



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: May 8, 2018

DATE: March 1, 2018

TO: Board of County Commissioners

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THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning &
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SUBJECT: Public hearing: Second reading and adoption of an ordinance amending:
(1) Washoe County Code Chapter 110 (Development Code) within Article 302, *Allowed Uses*, to establish the regulatory zones wherein the Outdoor Entertainment and Livestock Events use types are permitted by right or by discretionary action; within Article 304, *Use Classification System*, to redefine the outdoor entertainment use type and to create and define the commercial recreation livestock events use type; and within Article 310, *Temporary Uses*, to ensure the description of temporary outdoor entertainment uses is consistent with Article 338, *Outdoor Entertainment*; and
(2) To create a new Article, Article 338 *Outdoor Entertainment*, to establish the processes, regulations and standards specific to establishing both temporary and permanent outdoor entertainment uses by expanding the definition of Outdoor Entertainment to include facilities and events for the assembly of 100 or more spectators and participants for any purpose in any outdoor location; to identify a wider range of typical outdoor entertainment activities; to establish permit application and review processes for minor, major, and temporary outdoor entertainment permits, to establish the thresholds to distinguish each permit type; to provide for certain exemptions for establishing the use type on Federal land; and to effect other items necessarily connected therewith and pertaining thereto. The Board of County Commissioners introduced and conducted a first reading of the proposed ordinance on March 27, 2018. (All Commission Districts.)

SUMMARY

Amendments to Washoe County Code Chapter 110 (Development Code) including Articles 302, *Allowed Uses*; 304, *Use Classification System*; 310, *Temporary Uses*, and creating Article 338, *Outdoor Entertainment*; in order to expand the regulatory zones wherein the outdoor entertainment use type is permitted, to expand the list of uses commonly considered to be outdoor entertainment uses, to establish Livestock Events as

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a separate use type, establish minor, major, and temporary outdoor entertainment permits, to establish the application and review processes for each permit type and to establish the thresholds used to distinguish each permit type.

Washoe County Strategic Objective supported by this item: Proactive economic development and diversification.

PREVIOUS ACTION

- On November 29, 2016, the Board of County Commissioners (Board) acted to initiate proceedings to amend Washoe County Code Chapter 110 regarding the Outdoor Entertainment use type. Specifically, the initiation was for potential amendments to Article 304, *Use Classification System*, to expand the current definition of Outdoor Entertainment (Commercial Recreation, Commercial Use type) to include other types of outdoor entertainment venues such as amphitheaters, race tracks, golf courses, ski resorts and/or other appropriate venues, and to incorporate a wider range of typical uses such as sporting events, concerts, outdoor plays, outdoor music festivals with live or recorded music, and/or other appropriate uses. The Board initiation also included potential amendments at Article 302, *Allowed Uses*, to expand the regulatory zones within which the outdoor entertainment use type is allowed or allowed with the approval of an appropriate discretionary permit.
- On October 3, 2017, the Washoe County Planning Commission conducted a public hearing to consider the proposed amendments as presented by staff. After hearing from members of the public, the Planning Commission directed staff to make revisions responding to the public input and return within 125 days with a revised draft.
- On November 7, 2017, staff conducted a public workshop to review the revised draft. Additional refinements were made to the draft subsequent to the November 7th workshop.
- On January 2, 2018, the Washoe County Planning Commission conducted a public hearing and recommended approval of the proposed amendments by a vote of six in favor and one opposed (Commissioner Bruce opposed).
- On March 27, 2018, the Board introduced and held a first reading of the proposed ordinance.

BACKGROUND

Currently, the Outdoor Entertainment use type is only permitted in three regulatory zones in Washoe County – *Tourist Commercial*, *Industrial*, and *Parks and Recreation*. A special use permit is required in all three regulatory zones. This creates a situation in which most outdoor entertainment uses have to be permitted under the provisions of WCC Development Code Article 310 *Temporary Uses*. As a temporary use, outdoor entertainment is permitted in any regulatory zone provided a business license process is followed. There are four different business license processes, the appropriate processes being determined by the expected level of attendance at the proposed event. Many of the

larger events held in Washoe County fall into the upper tiers of review and require a public hearing before either the Board of Adjustment or the Board of County Commissioners on an annual basis. The events known as “Classical Tahoe”, the “Incline Village Art Festival”, “Red, White and Tahoe Blue”, and the “Barracuda Golf Championship”, are examples of annual events that are required to undergo a public hearing process each year.

The Board expressed a desire, as described in the original initiation of this amendment, to address the annual nature of the permitting process by potentially expanding both the definition of outdoor entertainment and the regulatory zones where it is permitted. Staff’s subsequent analysis of the outdoor entertainment use type in Washoe County identified two further ongoing issues with the manner in which Washoe County establishes these uses.

- First, a further source of inefficacy is the use of WCC Chapter 25, Business License, and WCC Chapter 110, Development Code in establishing the processes for obtaining permission to establish the use. Currently the Development Code establishes the regulatory zones and the required process to establish the outdoor entertainment use on a permanent basis. The Business License Code establishes the processes and thresholds for temporary outdoor entertainment uses. However, Chapter 25 requires discretionary processes established and described by Chapter 110.
- Second, a common use type throughout rural Washoe County is what individuals commonly refer to as “equestrian events”. These uses provide for livestock shows, exhibitions, and competitions associated with horses and livestock. However, the Development Code does not adequately describe this use or provide for a countywide definition. Requests for these uses are processed as “Commercial Stables”. The Commercial Stables use type only loosely covers the activities and impacts associated with “equestrian events”. This has created a situation in which a use considered to be culturally, socially and economically important to Washoe County is not adequately defined in the Development Code.

In response to the original Board initiation and the further issues identified with the Outdoor Entertainment use type in Washoe County, staff developed the following goals for the development of the code amendments necessary to respond to these issues:

1. Broaden the definition of Outdoor Entertainment to include more typical uses.
2. Expand the range of regulatory zones where Outdoor Entertainment can be established as a permanent use.
3. Reduce the number of tiers of review.
4. Detangle WCC Chapter 25, Business Licenses and WCC Chapter 110, Development Code. *(It is important to note that business licenses will still be required for operators and vendors of outdoor entertainment use types as they are today, but the basic function of obtaining permission to operate Outdoor*

Entertainment facilities and events will transition from primarily a licensing function to a land use/permitting function and will be approached in a similar fashion to other discretionary permit actions.)

5. Establish a process whereby events currently permitted annually as temporary events can be permitted on a permanent basis without impacting the necessary level of review.
6. Establish “equestrian events” as a stand-alone use type.

The proposed draft ordinance addresses each of these goals. The attached Planning Commission Staff Report (Attachment B) provides the details of how each goal was achieved.

FISCAL IMPACT

For the last 5 years Washoe County has annually processed two (2) license applications for Outdoor Community Festivals (100 to 1,000 attendance) and two (2) license applications for Outdoor Festivals (over 1,000 attendance.) The license fee for Outdoor Community Events is \$50.00. The license fee for Outdoor Festivals is \$1,000.00. Therefore Washoe County’s annual revenue for outdoor entertainment type event licenses has been \$2,100.00. These funds are deposited to the County’s General Fund, Permits & Licenses fund center, general business license revenue account (105402-421101).

Should the Board agree to the proposed amendment, applications to establish a permanent outdoor entertainment use will require submission of a Special Use Permit and its associated fees. These fees currently stand at \$3,579.92 outside the Tahoe Planning Area and \$3,368.80 inside the Tahoe Planning Area. Applications for temporary outdoor entertainment uses will require a fee of \$2,081.72 outside the Tahoe Planning Area and \$1,928.84 inside the Tahoe Planning Area. Unlike the business license fees, which are annual, the proposed fee for a permanent use is a one-time fee for a permit that runs with the land. Fees for land use planning applications are deposited to the County’s General Fund, Planning fund center, building and zoning revenue account (105401-460150).

RECOMMENDATION

It is recommended the Board conduct a second reading, adopt the ordinance amending:

- (1) Washoe County Code Chapter 110 (Development Code) within Article 302, *Allowed Uses*, to establish the regulatory zones wherein the Outdoor Entertainment and Livestock Events use types are permitted by right or by discretionary action; within Article 304, *Use Classification System*, to redefine the outdoor entertainment use type and to create and define the commercial recreation livestock events use type; and within Article 310, *Temporary Uses*, to ensure the description of temporary outdoor entertainment uses is consistent with Article 338, *Outdoor Entertainment*; and
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processes for minor, major, and temporary outdoor entertainment permits, to establish the thresholds to distinguish each permit type; to provide for certain exemptions for establishing the use type on Federal land; and to effect other items necessarily connected therewith and pertaining thereto; and affirm the four findings of fact that the Planning Commission made on January 2, 2018, as recorded within the resolution in Attachment A.

If adopted, the Ordinance will be effective on May 18, 2018

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to adopt Ordinance Number *[insert number as provided by the County Clerk]* and affirm the four findings of fact that the Washoe County Planning Commission made on January 2, 2018, as recorded within Resolution Number 18-03 and attached to the staff report for this item.”

- Attachments:
- A. Planning Commission Resolution 18-03 and
Proposed Ordinance (Exhibit A to Resolution)
 - B. Planning Commission Staff Report for the Meeting of January 2, 2018
 - C. Draft Minutes of Planning Commission Meeting of October 3, 2017
 - D. Draft Minutes of Planning Commission Meeting of January 2, 2018