemore echoed Commissioner Hartung's concerns and DDA Salter stated the issue would be reviewed. Commissioner Whittemore asked if there were laws regarding what could be displayed and DDA Salter answered that there were a number of court decisions regarding the topic and the cities have a significant body of law regarding adult bookstores and adult advertising which probably covers the issue.

Commissioner Whittemore asked if Washoe County had any laws about this subject and Mr. Webb replied Chapter 25, the Business License code, had extensive regulations dealing with adult-characterized businesses. He suggested the sign code could reference those. He also cautioned that obscenity was in the eye of the beholder and referenced a billboard sign that had been considered offensive and the owner realized it was in their best interest to alter the content.

Commissioner Hartung asked about hate- or racially-driven content. Mr. Lloyd stated these were valid questions which would be researched and currently code does not address them. Commissioner Hartung pointed out that if there was nothing in code then there was no means of enforcement.

Commissioner Weber stated that what they were discussing was beyond their pay grade. Obscenity and content should be left to elected officials, and the Commission was there to decide zoning issues. Chair Cobb agreed.

Commissioner VanderWell moved that the Planning Commission direct the Community Development Department to create a working group to include staff from Community Development, the District Attorney's office, and other affected County agencies; representatives from the sign industry; and representatives of citizens who use signage (e.g. business owners, realtors, etc.), and to conduct at least one workshop with the Planning Commission for the purposes of exploring possible modifications to Articles 502 and 504 of the Washoe County Development Code. The motion was seconded by Commissioner Edwards and carried unanimously.

## Item 8B

**Possible Change of Meeting Location or Rescheduling of the February 7, 2012 Meeting** – Discussion and possible action to either change the meeting location of the February 7, 2012 meeting to the Community Development Large Conference Room or reschedule the

meeting to either February 1 or February 8 to be held in the Washoe County Health Department meeting rooms.

Ms. VanderWell asked Mr. Webb how many items were on the agenda for that meeting. Mr. Webb asked Ms. Spinola if that information was available and explained the Chambers were not available during the month of February due to the Board of Equalization hearings being held there. Ms. Spinola indicated there were no items scheduled at that point. Mr. Webb stated the Rules, Policies and Procedures item would be heard at the February meeting.

Commissioner VanderWell clarified the goal was to either change the date, or if the date were to remain the same, to change the meeting location to the Community Development Large Conference Room. She felt that since there was only one item the date should be the same and the meeting moved. Commissioner Weber expressed concern about noticing and was told the agenda only needed to be posted three days in advance.

Commissioner VanderWell moved to keep the meeting on February 7, 2012 and move it to the Community Development Large Conference Room. The motion was seconded by Commissioner Edwards and carried unanimously.

### **Item 8C**

#### **Provide direction to staff on possible amendments to the Washoe County Planning Commission Rules, Policies and Procedures. Schedule the final review and adoption of the proposed amendments for the February 7, 2012 Planning Commission meeting**

Mr. Webb reviewed the staff report dated December 27, 2012. He explained a goal was to create Rules, Policies and Procedures (RPPs) for the Planning Commission and use those as a template for the Board of Adjustment and Design Review Committee. He noted there had been three additional proposed sections submitted to them just prior to the start of the meeting. They had been compiled over the course of the last work week, so it was understood the Commissioners would not have had time to review them for discussion and approval at this meeting.

Mr. Webb explained that, because of the additional items, the Commission may choose to put off discussion of the suggestions just presented to them until the next meeting and discuss the changes submitted earlier with the staff report.

Commissioner Hibdon moved to defer discussion of all of the suggested changes to the RPPs to the February 7, 2012 meeting. The motion was seconded by Commissioner Weber and carried unanimously.

Commissioner Edwards asked if the discussion should ensue at the current meeting. Mr. Webb noted that if the Commission wished, they could discuss the changes made on the document dated February 7 that had been included with the staff report. He reiterated that if they wished to discuss all of the changes at once in February, that could also be their direction.

Commissioner Edwards asked if they could make changes and submit them directly to Mr. Webb prior to the February meeting. Mr. Webb replied if that was their choice then the motion should include that the Commissioners need to contact him. He would incorporate suggested changes and send them out to the Commission in a clean format beforehand so they had an opportunity for review prior to the meeting. He requested that if that were their choice that he receive the suggestions at least a week before the meeting so he could get them out in the staff report packet.

Commissioner Hibdon indicated he prefer the updates not be done in pieces. He withdrew his motion. The second also withdrew.

Commissioner VanderWell moved to defer the item to the meeting of February 7, 2012 so they would have time to review and make suggestions prior to adoption. The motion was seconded by Commissioner Weber and carried unanimously.

It was clarified the Commissioners would not be contacting Mr. Webb with changes in the interim. Mr. Webb stated the changes could be discussed in February and he would also put the item on the schedule for March for possible adoption at that time.

## **9. Chair and Commission Items**

Chair Cobb announced that Commissioner Weber would be resigning as he had accepted a job that could potentially be in conflict with the board. He noted the agenda of February 7 would need to include nomination of a replacement for the seat on the Regional Planning Commission (RPC), and it would be up to the BCC to replace Commissioner Weber's position on the Planning Commission. Commissioner VanderWell requested staff prepare a Resolution of Appreciation for Commissioner Weber to be presented at the next meeting.

## **10. Director's Items**

Mr. Webb told the Commissioners Development Code Amendment Case Number: DC11-003, Cargo Containers, had been approved by the BCC 12/13/11, Master Plan Amendment Case Number MPA11-002, Public Services and Facilities Element Update, is to be heard by the BCC on 1/10/12 and by the RPC on 3/14/12 and he will act as staff representative for the Planning Commission and Bill Whitney will act as staff representative for the Board of Adjustment.

## **10. Public Comment**

As there was no one wishing to speak, Chair Cobb closed the public comment period.

## **11. Adjournment**

Since there was no further business to come before the Planning Commission, the meeting adjourned at 7:04 p.m.

Respectfully submitted,

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Dawn Spinola, Recording Secretary

Approved by Commission in session on February 7, 2012.

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Bob Webb, AICP  
Secretary to the Planning Commission