



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

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

Tuesday, February 2, 2016
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, February 2, 2016, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Thomas Daly
Roger Edwards
Philip Horan
Greg Prough

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
William H. Whitney, Director, Planning and Development
Roger D. Pelham, MPA, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Lora Robb, Planner, Planning and Development
Eric Young, Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development
Donna Fagan, Office Assistant III, Planning and Development
Renee Schebler, Planning Technician, Planning and Development

2. *Pledge of Allegiance

Commissioner Chesney led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

Mr. Webb explained that the only appealable items on the evening's agenda were the two public hearing items, Item 9A and Item 9B.

5. *Public Comment

Chair Barnes opened the Public Comment period.

Cathy Brandhorst spoke about evictions and squatters.

Jim Galloway spoke about the staff report for Item 10A, which is the sign code. He believes there are more options than A, B, and C, which are listed on the staff report. These staff-report options are voting to support some or all of the changes proposed, voting to reject some or all of the changes proposed by the BCC, or not taking a vote but individually commenting. Mr. Galloway believed that the entire ordinance was remanded back to the Planning Commission. He believed this remand gave the Planning Commission authority to fully make any changes in the draft ordinance. He asked for DDA Edwards' clarification if he was wrong. Mr. Galloway wanted some additional changes made in Item 10A. He believes that some of the changes that staff proposed in their draft have done a lot to narrow the field of differences. He thinks the ordinance needs more alteration for clarity, even-handed enforcement, and common sense. He stated his plan to propose three additional changes later. The first is the principal use of a property for determining how many and how much signage a property can have. In a meeting with Bill Whitney and John Slaughter, Mr. Galloway proposed to use zoning instead of loosely defined principal uses in order to avoid arguments over the principal use or the category in which the current use belongs. He believes that zoning is straight forward and will eliminate arguments and disputes over that to which someone is entitled. His other two issues involve wording.

There were no additional requests to speak.

6. Approval of Agenda

In accordance with the Open Meeting Law, Vice Chair Chvilicek moved to approve the agenda for the February 2, 2016 meeting as written. Commissioner Edwards seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of December 1, 2015 Draft Minutes

Commissioner Edwards moved to approve the minutes for the December 1, 2015, Planning Commission meeting as written. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Consent Item

A. Possible action to adopt a resolution initiating an amendment to Washoe County Code Chapter 110, Development Code, at Article 302, *Allowed Uses*, at Article 304, *Use Classification System*, and at Article 410, *Parking and Loading* to make possible amendments to accommodate wineries as enacted by the State Legislature including the following, and any other amendments as directed by the Planning Commission:

1. Respond to legislation passed by the 2015 (AB 4) Legislature authorizing the establishment of wineries in Washoe County, removing the former prohibition on wineries in the county; and,

2. Allow/expand the Liquor Manufacturing use (which includes wineries) to the Rural Residential Regulatory zones (to include General Rural and General Rural Agricultural) to improve the viability of establishing a comprehensive winery operation (i.e. producing both grapes and liquor on-site); and,
3. Require the approval of a Special Use Permit in the Rural Residential Regulatory zones to establish a Liquor Manufacturing use, which is currently already allowed by Administrative Permit in the Urban Residential and Neighborhood Commercial regulatory zones, and by right (i.e. no discretionary permit) in the General Commercial, Tourist Commercial, and Industrial regulatory zones; and,
4. Amend the Liquor Manufacturing use classification to clarify that wineries are included in the Liquor Manufacturing use and to allow recurring special events in conjunction with Liquor Manufacturing uses as part of a Special Use Permit; and,
5. Establishing parking standards for the Liquor Manufacturing use where none currently exist.

Chair Barnes asked if any Commissioner wanted to take this item off the consent agenda.

Mr. Webb read the item.

Chair Barnes called for ethics or ex-parte disclosures. There were none.

Chair Barnes opened public comment.

Randi Thompson was the lobbyist for the Nevada Wine Coalition on AB4, the legislation which was passed that is now allowing wineries in Washoe County. Wineries were illegal in Washoe and Clark Counties until last session, based on a population issue. There have been people growing grapes and making wine in the area for years. UNR has been doing a study since 1998 on growing grapes in the area. People actually can and are growing grapes and are making some great wines in the area. Washoe County has a similar microclimate to eastern Washington. Eastern Washington has an 8.6 billion dollar wine industry. All of our neighbors have more wineries than Nevada has. Utah and Alaska have more wineries than Nevada does. It is a three billion dollar industry in Oregon and a huge industry in California. Our neighboring states are all growing wine. This bill is now allowing us the opportunity to create what will hopefully be a vibrant industry. Some folks from Nevada Vines and Wines will speak. They are an active group of about 100 people who are growing grapes in their backyards and making some great wine. The Nevada Wine Coalition is excited to work with staff and with the Planning Commission to develop some regulations that will help grow a vibrant wine industry in the area. Ms. Thompson believes the key challenge will be the rural residential. Napa is rural and residential, but it is also a beautiful and vibrant wine community.

Chuck Tremain is a personal home winemaker. His family has been making wine since 1932. He has been making wine in Nevada since 1974. He has grown grapes in Oregon. Right now he is getting his grapes over the hill and bringing them back to Nevada to make wine. He believes that the opportunity to bring the industry into our county is a big asset for Washoe County. It is a clean industry. It brings tourism. It is light and enjoyable for most people. He has some expertise along these lines. Many people with whom he does business in California say that Nevada has such great taxes, but they cannot go over into Washoe County or Vegas, where most of the population is. These are nice, small boutique wineries which would be glad to come over the hill and start wine. They are already making wine over there and they would elude the California taxes and bring their money here. We have a lot of winemakers, including him, who would be interested in opening a winery in this county. He had a small winery burn down with the Washoe Drive Fire a couple of years ago, but he had not gone commercial yet, although that was his goal. He would like to do it again. He encouraged the Planning

Commission's help in the blossoming of this industry, which he believes will be great for Washoe County and northern Nevada.

Mike Steedman was also at the legislature trying to get this passed with the coalition. He is the vice president at Vines and Wines. He has been working with the university for almost six years and was in charge of their vineyards at College Station. He has three acres under production in Fallon and about another acre under production here. He said that we can grow wine, but it is not really a vineyard bill; it is a winery bill. They are now looking at places around town and working with people in Verdi to put a boutique winery out there with production and to have a vineyard in some commercial space in that area. He agreed with the staff report and hopes it is passed through.

Chair Barnes closed the public hearing.

Chair Barnes called for Commission discussion. There was no discussion.

Chair Barnes called for a motion.

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report, the Planning Commission:

1. Adopt the resolution attached at Exhibit A to the staff report to initiate a Development Code amendment to Article 302, *Allowed Uses*, Article 304, *Use Classification System*, and Article 410, *Parking and Loading* to accommodate wineries as enacted by the State Legislature; and
2. Authorize the Chair to sign the resolution on behalf of the Planning Commission.

He further moved to direct staff to bring the amendment back to this Commission for a hearing within 125 days of today's date.

Commissioner Edwards seconded the motion, which passed unanimously with a vote of seven for, none against.

9. Public Hearings

A. Amendment of Conditions Case Number AC15-006 (The Springs Lutheran Church)

– Hearing, discussion, and possible action to approve a two-year extension of time to obtain all required building permits for the approved Special Use Permit (case number SW13-001) which allowed the construction and operation of a Lutheran Church (Religious Assembly Use Type). The church building is proposed to be approximately 6000 square feet in size.

- Applicant: The Springs Lutheran Church, 150 Isidor Court, Sparks, NV 89441
- Property Owner: The Springs Lutheran Church, 150 Isidor Court, Sparks, NV 89441
- Location: The parcel is located between Pyramid Highway and Rockwell Boulevard approximately 1,100 feet north of its intersection with La Posada Drive. It is also located directly adjacent and to, and north of the SaveMart shopping center.
- Assessor's Parcel Number: 534-071-05

- Parcel Size: 2.62 Acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 810 Special Use Permits and Article 302 Allowed Uses
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 35, Township 21 North, Range 20 East

Mr. Webb provided a brief description of the item, at the request of Chair Barnes.

Chair Barnes asked for ethics or ex parte disclosures. There were none. Chair Barnes opened the public hearing.

Roger Pelham reviewed his staff report dated January 13, 2016.

Paul Cox spoke on behalf of The Springs Lutheran Church. He recently took over as the third chairman of the building committee for The Springs Lutheran Church, and he is a member of the congregation. They are very close, within a couple of months, of obtaining their financing so that they can move forward. He apologized for the length of the process and reaffirmed that they are expecting to move forward very shortly.

Chair Barnes opened public comment.

Cathy Brandhorst spoke about a sign near Plumas Street, regarding The Springs Lutheran Church. She is not aware of this church in Sparks. She spoke about the times when a church is open and about advertising.

Chair Barnes called for Commission questions.

Commissioner Prough asked Mr. Cox when they anticipate breaking ground and completion of the project.

Mr. Cox answered that they hope to break ground in mid-April. Their goal is to be completed by Christmas. They are meeting at the Lazy 5 Cottonwood Room as their temporary church, now going into their seventh year. They are ready for their own facility.

Chair Barnes closed the public hearing and called for Commission discussion. There was no discussion.

Chair Barnes called for a motion.

Commissioner Prough 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 Amendment of Conditions Case Number AC15-006 the

Springs Lutheran Church, having made all findings in accordance with the Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan;
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 a church, 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;

Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

B. Abandonment Case Number AB15-007 (Gary and Rachel Bullock) – Hearing, discussion, and possible action to approve the abandonment and relocation of an existing 25-foot-wide access easement in order to adjust the allowable building area on two of the four subject parcels served by the easement. If approved, the abandoned portion of the easement would be abandoned to Gary and Rachel Bullock.

- Applicant / Property Owner: Gary and Rachel Bullock, 5990 Pembroke Drive, Reno, NV 89502
- Location: 5990, 6000, 6010 and 6020 Pembroke Drive, approximately 6/10 of a mile east of its intersection with South McCarran Boulevard.
- Assessor's Parcel Numbers: 021-140-23, 021-140-24, 021-140-25, 021-140-26
- Parcel Sizes: ±2.64, ±1.03, ±1.07, and ±1.13 acres
- Master Plan Category: Rural
- Regulatory Zone: General Rural
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows / Washoe Valley
- Development Code: Article 806, *Vacations and Abandonment of Easements or Streets*
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 21, T19N, R20E, MDM, Washoe County, NV

Mr. Webb provided a brief description of the item, at the request of Chair Barnes.

Chair Barnes called for ethics or ex-parte disclosures. There were none.

Chair Barnes opened the public hearing.

Mr. Webb reviewed Kelly Mullin's staff report, dated January 20, 2016.

Derek Wilson, with Rubicon Design Group, provided the applicant presentation. The request is for the abandonment of an easement. They are just relocating it, so access will remain essentially the same for all of the properties. The reason behind moving the easement is to create a better building envelope on one of the parcels. They would like to expand an existing house. It is a family compound area. A family and siblings all live there. There is not a plan to add a bunch of new houses. They would like to add to one of the existing houses, and that would likely be the end of development on these parcels. Washoe County really has no overriding interest in this easement. It does not access any other property and will not affect any other properties.

Chair Barnes called for public comment. There was none.

Chair Barnes called for Commission questions. There were no questions.

Chair Barnes closed the public hearing and called for Commission discussion.

Commissioner Daly referenced Exhibit C, the letter from the Washoe County Health District. He mentioned the last sentence of the last paragraph, which discussed ADA requirements. The Americans with Disabilities Act applies to public accommodations under Title II and private accommodations under Title III; it does not apply to individual dwellings. He wanted to amend the motion to exclude that recommendation in Exhibit C.

Mr. Webb pointed out Exhibit A, Page 3 of 3, and the conditions that were attached to the Washoe Health District specific to this item. Number 4a states: "Any residential units located on Parcels 1-4 shall have house numbers clearly marked on both the curb and the dwellings so that residents can be quickly located by public safety agencies." That is it. There is no reference to ADA in the conditions of approval.

Commissioner Daly thanked Mr. Webb for the clarification.

Chair Barnes called for a motion.

Commissioner Chesney 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 Abandonment Case Number AB15-007 for Gary and Rachel Bullock, having made all three findings in accordance with Washoe County Code Section 110.806.20:

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan; and
2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

Commissioner Edwards seconded the motion, which passed unanimously with a vote of seven for, none against.

10. Planning Items

A. Development Code Amendment Case Number DCA14-009 – Discussion and possible action to make recommendations to the Washoe County Commission on changes to the following three aspects of the pending amendments to the county’s sign code regulations: reduction of the minimum number of lanes necessary for a roadway adjacent to an electronic message display (EMD) sign, reduction of the minimum hold time for EMD static sign copy from 20 seconds to 8 seconds, and prospective prohibition of off-premise advertising signage on signs that do not constitute billboards. These three aspects pertain to the pending sign code amendments designed 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*).

Mr. Webb provided a description of the item.

Chair Barnes asked for ethics or ex parte disclosures. Chair Barnes disclosed that he was contacted by Lori Wray and Jim Galloway quite some time ago, with no recent contact. Vice Chair Chvilicek was contacted by Mr. Galloway and Ms. Wray and met with them quite some time ago, but has not had any other discussions with them with this particular item. Commissioner Prough met with Mr. Galloway for about an hour in Commissioner Prough’s office in November, and Mr. Galloway presented his ideas. Commissioner Horan received a telephone call from Mr. Galloway, but he did not receive the information that Mr. Galloway was going to forward to him. Commissioner Chesney had a telephone conversation with Mr. Galloway. Commissioner Daly met with Ms. Wray and Mr. Galloway probably four months ago, but nothing since then.

Chair Barnes opened the public hearing.

Trevor Lloyd presented his staff report, dated January 12, 2016.

Commissioner Horan asked Council what the agenda item allowed the Commission to discuss. He asked if the Commission was restricted to comment as proposed by staff.

DDA Edwards confirmed that the agenda limited the Commission as to the action that could be taken on the item and the recommendations that could be made back to the County Commission. The recommendations they could make were with respect to the three categories stated in the agenda item. They could not go outside of the agenda item in taking any action.

Commissioner Prough asked if the three categories should be taken individually or collectively.

DDA Edwards responded that the Commission could fashion a motion after the discussion and after public comment. At that point, they could decide to handle the issues individually or collectively.

Chair Barnes called for public comment.

Karen Munson, the Branch Manager for YESCO Signs locally, thanked staff. She said that without the hard work of staff over two and a half years, they would not be back to where they were that night. She stated that it was two long years getting to where they were at the Board of County Commissioners in September. When the Board of County Commissioners asked for the last three items, they felt as an industry that the three items were items that they could embrace and accept. She received an email from Tray Abney with The Chamber, stating that The Chamber supported the language provided to the Planning Commission that evening. Ms. Munson stated that staff was involved in many hours of internal meetings, public meetings,

phone calls, emails, and individual counsel. She believed that staff, along with the support of the sign industry, the community, and some of the individuals present that evening, that what was brought before the Planning Commission that night was a fair and just code. She said that they do not love everything about it, but they like it enough to make sure that it gets put through. They do have some change and some language when it comes specifically to the digital signs, because this has been a hot topic in the community. There were twelve months of 2015 with much discussion through the City of Reno on digital signs. In December the Reno City Council approved a digital sign code, which is similar to what was provided to the Planning Commission that evening, as was the City of Sparks. Ms. Munson is a county resident and understands that county does not look to be the same as Reno and Sparks, but she believes that some congruity is needed for common ground, as we live in a community that is based on the three municipalities. She stated that they did support the changes and respectfully requested the Planning Commission's approval, as presented that evening.

Jim Galloway interpreted the direction of the County Commission a little differently. He interpreted it to be remanding the entire ordinance, but paying attention to those three items. He wondered if it was possible to point out an item not on the list of three items. He wondered if they could reagendaize, and at a future meeting continue to deal only with the matter he raised about the zoning and some other language in the ordinance. He believed that the agenda shackled the Planning Commission, because it wasn't properly agendaized to be broader. He commended staff for the inclusion of the changes dealing with the revenue on signs as they appeared on 505A. He believes that goes a long way to resolve some problems. If it were not there, then he would have said the ordinance should not ever be passed into effect. He thinks that it will be a nightmare if they do not take the sign table on sign sizes and do it with zoning. He also thinks that on the exemptions, the comments indicate that signs should only be exempted that cannot be seen from any point on a public road. He said that the word "adjacent" to a public road is used, but he believes that to be too narrow. He mentioned the situation in which it's not adjacent but has a sign on it that cannot be seen on any public road; he believes that should also be exempt. Mr. Galloway gave his written comments to the secretary. He believes that the Planning Commission should consider a continuation to put these items on the agenda. He cannot believe that when the need is seen for a change in an ordinance that the Planning Commission is hamstrung by an agenda that did not anticipate these suggestions.

Lori Wray spoke on behalf of Scenic Nevada. Their Board of Directors met and discussed the changes that were before the Planning Commission. They believe this was the best possible outcome compromise that they could see and one that benefits all segments of the community. Scenic Nevada was honored to be a member of the working group assembled in late 2013 to help draft the County Sign Code update. One or more of their members attended the meetings throughout 2014 and 2015. They have also been to all of the public hearings on the draft ordinance and have involved members of the community inside and outside their own organization to weigh in on the draft. Scenic Nevada is a nonprofit dedicated to protecting scenic beauty and community character in the state. Their mission includes participating in the public process. Attending these meetings, offering solutions, making requests, and soliciting community support are what they do to achieve their goals. They are all volunteers and have nothing financial to be gained by promoting their vision of a scenic Nevada. They believe that people receive a lift from naturally beautiful and unobstructed scenery and open spaces and charming commercial neighborhoods. They believe this is where we all want to live, work, and shop. Scenic Nevada thinks that their goals align very much in some ways with those in the business community, who want to bring people to Washoe County and boost the local economy. They believe that scenic beauty does bring people and adds immeasurably to the quality of life for those who stay. Edward T. McMahon, nationally known urban planner, author, and Senior Resident Fellow of the Urban Land Institute, said it best: "Successful communities pay attention to aesthetics. Typically they control signs. They plant street trees. They protect scenic views

and historic buildings. And they encourage new construction that fits in with the existing community.” Scenic Nevada has had deep disagreements with staff over many of the issues concerning this draft, but they have also found some common ground. They hope the disagreements do not overshadow the progress they see possible by implementing the draft. They may not agree with everything in it and all the proposed changes, but it definitely represents a compromise. A good compromise is reached when everyone can find aspects they agree with and also things they oppose. They hope the Planning Commission agrees and approves the recommended changes. When the BCC meets, Scenic Nevada hopes they approve the changes as well.

Lea Tauchen spoke on behalf of the Retail Association of Nevada, a statewide trade association that represents big box stores, mass merchandisers, grocers, chain drug stores, convenience stores, restaurants and a multitude of small businesses, many of which are located in unincorporated Washoe County. They wanted to support the changes that were proposed to the county sign code regulation, pursuant to the two components regarding the on-premise Electronic Message Display (EMD) signs. They did not engage in the off-premise billboard sign conversations. The EMD signs are a viable and effective communication tool for the retail industry to connect with their customers. The Retail Association of Nevada likes to advocate for consistency and for adhering to industry standards. It helps to provide consistency for the businesses that operate in multiple jurisdictions and, in this instance specifically, the changes would much more closely resemble what is already in code in Sparks and Reno. They believe that this helps to increase compliance while decreasing the burden on business. They believe that the proposed changes will provide for code in Washoe County that is more consistent and will match those industry standards. They urged the Planning Commission’s recommendation to the Washoe County Commission.

Chair Barnes called for Commission questions.

Vice Chair Chvilicek asked Mr. Lloyd for clarification regarding Items 1, 2 and 3. She asked if these were the three items for the Planning Commission to consider that evening.

Mr. Lloyd affirmed that was correct.

Vice Chair Chvilicek asked Mr. Lloyd to define Item 1, reducing the required number of travel lanes fronting an EMD from four lanes to two lanes. She asked if it was four lanes going in one direction and four lanes going in the other direction or two in one direction and two in the other direction.

Mr. Lloyd affirmed that it is the latter. Initially the draft code had a requirement that an EMD sign be adjacent to a four-lane (two in one direction and two in the other direction) road.

Vice Chair Chvilicek asked if it is now being reduced to two lanes, one in one direction and one in the other direction.

Mr. Lloyd said that was essentially correct. They are eliminating the provision altogether, which would not have any type of criteria for a two-lane or a four-lane road. Essentially all roadways are at least two lanes, so there is no need for the provision.

Vice Chair Chvilicek asked if a big EMD board could be on Red Rock Road.

Mr. Lloyd does not believe that the correct zoning or commercial uses would exist there.

Vice Chair Chvilicek asked if there are other criteria that come into play before an EMD can go on a two-lane road.

Mr. Lloyd affirmed that there is a good deal of criteria.

Vice Chair Chvilicek asked about the meaning of Item 3, which prohibits the offsite advertising and the collection of revenue for advertising for all commercial signs that are not billboards.

Mr. Lloyd replied that this needs to be read in the context of the rest of the draft language that has been imposed. They want to prohibit billboards on commercial sites. They are trying to prevent a business from collecting revenue by advertising somebody else's message. It would prohibit the collection of revenue to display a message on a commercial sign that is not a billboard.

Vice Chair Chvilicek explained that she thinks of a commercial sign and a billboard as one and the same.

Mr. Webb mentioned Page 505-8. He encouraged the Planning Commission to go specifically to the amendments as they are discussed. He pointed out the actual amendment, which says that except for signs regulated as a billboard, and except for noncommercial signs, every other sign has to meet 1, 2, and 3. Back to the billboards, he asked the Commission to keep in mind that in the context of the code that is being proposed, the billboards are only the billboards that currently exist on the county's billboard inventory, which would be adopted by resolution by the County Commission concurrent with the sign ordinance. The number of billboards is set and static; there can be no more new billboards in the county. The ones that are out there today are going to stay. Anything else qualifies as a commercial sign and would have to meet 1, 2, and 3. Vice Chair Chvilicek referred back to Item 3 and asked how the Item 3 language would be integrated into the rest of the code so there will not be the confusion that she was reading in the two locations.

Mr. Lloyd directed Vice Chair Chvilicek to Page 505-8. He believes there is enough strict language included to be very clear regarding what is or is not a billboard. He reiterated that there is an inventory of billboards, and these billboards can advertise any message and can collect money for the advertising of those messages. Those are the only billboards that can do such. The other signs that fall under the commercial signage cannot advertise any message that does not direct attention to the business activity, product, service, or interest of any person located on the premises. That is the clear language in the section that has been added. They cannot collect revenue for any message displayed on that sign.

Commissioner Prough asked why it went from 20 seconds to eight seconds. He asked about the standard that brought that together.

Mr. Lloyd replied that there was a decent representation from the Chamber of Commerce at the County Commission meeting. One of the clear messages they wanted to convey to the County Commission was that 20 seconds, in their mind, is far too long of a hold time. They wanted to get it down to more of an industry standard, which is the eight seconds.

Commissioner Prough asked a question regarding Item 3. He provided a scenario in which he owned a business and asked another business if he could place a sign on their building advertising his own. The advertising sign would cost him a monthly fee. He asked if this would not be allowed because his own business was not pertinent to the other.

Mr. Lloyd confirmed that Commissioner Prough was correct and the sign would be prohibited.

Commissioner Daly stated that the industry standard means in the best interest of the industry; it does not mean in the best interest of the community. Commissioner Daly is a certified safety professional with 40 years in the business and a Master's Degree in the field. He said that a flashing billboard has one purpose, which is to gain your attention. If you drive on I-580 between South Meadows and Damonte Ranch Parkway, you will see one of these. Depending on how fast you are driving, you will see two to four messages in the space of 30 seconds. In his expert opinion, this change to the Development Code would constitute a constructive nuisance and would present a clear and present danger to motorists, and as such, he will not vote in favor.

Commissioner Edwards had a problem with Item 3. He has worked on this for years, and they spoke about the lanes having a major safety impact on EMD's. If there is back and forth traffic on a two-lane highway, being distracted by an EMD, there is no barrier, no separation between the lanes. He believes they should either go back to the 20 or go back to the four lanes and have them divided somehow. When both are changed, he believes that it is asking for a problem. They spent hundreds of hours coming up with the language. He was upset with the Board of County Commissioners (BCC), having not sat in the Planning Commission's and staffs' laborious meetings to come up with these things, and then they just waved a magic wand. He believes the sign people might have their own interests, so he gave them some interest in this, but not the final word. The Planning Commission has talked about all of these steps. He has a problem when those two changes are put together; it makes a very large difference.

Commissioner Horan believed that his fellow Commissioners made some very valid points. Regarding Item 3, they spent much time on it as far as the ability to generate revenue, and sent it to the County Commissioners with that included. He finds it hard to support the changes they are being requested to make.

Mr. Webb suggested that if the Commissioners had no further questions of staff or of any members of the public, then they might close the public hearing and bring it back to the Commission for discussion, which is what the last two comments were.

Chair Barnes closed the public hearing and called for Commission discussion.

Commissioner Horan reiterated his previous comments as part of the discussion, without speaking his comments a second time.

DDA Edwards clarified that the Planning Commission was not obligated to return a favorable report to the County Commission. The situation is that different boards are working at different levels on this. DDA Edwards believed that the job of the Planning Commission that night was to hear from staff and the public and then discuss and make a decision about what, as a Commission, they agree on in terms of recommendations. In the staff report, Mr. Lloyd provided possible actions that the Planning Commission could take. One of the included options would be a report expressing their disagreement with the changes, or their disagreement with some of the changes. DDA Edwards also discussed, on Page 505-8, the proposed change saying revenue shall not be collected for messages displayed on the sign. He said that, as council, he has great pause over the defensibility of that provision were it to be challenged in court on multiple grounds, including First Amendment grounds and Commerce Clause grounds. He did some case law research in this area and located some cases that reflect a high level of disfavor by the Supreme Court of the United States on regulations that impose economic burdens based on the type of speech that is involved...an extremely high level of disapproval of those regulations. One of the cases concerned the Son of Sam serial killer in the late 70's in the New York City area. After his conviction, he attempted to write a book or sell the rights to his story to

a publishing company. New York State enacted a statute that said he could not earn any money from the book. The Supreme Court said that he could earn money from the book and struck down the statute. DDA Edwards' point was that the case was a high watermark, when the Supreme Court would defend a serial killer being paid for the speech in which he wanted to engage. It shows how far they are willing to go to protect the principal involved. There is strong language concerning regulations that target a particular content of speech and say that a person cannot make money off of that. His advice to the Planning Commission was to take his comments into account and take their own judgment into account, but he did see a substantial risk of challenge and a substantial risk to the defensibility of that provision, the revenue collection. He added that if off-premise commercial signage is already being prohibited, then legally speaking, it seems superfluous to prohibit the collection of revenue for signs that are already conceptually prohibited. It seems to be a belt-and-suspenders approach, which makes sense practically and conceptually speaking, but the latter provision on revenue collection does run into more significant First Amendment hurdles in his opinion.

Commissioner Horan stated that the Planning Commission spent a lot of time and discussion on many of the items before making recommendations to the County Commission. The issues are the two-lane, four-lane that Commissioner Edwards brought up, the repetitive flashing lights as a safety issue, and the revenue collection. When he looked at this, he would go with the option of rejecting the changes.

Vice Chair Chvilicek asked for clarification that the BCC had asked for the determination, but had not yet voted.

DDA Edwards confirmed that the BCC sent this back for a report from the Planning Commission on the possible changes. The BCC, after receiving the report, will at some point have the option of putting it back on for another first reading and possibly a second reading and then adoption. The BCC can make changes. If the Planning Commission does not agree with the changes, then the County Commission can still include those changes in the first reading version that they bring before that Board down the road. This is the Planning Commission's opportunity as a board to have a voice on the changes, whether favorable or unfavorable, but the Board of County Commissioners will have the final say.

Commissioner Chesney stated that he could not support any of the three changes. He asked council how they should proceed.

DDA Edwards, Mr. Webb, and the Commissioners discussed how to best construct the report for the BCC.

Chair Barnes began the process of taking comments from the Commissioners.

Commissioner Edwards would adopt Option B. He could accept Changes 2 and 3, but he could not accept Change 1, the reduction of the minimum number of lanes for an EMD.

Commissioner Daly agreed with the reduction of lanes issue. He also agreed that the reduction from 20 seconds to eight seconds is entirely inappropriate and a threat to public safety. He would go the other way with a much, much longer period to ensure that a motorist driving on a freeway, for example, will pass the sign with zero to one change.

Commissioner Chesney agreed on the reduction of lanes, which appears to be a safety issue to him, as does Number 2, which he believes is a real safety issue. For Number 3, he does not believe it is their place to deny someone who has ownership of a sign what they put on the sign or whether they make a profit. He doesn't believe they are in that business.

Chair Barnes agreed with Commissioner Chesney on all three of his comments.

Vice Chair Chvilicek spoke on Item 1, reducing the required number of traffic lanes. Two lanes without a barrier cause a grave concern of traffic safety for her. When she looked at EMD's and started timing them as she was around the community, eight seconds tended to be their rotation. She agreed that when you are traveling down a road and you see the sign change multiple times, then the longer those read, the safer she believes it to be. With respect to council's guidance or caution on offsite advertising, she still supports prohibiting offsite advertising.

Commissioner Prough doesn't have a problem with the reduction down to two lanes. He believes there would be some measure of thought before anything went into that. He is very concerned about Point 2 with the timing. He is glad for Commissioner Daly's presence as an expert on this. He would defer to Commissioner Daly's expertise. He believes that eight seconds is too quick to pick up a message if you are going 60 to 70 miles per hour down the freeway. He understands from the advertiser's standpoint, the billboard company, that you get more people advertising because you are flipping those messages around, and that does bring revenue into the county. He thinks the safety concerns outweigh that. For the last point, he is a strict believer in the First Amendment and does not want to restrict anyone's commerce. If they have the gumption to be able to make a living somehow, that is good.

Commissioner Horan supported the other comments that were made relevant to Items 1 and 2 as far as the safety issues' concern. The elimination of the four-lane requirement is problematic, as well as the frequency of the turnover on the electronic signs. He also does not support restricting the ability for offsite advertising.

Mr. Webb suggested consideration of a motion in which the Planning Commission take the comments from each of the individual Commissioners and put the comments in a report and transmit it to the County Commission for the sign code. He suggested a structure similar to the example motion on the motion sheet, but taking comments from each of the seven Commissioners as expressed that evening.

Commissioner Daly made a motion to deny the proposed change, with the comments attached from each Commissioner, and to forward that to the County Commissioners.

Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

***B. Golden Valley Aggregate Pit** – Report from staff on the Golden Valley Aggregate Pit including (1) a summary of the process for reviewing and amending conditions of approval associated with aggregate special use permits; (2) correspondence with the owner/operator regarding issues of concern; and (3) next steps. Receipt of the report may include questions for further information from Planning Commission members about the report.

Mr. Webb provided a brief description of the item.

Chair Barnes called for ethics and ex-parte disclosures. Commissioner Edwards disclosed that he is a resident of Golden Valley and has been involved with the pit's operation for 22 years.

Chair Barnes opened the public hearing.

Lora Robb presented her staff report, dated January 22, 2016.

Chair Barnes called for Commission questions.

Vice Chair Chvilicek thanked staff for compiling the report and A&K Earth Movers for the work they have done in maintaining the pit and keeping it in its current condition. She asked that staff include, in the 2017 review, an in-depth review of what the reclamation process will be for the property as its life comes to end.

Chair Barnes closed the public hearing and called for discussion.

Commissioner Edwards addressed the Conditions of Approval for the special use permit, Attachment C, Item 11. He said that much of the report does not address the questions he brought up. Although Item 11 specifies a yearly compliance report, the staff report states that the 2014 compliance report was not submitted. He wants to know who is looking over this. His neighbors are concerned about what is happening in the pit, and he is not seeing answers. The report states how it supposed to work, but it also says that it hasn't been working. The lack of the 2014 report is a noncompliance issue. Item 17 says that "under no circumstances shall excavation occur on land that is closer than 250 feet from the west property line along Wigwam Way." Wigwam Way is not the road that is on the west property line of the pit; it is Bull Road. There is another whole road between Wigwam and the pit. There is a house sitting right on the edge of the pit, and there is not supposed to be any excavation within 250 feet. He sees violation after violation. It is a great report, but it dodges some very obvious problems that are happening at the pit.

Ms. Robb addressed the submission of a yearly compliance report. She had not been able to find the report in the files. Attachment E is an email, which includes the 2014 report. It did arrive on time. The item became moot to Ms. Robb when A&K Earth Movers provided proof that they had submitted the report to Washoe County on time. The annual report for 2015 will be due April 1st of this year. Regarding Item 17, Ms. Robb said that the Conditions of Approval are not the subject of this report and are not to be deliberated until the next five-year review process is underway.

DDA Edwards added that the next five-year review will take place in April of 2017. Prior to the five-year review coming before the Planning Commission, there is an administrative level function in which the Planners receive materials from the operators, and then they conduct their first-tier review at the administrative level. A report then comes to the Planning Commission in the five-year review process next April. The item that Commissioner Edwards brought up could be addressed and possibly changed at the five-year review hearing. If there was an item at the five-year review process that the Commissioners thought needed to be changed because of changed circumstances or new information, then a motion could be made for the change(s). DDA Edwards reminded the Planning Commission that tonight is not the night to put out a list of changes that it would like to see made to the special use permit.

Commissioner Edwards asked how the special use permit makes requirements without addressing the situation at hand at the pit. He was not trying to change the criteria in the inspection. He wanted to know if the current report addressed the fact that it is Bull Drive, rather than Wigwam Way.

Mr. Webb spoke from the code compliance perspective. In the code, the annual reports are based on noncompliance with the conditions of the special use permit. This specific condition talks about Wigwam Way and 250 feet from Wigwam Way. It is specific. If a code enforcement officer received a call mentioning the other road, it has no pertinence to these special use permit conditions. These conditions were reviewed by the Planning Commission at the last annual report. The issue was not raised at that time. The next window of opportunity is in 2017 if this

condition needs to be changed. The other road is not mentioned; it is 250 feet from Wigwam Way.

Commissioner Edwards said it would be difficult to comment about the report if everything is directed to a change in how the original permit was set up. He is concerned with the items in the original special use permit.

Mr. Webb reiterated that the time for the discussion on the conditions is at the next periodic review, April of 2017. He said that the current discussion singles out A&K Earth Movers without singling out any other aggregate pit owner in Washoe County for this type of scrutiny and review on conditions that are already approved and are part of their conditions of operation. This would be treating A&K unfairly and not equally with all of the other aggregate pit owners. No other aggregate pit owners are brought in on off times to question their approved special use permit conditions by either the Board of Adjustment or the Planning Commission. Staff has provided the report, indicating the process and the special use permit conditions. To the best of our knowledge, speaking from the code compliance world, there have been no complaints subject to any of the conditions of approval to the A&K pit operations since Mr. Webb has been in code compliance, which is longer than five years. He believes that Commissioner Edwards' concerns are valid, but they are more appropriately structured for review when the pit owner comes back according to code for the periodic five-year review. The exception would be validated complaints against conditions of approval that are on here today. That would then be a subject of discussion during the annual review. To date that has not occurred.

Commissioner Edwards said this would not resolve any of the concerns that his neighbors have about the pit. He said that the last review was supposed to come before the Planning Commission while he was on it. He stated that he had never reviewed the special use permit or the operation or anything else for this pit in the seven and a half years that he has been on the Commission.

Chair Barnes closed the item.

***C. Specific Plan Regulatory Zone** – Staff overview of the recently approved Development Code Amendment (DCA14-005) – Redefining the Specific Plan Regulatory Zone.

Mr. Webb provided a brief description of the item.

Eric Young provided a presentation on new Article 442, Specific Plan Standards and Procedures. The Planning Commission provided recommendation for approval on May 5, 2015, and the BCC adopted the new ordinance on June 23, 2015. The two primary reasons for the creation of this new code were to better implement the Master Plan and to conform to statute. The state statutory requirements for planned development include both content and procedural requirements. The concept of planned development, or specific plan, is to create the tools in the Development Code that allow flexibility in development standards to occur. This specific plan concept also opens the ability to come to terms with how open space is going to be used and set aside for the community. A specific plan is a regulatory zone. A specific plan regulatory zone could be proposed in any of the Master Plan categories, with the exception of Open Space. There must still be conformance to the Master Plan. The thing that makes this specific plan so much different from regular zoning is that you are required to submit a Development Standards Manual, which is like a miniature customized development code for your project. Language in the code does provide a list of requirements, but the Director of Planning and Development can modify the list as necessary for the proposal. There is a built-in pre-application meeting at which the applicant can interact with staff so that the application can be complete and ready to go when it is time to start the RZA timeline. If an applicant does want to

process a tentative map at the same time, then the County Commission can tentatively approve the Development Standards Manual. When the developer submits the project, as a whole or in phases, to the director and it is approved, then the zoning takes effect without going back to the BCC. The whole purpose behind this is to create a planning tool that allows developers to design projects that better reflect the goals of the Master Plan, especially as they relate to mixed use and sustainability. The hope is to allow for additional creativity.

Chair Barnes asked if there were any ethics or ex-parte disclosures. There were none.

Chair Barnes called for Commission questions.

Commissioner Edwards was concerned about mixed use. He thought that should be somewhere in the Development Code. They keep finding that they cannot put industrial in one location, etc. He thought that mixed use would be a common sense item, particularly in a TOD Corridor or if they wanted to saturate homes along Pyramid Highway and mix in industrial. He thought there were plans, years ago, for mixed use where on a bus stop we might have industrial on the bottom or light commercial, neighborhood community commercial, and residential right over it. He wanted to know if that was part of the code and when it was phased out. He asked if 442 is getting that sort of thing back into the code.

Mr. Young could not speak to the code prior to the 15 years that he has spent with Planning and Development. In the time he has been here, the only real mixed use that has been available in the code is up to five units per acre in neighborhood commercial zoning with a special use permit. That is the only place in code where it is articulated that you can mix residential and commercial. There are places in the code where you can do community centers or neighborhood centers in MDS with a special use permit. An example is a Raley's center in residential zoning. That is a form of mixed use, but that has been as far as we could go. He did not recall any ability in the code to do that to which Commissioner Edwards was referring. The new code, 442, is precisely to try to create that. They could have created a mixed use zoning district and called it mixed use. But 442 provides that ability, plus the ability for people to be creative and even consider mixing more than two uses. The reason they chose this road was to accomplish the mixed use zoning concept, but to also bring more with it.

Commissioner Edwards asked if that was due to the specific plan process.

Mr. Young confirmed.

Chair Barnes closed the public hearing and called for any discussion from Commissioners.

Vice Chair Chvilicek thanked Mr. Young for the update.

11. Chair and Commission Items

***A. Future agenda items**

Commissioner Chesney shared that David Solaro provided a report to the Warm Springs Citizen Advisory Board regarding staff revisiting the cargo container and outbuilding ordinance. Commissioner Chesney requested a similar presentation for the Planning Commission and asked if those changes will come before the Planning Commission again before going to the Board of County Commissioners (BCC). Secretary Webb explained that David Solaro is preparing a staff report for an upcoming BCC meeting to ask their direction on potential changes to the code for cargo containers. He believes that this will come back to the Planning Commission as BCC-directed initiation for code changes.

Vice Chair Chvilicek asked staff to provide an update on the code as it relates to detached accessory dwellings.

***B. Requests for information from staff**

Commissioner Prough asked what happened at the BCC regarding the two proposals (Sugarloaf Ranch Estates and Blackstone Estates) in Spanish Springs. Director Whitney explained that the two Master Plan Amendments and Regulatory Zone Amendments will come back to the Planning Commission for a report.

Vice Chair Chvilicek asked why the BCC did not overrule the Planning Commission and pass if they did not agree with the Planning Commission's determination.

Director Whitney explained that the Planning Commission is the planning authority, and the Planning Commission makes up the citizen planners for the county. So Sugarloaf Ranch Estates and Blackstone Estates need to come back to the Planning Commission for reconsideration or a report.

Commissioner Prough asked if Sugarloaf Ranch Estates and Blackstone Estates will come back before the Planning Commission in exactly the same format as the first time.

Director Whitney stated that a report will be provided showing what the BCC did and what they changed as to the Planning Commission's denial.

12. Director's and Legal Counsel's Items

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

Director Whitney provided an update on the amending of the Reno-Stead Joint Corridor Plan, due to the Sky Vista project on about 55 acres close to 395 in the North Valleys. The developer is addressing some additional work for the Reno Planning Commission. Director Whitney anticipates that he will ask the Planning Commissioners' availability for a joint meeting with the Reno Planning Commission in late March or possibly April.

Director Whitney discussed the recent Regional Planning Commission meeting. Commissioners Edwards, Chvilicek, and Barnes are the representatives from our Planning Commission. All Washoe County items on the agenda went well and were found in conformance with the Regional Plan. These items include: the Master Plan Amendment in Sun Valley to increase the density on a ten-acre parcel; the Forest Area Plan; the Spanish Springs Area Plan project Mystic Mountain, changing from residential to industrial; and the Ridges at Hunter Creek above Caughlin Ranch, which moved to a slightly higher Master Plan density.

***B Legal information and updates**

None

13. *General Public Comment

Cathy Brandhorst had submitted a public comment card, but was not present to speak.

Francine Donshick, the current president of the Golden Valley Property Owners' Association and the chair of the North Valleys Citizen Advisory Board (CAB), thanked staff and A&K for working together to try to keep them in touch. She wanted to note on the record that she

was on the CAB in 2007. At that time A&K was required to come before the CAB with their report. They spaced the 2012 and received no notifications. This came to their attention, because one of the people on the pit edge noticed a big pond where they had gone into the aquifer. There was a problem with the pit and a complaint. They just want it fixed, because they are on the recharge program. They are paying to inject water into the aquifer. In 2017 they would like this to come before the property owners' association, the Planning Commission, and the CAB. They want the residents of Golden Valley to be noticed so that they can take part. They believe that A&K has been doing a great job and working with them, but they have grave concerns about the 3-to-1, not 3-to-1. The steeps are out there, and they know that we are an earthquake country, and they know the geologic structure in some of that area. If they get a good quake, then they believe that some of those steeps are not going to protect the homes that are near the edge. One of them was told in the past that the pit had to purchase extra land for them to use as a road for access, because they had violated the distance that was supposed to be required. Ms. Donshick asked them to stay away from homes on that end.

DDA Edwards informed the Planning Commission that open meeting law, Chapter 241, allows the Commission to discuss public comment that is brought up. In the earlier item, they were limited to the report and to the questions on the report. After someone in public comment has spoken about some of the issues about the pit, then the Commission can discuss the comments that were made. They cannot take action on it until it is included on an agenda as an action item.

Commissioner Horan expressed his confusion at why some of the previous discussion had to wait until the five-year review.

DDA Edwards explained that the permit itself has a number of conditions, the Development Code in Article 332 has a five-year review provision, and there is also a director's interpretation, possibly 14-2, that set out a framework for items to be brought back before the Planning Commission. The concern is that if the Commission gets in the middle of bringing in pit operators or special use permit holders outside the terms of the conditions of the permit and outside the provisions of Article 332, then the Commission may not have authorization to do so. There is a framework in place for them to come back in for conditions to be monitored and for conditions to potentially be changed at the five-year point. Outside of that, violations would need to be agendized to potentially revoke the special use permit. That would be a separate process from what had been agendized that night. Staff was trying to bring something in front of the Commission to meet Commissioner Edwards' request by providing a middle ground and a framework of what is happening with the pit correspondence wise, what is going on with the operations, and what the framework and process look like. But they were stopping short of creating a process where they were changing conditions or taking positions about changing conditions.

Vice Chair Chvilicek has been concerned about the depth of the pit into the aquifer. In meetings with Mr. Whitney and Mr. Webb, there is asking those questions of engineering staff and Health District staff to discover if there has been a breach into the aquifer. She asked specific questions about the reclamation plans. Through her discussions with staff, she will try to have a very long memory to bring all of this up in 2017. These are critical issues. When this review comes back up, she would like the assurance from staff that the CAB will be included in the opportunity to give input.

Commissioner Edwards mentioned there is a special use permit for a gravel pit right next to a community that was a model in the nation for recharge. The special use permit for the gravel pit didn't say anything about the depth they could go. Realistically they could go

down 400 feet if they wanted to. The recharge is at 200 feet. They could be recharging their by-the-gallon bought water into their gravel pit. There are a lot of problems with how this permit was crafted. The process does not allow any way between the five-year intervals to deal with the issue unless it is complaint driven. If you want them to measure the 250 feet from Wigwam, then you must fill out a complaint of violation. Mr. Edwards wants to know how a layman is going to know that. The process is so laborious that he believes a concerned citizen is out of the loop. He is concerned about the set up. He applauded 442, which will change the setup of the planning program. He believes that the consistent need for Master Plan Amendments shows that the way the plan is laid out is not workable. This pit in Golden Valley is a classic case. The permit says that they only have to come up with a \$2500 bond per acre disturbed. The pit goes straight down, so they probably haven't disturbed 50 acres, but they've gone down 200 feet on the side. \$2500 per disturbed acre doesn't have any relation what is happening there. You only have to reclaim the bottom of it. He sees problem after problem with the permit process, because the permit did not actually deal with the final product. Now as a community he feels there is not an opportunity or way to do this except through the complaint process. So we have to write a violation, and maybe we can find something to start that process. He hopes that they do not run out of motivated people.

Commissioner Prough asked Commissioner Edwards if the disturbing of the aquifer could be considered a violation, due to the proof of water in the bottom of the pit.

Commissioner Edwards replied that it is not in the details of the special use permit, so it is not a violation. It cannot be brought up if it is not specified in the special use permit. Not everyone is right next to a recharge community. Commissioner Edwards believes that the permit process should be flexible enough to recognize issues that will clearly impact the neighbors. The pictures in the packet show a house on the edge of the pit, but because they talked about the street in front of it and not the house, then he's probably within the 250 feet. There is a house about to fall into the pit, and it probably is not in violation.

Director Whitney disclosed a previous conversation with the Division Director of Engineering and Capital Projects, Dwayne Smith, about this agenda item. The engineers who know about these issues were uninvited from coming to the Planning Commission meeting, due to the very narrow parameters of the report that Lora Robb presented and the awareness that they could not get into special use conditions. The Planning Commission backed into the discussion tonight through public comment. Dwayne Smith wanted the Planning Commission to know that Engineering is very serious about their duties with these types of pits. This would be the bond amount and whether it needs to be increased or decreased during the next review...and the intrusion into the ground water aquifer. The county has been involved in the groundwater recharge from Day One, along with all of the residents. It is a big deal, expensive, and important to the folks out there on wells. He knows from discussions that when the ground water was hit while A&K was mining that engineering discussed the issue with them. A&K stopped mining in that area and back filled it to cover that area with material so that the groundwater would not be exposed. The Engineering Division is aware of the issues and concerned about them. It is a little frustrating and a long process, and they will follow it at the next review period.

14. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:59 p.m.

Respectfully submitted,

Kathy Emerson, Recording Secretary

Approved by Commission in session on March 1, 2016.

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