

**MINUTES OF THE ZONING, IMPLEMENTATION, POLICY, PROCEDURE  
AND ORDINANCE REVIEW (ZIPPOR) COMMITTEE OF THE  
PLANNING AND ZONING COMMISSION**

February 28, 2019  
9:30 a.m.

Planning and Development  
501 N. 44<sup>th</sup> Street  
Gold and Platinum Conference Room  
Phoenix, Arizona

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**MEMBERS PRESENT:**

Mr. Jimmy Lindblom, Chairman  
Ms. Francisca Montoya, Vice Chair  
Mr. Greg Arnett  
Mr. Bruce Burrows  
Mr. Michael Cowley  
Mr. Broc C. Hiatt  
Ms. Jennifer Ruby  
Mr. Lucas Schlosser

**MEMBERS NOT PRESENT:**

Mr. Nathan Andersen  
Mr. Robert Zamora

**STAFF PRESENT:**

Ms. Jen Pokorski, Planning and Development  
Director  
Mr. Darren Gerard, Planning Services Manager  
Ms. Rachel Applegate, Senior Planner  
Ms. Jaclyn Sarnowski, Planner  
Ms. Rosalie Pinney, Recording Secretary

**COUNTY AGENCIES:**

Mr. Wayne Peck, County Counsel  
Mr. Robert Swan, County Counsel

**APPROVAL OF MINUTES:**

December 13, 2018

Chairman Lindblom called the meeting to order at 9:30 a.m.

Chairman Lindblom approved the minutes for December 13, 2018 as written.

**Text Amendment TA2018001**

**All Districts**

Applicant: Joseph White, Becker Boards Small, LLC  
Location: Countywide  
Request: Text Amendment to amend Chapter 2, Definitions and Chapter 14, Articles 1403 and 1404 of the Maricopa County Zoning Ordinance (MCZO) relating to Off-Site Advertising Signs (Billboards). TA2018001 proposes additional usage, allowance for digital billboards

currently prohibited - Off-Site Advertising Signs (Billboards)

Recommendation: Application is applicant driven, ZIPPOR meeting is for discussion purposes only

Ms. Sarnowski presented TA2018001 and noted two stakeholder meetings were held on June 29 and November 1, 2018. Staff has received 138 comments from citizens and stakeholders. This meeting is for the applicant to receive feedback from the stakeholders, and staff is observing and taking notes. Staff will provide recommendation once this is scheduled for a public hearing.

Mr. Bill Lally with Tiffany & Bosco said the proposed text amendment is to update the development standards to today's industry standards. Visibility studies have been done in the last 10 years for size, font size, location of boards along freeways, speeds increasing along freeways, and what's a safe distance for a board in terms of the size, the height, where it's located, and visibility of a driver. The industry has prompted changes all around the country. The largest change is changing the ability in the County to go digital, and about 10 years ago you started to see more digital billboards along the freeways. A lot of the cities and towns including the County started to readdress their ordinances to allow that. A lot of the benefits is you can partner with the city in terms of public announcements, since the copy changes every eight seconds there's an ability to partner with Amber alerts or FBI Most Wanted. The digital billboards look nicer with the newer technology and you need add more to the structure to hold a large TV opposed to wood or metal. The radius separation was a big change and it was something they wanted to correct instead of having interpretations every time a billboard came in and try to codify those rules. In this text amendment it does codify sort of a standard by which you measure a billboard away from another billboard. We are making it 1,000 feet and you can't have that sort of arterial to arterial when the boards are facing a different road that's a couple feet away. Many times when we're locating billboards on a freeway we still have to meet the setback standards and a lot of times the ADOT right-of-way was zoned RU-43, but we had to set the billboard back furthest away and pretend it is a residential use we are trying to protect. A lot of cities are adopting this to get the billboards close to the freeways and away from the back part of the property. They are proposing a zero setback when they are adjacent to the freeways or non-residential. Freeway billboards within 300 feet of a freeway is called a freeway billboard, so you would have different rules for freeway billboards. ADOT uses that same standard and we adopted the same thing. Today you have a typical billboard of 10 feet by 30 feet. 300 square feet which has been the standard size 30 or 40 years ago and it's always been the standard size in the County. If you drive around the valley you'll see 99 percent of the billboards along the freeways, not in the County are 14 feet by 48 feet, 672 square feet. This allows for the industry standard to be applied all over the valley. Increase the height from 30 feet to 48 feet for freeway signs and the old rules still apply for arterial streets. They still would like to do digitals along arterials and convert the ones that make sense. We did adopt rules in the latest draft where you still can only be 30 feet tall, but we increased the separation from

residential which was 150 feet to 450 feet. So if you're going to do it on arterials you got to be pretty far away from residential. In 2007 there were a number of meetings, and the County was going through their own text amendment at the time. The industry was changing and the County was going to sponsor a text amendment, and they had countless meetings with the industry. A text amendment did move forward with a digital conversion with a lot of the same things we are talking about today. It made it through the Planning Commission and then to the Board of Supervisors where it got political and they couldn't get everyone on the same page then it got denied. The staff said they weren't going to do that again. Now to change the rules we need to file our own text amendment, and Becker Boards filed a text amendment about a year ago and paid the fees to go through this process. In 2007 you saw a lot of the Tempe Marketplace digital boards along with Glendale in 2008 through 2009 allowing different places, and entertainment districts with large digital billboards along the freeways. Tolleson did the same thing in 2009 and the City of Phoenix was the biggest process in terms of changing their text amendment. Goodyear did the same thing in 2012. The two recent ones they were involved with was Buckeye and Avondale where they adopted the industry standards and the elected officials in those jurisdictions didn't want statics they wanted only digitals. What we are proposing today is consistent with all those jurisdictions. The City of Phoenix does the trade-in process for legal non-conforming boards. They changed the underlining zoning that allows billboards from C-2 to industrial, so all of a sudden they had thousands of legal non-conforming boards. They created a new process to allow for people to rebuild those legal non-conforming boards and upgrade them. If you wanted to convert them to digital then you need to trade-in and take down some of the boards in the community. The trade-in is not supported by our applicant. What we didn't want to do is have a text amendment that would require an entire new section where the County would have to hire new hearing officers and create a new process just to duplicate what is happening in the City of Phoenix. The text amendment doesn't provide for a use permit type process for a legal non-conforming board like Phoenix. There are 10 letters in the packet from the industry and 125 came from New River / Desert Hills area. The majority don't want billboards on Carefree Highway, which is not a freeway it's an arterial. The large billboards and digitals will not apply to that area. There were e-mails about the bright lights on the digital billboards that it will ruin the dark skies. We have a study on the LED billboards and what it basically says is an LED digital billboard is backlit. With a static billboard the intent of the bulbs is to hit the board and light it up with as much light as possible. The digital boards are backlit from within to light up the ad to just show the ad itself with less light spilling into the area. The lumens from a static billboard spillage is much greater than the LED technology.

Vice Chair Montoya asked about the amount of billboards allowed in the City of Buckeye and Avondale. Mr. Lally said in Buckeye since they didn't already have a plethora of older billboards to convert to digital they are not there or already conforming. They did a study on how billboards make sense on that stretch of freeway and with the finite amount of space along the freeway to advertise they came up with recommendations to allow for so many boards to be located in

their jurisdiction. Avondale did the reverse and allows digital billboards on the north side of I-10.

Vice Chair Montoya asked why only on the north side for Avondale and not on the south side. Mr. Lally said the City Center Overlay Plan and the Freeway Corridor Plan calls for more intense commercial uses on the north side of the freeway in Avondale. On the south side they have in their overlay to promote higher density residential on the south side of the freeway within a plan that already existed, and to honor the land uses that were acknowledged as appropriate along the freeway.

Commissioner Ruby said the figure that shows the sizes talks about sign text, and asked if that is sign area or a nuance trying to be addressed. Mr. Lally said the sign area doesn't matter how big the text is and sometimes there's no text at all and just a picture. We can work with staff and clarify the sign area defined as 672 or 300 square feet.

Commissioner Ruby asked whether this goes through a public process anymore and to talk about the current rules and if there are any changes to that. Mr. Lally said with today's rule you have to have C-2 zoning. If you want to modify the development standards you go through two different processes either the Board of Adjustment for a variance or you go through a CUPD or an IUPD zoning case to the Planning and Zoning Commission. There were comments if we should insert a new process going forward for digitals.

Commissioner Ruby said this may be a drafting issue, but it looks like there aren't any development standards for industrial. Mr. Lally said in 1404.3.1 it incorporates all of the prior development standards for commercial into the industrial section.

Chairman Lindblom said the language says to become non-conforming you have the ability to convert over, and it doesn't have any specific language as to what happens to those that are not conforming with the change, and asked what happens to those. Mr. Lally said that is something they spent some time on, but they'll have to clarify going forward. A legal conforming sign means they went through a variance. How does that mesh into the new development standards and how will an applicant who has that land right with a built sign or an entitlement that's not built yet. How is it going to be interpreted by the County? We haven't done a good job by articulating those rules yet and we will work closely with staff going forward.

Chairman Lindblom said everyone needs to know how to deal with this moving forward. Mr. Lally said no ambiguity.

Mr. Bill Allison with Withey Morris said they submitted a letter regarding this amendment in November and they stand by the comments they made. There needs to be something built into this ordinance to protect the boards being built and entitled subject to an IUPD, CUPD or a POD and that is not done in this draft

and that needs to change. People spend a significant amount of money entitling their property and this should not remove those entitlements. We see no public policy purpose being served and not allowing digital conversions for those boards. The non-conforming provision regarding digitals makes no sense to us and is contradictory. If you made non-conforming by this regulation you may do digital but you have to meet the development standards of this new code. We don't know how this works together and it just doesn't make sense to us. Looking at the separation and spacing of digital boards from rural residential, if you're not along the freeway it strikes us that if you are allowed to do illumination of any kind it should be the same per static illumination or digital. The 150 feet is the standard and that makes sense to us rather than a larger standard particularly given the point Mr. Lally made about the LED technology actually having less impact than static boards.

Mr. Roger Willis said he is the president of the Anthem Community Council and a member of the newly formed Daisy Mountain Action Alliance. He supports the concerns especially as they relate to Carefree Highway. Their concern is I-17 which bisects Anthem where it says 'the purpose of location of off-site advertising signs both billboards only Interstate 17 south of Carefree Highway.' Does this mean north of Carefree Highway on I-17 that this ordinance does not apply? On the page four of the proposed amendment reads 'except from 11 p.m. until sunrise all billboards illumination shall be extinguished and all billboards shall be equipped with an automatic device to ensure compliance.' That is very important to those of us in Anthem where we have problems with digital signs on retail establishments. We would like to make sure that 11 p.m. is the cutoff for all of these signs if north of Carefree Highway.

Mr. Charles Huellmantel said he represents Outfront Media and there's been several occasions where lots of those in the industry have come together with people in the community where we worked together to find something that works for everyone. That should be the case here today, it shouldn't be one applicant coming forward proposing a change. It should be the community, the staff, the commission, and the board coming forward. He has two examples to make that clear in two minutes, first, we only get two minutes and the applicant gets as much time as he would like. Second is the dark sky ordinance, Mr. Lally spoke about the dark sky ordinance and it's not a problem because the industry has a set of goals, and the science community has a set goals. We went through the long process and came up with a good resolution. A specific set of parameters that we would use for the colors of our lighting. We worked with the science community to come up with parameters that the science community could use to filter out those lights, so it wouldn't cause them a problem. They got what they needed for the dark sky and we got what we needed for the ability to have signs to promote local businesses. It doesn't happen in a process like this where you get those kind of resolutions. The current code works well in many ways, and we ask that you do not move forward with this.

Commissioner Arnett said if we don't do this here then what is the ideal situation to get this approved. Mr. Huellmantel said this doesn't allow for real conversation, and yes we came to the two stakeholders meetings but that's not the same as being an equal participant. The way to move forward is to start a new process with staff and hire professional staff and have them start a process where they are the applicant and they run the process. Not just one stakeholder running the process with you. We need to come together as an industry, and other industries also matter. You have the authority to have staff to run a process where we all can actually get to talk.

Commissioner Hiatt asked how it was done some time ago. Mr. Gerard said in 2007 it was staff initiated. This is different, there is an applicant that has paid an application fee and has due process rights to have their case processed. It is up to the Chair the amount of time that's allotted. Staff would recommend people that are opposed be allotted the same amount of time as the applicant but that doesn't necessarily mean everybody gets to speak in an unlimited time, it is at your discretion.

Chairman Lindblom said we try to find the right balance.

Commissioner Hiatt said in 2007 what the results of that was. Mr. Gerard said it died at the Board of Supervisors because there was not a consensus reached among industry stakeholders and there was a significant amount of opposition. It wasn't actually specific to billboards it was to all sign requirements. The Board of Supervisors voted to adopt revised onsite sign regulations and to not adopt any revision to offsite sign regulations.

Chairman Lindblom asked if he has met with the applicant individually. Mr. Huellmantel said he spoke with Mr. Lally this morning.

Chairman Lindblom said the applicant has the ability to come forward and there's risks where they don't have industry support and there's a lot of opposition. If he was the applicant he would do all that he could to reduce as much opposition and find a census amongst the stakeholders similar to a zoning case. The intent today is to get as much input and there's an opportunity here for you to present and work with the applicant between now and April 11, which is the date tentatively to come back for future discussion to have another opportunity to speak.

Mr. Huellmantel said they don't challenge their ability to file a text amendment, he has that right. We just don't think it is a good public policy to decide on, and we're suggesting you not move forward.

Mr. Stephen Earl said he is here on behalf of Clear Channel Outdoor and they were in the forefront of the creation of digital technology, and the creation of illumination standards that eventually became part of the law both state and local. The big difference with this text amendment is not that we don't support

digital, we do. We don't support a process that has no public hearing to achieve digital. In the City of Phoenix if you have a conventional board it is permitted by right as the County does. If it is a digital board then you go through a use permit process. There's a public hearing so every board has a different certain set of circumstances. There are a number of County Islands on the 202 in Mesa, Gilbert, Chandler and Tempe, and those cities don't permit any billboards. Right on their border there could be a County Island where a digital board overnight would be upright 14' x 48', and should those cities have input into that process. If we had a use permit procedure or a conditional use permit procedure or a special permit procedure there would be input. There was a suggestion made by Mr. Lally where they don't want to introduce a new concept into the County for a use permit. We already have a variance procedure and have a Board of Adjustment, we would simply add a hearing use permit through that same Board. You can create a hearing officer and appeals to the Board. What you didn't hear with the list of the cities, they've taken very limited determinations where billboards are appropriate. There needs to be a hearing process for each conversion, not all of a sudden have boards allowed anywhere there's C-2 in the County, and all existing conventional boards that are 10' x 30' instantly are allowed 14' x 48'. That would be enormous like a gold rush. If this goes in then all these major companies are going to be looking for a C-2 site. It so happens that Mr. Becker has about 85 of those in the County and that's a big reason to be invested in this.

Chairman Lindblom asked if that's the case why industry would not support that, it opens up so many more opportunities for sites. Mr. Earl said he's not speaking for the industry but Clear Channel has no problem working with a use permit procedure. They do it in the city and they go through an administrative hearing process.

Chairman Lindblom said he likes the process of a public hearing where individuals can come to the table. Mr. Earl said cities that are directly impacted that don't allow billboards like Mesa, Gilbert or Chandler would have an opportunity for input.

Ms. Diane Veres said she represents Clear Channel Outdoor and she is the Regional President for the Southwest. The concern they have is the process and stripping the community of their voice. They've always valued the position of being incredibly collaborative within the communities they operate and understands what happens when you run over that public voice. The situation they saw in Glendale and Peoria where there was public outcry with regards to putting up digital billboards in that community. Whenever there are opposing forces what happens to our industry, things like dark sky concerns come up about scenic America and scenic Arizona which really put the governing municipalities and the billboard industry in opposition against the communities and nobody wins. She's been working in this industry for 27 years, and we have guardrails and we operate within those guardrails as the citizens of the community, because when both sides of the equation win, we all win. Does she like digital billboards of course, they have a bunch of them across the southwest and she would like to see digitals at

some point in the County perhaps, but with the correct process in place so everybody has a voice at the table inclusive of us.

Chairman Lindblom asked if she feels the current policies the County has in effect are good. Ms. Veres said they are fine, we have been operating in this fashion for a long time and there is really no reason to change them. If you want to move forward with a digital process to allow digital within the County put those guardrails in place so the community can speak. A lot of the letters say they moved into the rural districts to get away from what's happening in the cities and the City of Phoenix. Think about the cities like Mesa, Glendale, Peoria, Surprise, Chandler and Gilbert who don't allow for digitals. We in this industry are interested in those County Islands with those pockets to get us into those communities and avoid the zoning that are mandated within those. That will put us in opposition with the public.

Dr. Tom Mozdzen said he is a researcher for ASU and School of Space Exploration, and he is also the president of the East Valley Astronomy Club. He is in favor of dark skies. If the billboards went off at astronomical twilight at 7 o'clock and 9 o'clock he wouldn't be here today, but 11 o'clock was sort of a compromise. The description of a bottom lit sign is the most horrible sign you can have compared to the more favorable top lit sign. He is concerned with the expanding numbers of signs there are, and by making them taller and bigger might violate some of the original intent of the original agreement. When they say we have the whole community here, it's just all of the industry here. Where are the other people in the community like Transportation, Environmental, ADOT, and the people in Tourism? Before any other changes like what's being proposed be made, he hopes those other groups would be included before the impact of more signs go up. He's personally not a fan of digital signs and he's not a fan of billboards either, but he really likes what he heard from the Clear Channel people where it made a lot of sense to keep the community involved.

Commissioner Ruby asked from a scientific standpoint does he think Mr. Lally's characterization of the different kinds of light, LED versus non-LED, bottom lit and top lit, and is there a better analogy. Dr. Mozdzen said there's certain wave-lengths that are better than others and the temperature of the lights, but he was happy to hear they had some discussion about that.

Mr. Claude Haynes said he is the manager of the Gilbert Rotary Centennial Observatory and a board member of the East Valley Astronomy Club. We are interested in preserving the night sky. It is important to us because astronomy and space science contribute over 200 million dollars to the economy of Arizona. That future is driven by our students being able to study science, technology, engineering, and math and being able to look up and see stars in the night sky. The observatory is open from sunset until 9:30 p.m. on Friday and Saturday at the Gilbert Riparian Preserve. They do over 40 school star parties each year early in the evening under the stars. To have the signs turned off at 11 p.m. is not a help, our issue is the total amount of light pollution that is in the area. All illuminated signs

contribute to light pollution and all signs have an impact. What we are asking you to do is to look at the total impact of this change to the ordinance. How many signs now existing will be grandfathered in and converted to a digital sign. Has the applicant looked at that impact, and to know how much light will be added? Is there a limit to the total number of signs? Buckeye has their signs limited to 10. Is there a total amount of light pollution that will be generated in the community? Arizona is a dark sky destination, and the observatory was listed by Travel Now as a site for people to go and look at the night sky and see a dark sky. You have one chance to protect our dark sky and we hope that you will take that into consideration for the totality of the change, not just thinking a single sign and the total impact on a neighborhood.

Mr. Alan Muller said he lives in Desert Hills and he used to sit on the Commission. After hearing what all the speakers had to say especially those that represent the sign companies, this is something to consider and it sounds like you all need to sit down together and discuss some of the options. He agrees we need more public input and more public round tables. This is something you just don't jump into and set a date in April, you have to have a lot of thought process. It is a big change, and what they have now seems to work. He understands the digital billboards are the future but it has to be done with the respect to the people that live in residential areas especially the 150 foot from residential areas. It should be a minimum of 400 feet and it would be nice if it could be further. We have two scenic corridors in our area, the Carefree Highway Scenic Corridor and the I-17 Corridor from the Carefree north to the County line, so there are a lot of other considerations that have to be made.

Chairman Lindblom said this is tough to find the right balance. He's seen different corridors and they haven't affected him much and they are done very tastefully in commercial areas. Public input is so important in this industry, and it's not a one size fits all, it's case by case. He likes where there is public comment and discretion by a board, the supervisors, counties and cities and they all have input. The applicant has a lot of work to do if he is to sign on to this.

Vice Chair Montoya said she concurs and would like to increase community input to this process and urges the applicant to work with the community and address the concerns.

Chairman Lindblom asked if this is applicant driven. Mr. Gerard said yes, and the applicant may propose revisions. The announcement for the public hearing and staff report will be placed on our website as well as the Enhanced Regulatory Outreach Program (EROP) website for the County.

Chairman Lindblom said he belongs to different industry groups, and we want what's good for the industry long term and he believes the current system we have now is a pretty good balance.

Commissioner Ruby said she agrees there is quite a bit more work to be done here. There needs to be better language as to what happens with the existing billboards in general and to really make that clear. What happens with the public process where we have County Islands near other municipalities? She lives in the north valley and there's a digital billboard at 32<sup>nd</sup> Street and the 101 and it is very bright when she's driven past it at 9:30 in the evening. Entertaining an earlier turn off other than 11 p.m. is something should would like to hear more discussion on.

Commissioner Hiatt asked what staff's view on the public process is. Mr. Gerard said there is two things to consider. We have a Special Use Permit process where you can create a new category to go through the special use, and that would be preferred over creating a brand new process or brand new category of application. Today there is no specific billboard process. If you have C-1, C-2, C-3 or industrial zoning you are entitled to a billboard and that's not changing.

Commissioner Hiatt asked what your opinion is on that today. Mr. Gerard said he doesn't have an opinion on that.

Chairman Lindblom said when he looks at the old language and the new language for example in 1403.1 in the old language it says to maintain a distance separation from any offsite sign and then you look at the new language. Mr. Gerard said the applicant is proposing a separation requirement from all signs, and a specific separation requirement for digital signs.

Mr. Peck said when you read offsite sign that's not what it meant, it means a sign that advertises something offsite. We changed the definition, and that was not driven by the applicant. While it was in front of us we looked at it and we needed to clarify this. So we don't use offsite advertising sign anymore we use the word billboard.

Mr. Gerard said there is a definition of freeway and that definition is only a freeway condition in regard to billboards, it doesn't mean other freeways. Here's where you can have the additional height and additional sign face area in proximity to these identified specific freeways as part of the applicant's proposal.

Commissioner Cowley said he is perplexed by the lack of industry support. Usually we have industry against neighborhoods at these hearings, and here we have industry not agreeing with industry. He would need to see that industry is aligned with what's going on here before he can support this to move this forward.

Commissioner Arnett said he does see some common ground and some uncommon ground and there's a lot of unknowns. The language today is extremely different than last year and how do we get there from here, and how do we create a process? He hates to keep talking about it for another 10 years and not do the things we all agree on. Possibly separate the digital from the definition changes.

Chairman Lindblom asked if there is an option to bring industry in and talk to them about this in general in an open meeting setting.

Mr. Joseph White said he is the applicant with Becker Boards, and we had three industry meetings, two meetings at the County where we had public input and two meetings with staff to address all the comments that came in independently from those two meetings. We've been completely open to all comments from anyone in and outside of the industry and we attempted to address them. We all want digital billboards and the last time around we all tried to push it to get them approved. That's all we are trying to do here. We have worked with staff for two years discussing this ordinance, and the issues that staff had is the spacing standards and we agreed to close that loophole. This has been an issue with staff for years and we're willing to get rid of it for the benefit of digital. We are willing to listen to anyone with their input and will take it in and do our best.

Chairman Lindblom asked why you have so much industry opposition today. Mr. White said it's purely anti-competitive. They have had meetings without us, so what does that tell you?

Mr. White said we are open for more conversation whatever you want us to do, we are happy to talk.

Chairman Lindblom asked so where do we go from here? Commissioner Ruby said the applicant will take back what they heard today and either present the same version or a new version of the text amendment.

Mr. Gerard said that is correct, and you can provide direction if you want to come back for a public hearing or come back for discussion at the next ZIPPOR.

Mr. Peck said if they make substantial changes it would have to go back through EROP. Mr. Gerard said yes it would have to be posted through EROP again, but it doesn't mean we start over and it can go through another ZIPPOR meeting.

Commissioner Arnett said it would be fair to give some kind of direction as to what that would look like so we are not just spinning our wheels. He would support something that would address the sizes and heights and to put digital in a separate process, but to put a blanket over everything is sort of a reach.

Vice Chair Montoya asked for clarity of what the next steps are. Mr. Gerard said tentatively the next step is a public hearing before the Planning and Zoning Commission on April 11 to make a recommendation on the proposed text amendment to the Board of Supervisors depending on your action would be a date in May. The ball is in the applicant's court to move forward as to how they see fit. If they don't wish to move forward on April 11 they can go to a later date.

Mr. Gerard said we do have to meet the EROP requirement as well as statutorily mandated public notice requirement. There would have to be public notice for

EROP 15 days ahead of any hearing date, and the staff report posted on our website one week out. Anyone from the public can subscribe to EROP and they are given a text or e-mail for each step of the EROP process for any County regulatory agencies.

Vice Chair Montoya said Mr. Peck said if there are substantial changes between now and April 11 it may have to go back. Mr. Gerard said that is a decision that could be made if we believe there are substantial changes that haven't been discussed. You do not start over with the EROP process it just has to be clear and transparent. If substantial changes need to be made based upon some of the issues raised you may wish to direct the applicant that it comes back for further discussion before a public hearing or a second work session or ZIPPOR meeting. The next ZIPPOR date is May 30.

Vice Chair Montoya said since this is such a debated issue we should take our time and make sure we do this right before we make recommendations to the Board of Supervisors. She recommends if there's substantial changes it go to ZIPPOR on May 30.

Mr. White asked who determines the substantial changes. Vice Chair Montoya said staff will determine that.

Chairman Lindblom said he would like to see as much consensus the next time it comes before us that the industry work together to find that consensus. He would like to get this right and he doesn't want to go backwards in the efforts made by all at this point. Let's move forward in good faith with a desire to dig into this and get it done right.

Commissioner Hiatt said we need to have some assurance that the industry stakeholders are committed and willing to engage in the process with the applicant and make sure we are all on the same page.

Chairman Lindblom said we as a Board have a decision to make whether or not we move forward with the applicant with staff's recommendation.

**No action by the Commission. TA2018001 was a discussion item only regarding the proposed text amendment. Commission provided direction for the applicant to work with the industry and public to try and gain additional support and consensus on proposed modifications.**

Chairman Lindblom adjourned the meeting at 11:08 a.m.

Prepared by Rosalie Pinney  
Recording Secretary  
February 28, 2019