

B. Development Code Amendment Case Number WDCA17-0003 (Outdoor Entertainment) – For possible action, hearing, and discussion:

(1) To amend 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; and, if approval is recommended, to authorize the Chair to sign a resolution that effect.

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Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures. Commissioner Bruce stated he contacted Mr. Young after the first presentation to discuss this item. Commissioner Lawson said he had numerous discussions with the people he represented in District 2. DDA Edwards asked if Commissioner Lawson had made a commitment in a private capacity with members in the area he represented to vote one way or another. Commissioner Lawson stated he did not, he had only listened to their concerns. DDA Edwards questioned if his discussions with those he represented would have any affect on his ability to be impartial. Commissioner Lawson stated it would not.

Eric Young, Senior Planner, presented the Staff Report. Chair Chvilicek opened up questions to the Commission. Vice Chair Chesney asked if this would affect a person who had a five-acre parcel with some grapes and wanted to hold a wine tasting on a weekend. Mr. Young said one of the questions regarding the outdoor entertainment use type was how private activities on private land occurred, such as weddings, reunions and parties. He clarified that if someone was inviting members of the public, then they would be subjected to this Code, which meant their zoning and size of the parcel became relevant. He said if they were just inviting friends and family, this Code would not apply.

Commissioner Lawson said he was impressed with the public workshop that was held. He said the people that attended commented to him how much they appreciated the opportunity to provide input. He knew this was a difficult process and he commended Mr. Young on the work he did, especially with respect to the fourth part of the review. He thought that was an excellent compromise.

Chair Chvilicek opened public comment. Chris Hoff, 1 E First Street, Executive Director Reno-Tahoe Open Foundation, said he was in support of the changes. He said he was present in 1999 when they did their very first outdoor festival application and as he looked at the process they had to go through almost 20 years later, by changing the Code and revising it to a Special Use or Administrative Use Permit would streamline the process, not only from the applicant's side but also from the staff's side. The success of his event relied on them following the conditions that were put in place by the different agencies and they hung their hat on a lot of the relationships they had with the County agencies. He said it was because of them that his event had seen so much success.

Terry Donshick, 9355 Wigwam Way, asked how this would affect the events that came to the Livestock Events Center. He wondered if it would put an extra cost on them. Mr. Young said this Code specifically exempted properties that were developed for the purpose for holding an event, plus the Livestock Event Center was located in the City of Reno and the Code only involved the unincorporated areas. Typically, the livestock events he spoke about were equestrian events for parcels in rural Washoe Valley, Warm Springs and Palomino Valley and were small in numbers. He said if an event was held at a Parks and Recreation facility or a facility that was already developed for a specific purpose then that group would not have to get a permit to do what they were developed to do.

Chair Chvilicek closed public comment and brought discussion back to the Commission. Commissioner Bruce said he had a problem with there being an option for no review. He felt a five-year required review process would eliminate public review and he thought there should be a requirement to step up and face the questions on a regular basis. He said he could not support this without there being some kind of a regular review on a periodic basis.

Commissioner Horan said he agreed; however, he thought it was important that as the Permits were granted they understood it was subject to review for a variety of reasons and it was not that they were entitled forever to hold their event. He said there should be some language in the Code that made that clear.

Commissioner Donshick asked if there would be something in the paperwork that would notify them what the triggers would be to cause a review. Mr. Young showed the Commission the new language that was inserted in to the Code and he read the language into the record. Commissioner Donshick stated that language did not hold any specifics. Mr. Young stated they did not have specific thresholds or standards for required periodic review. He explained the specific purpose was to allow the Board of Adjustment or the BCC or the Director to look at each application individually and determine any action on a case-by-case basis. There may be times when a review would be minimal and there may be times when a review would be significant. He said staff's proposal and concept was that they got to make that decision each and every time.

Vice Chair Chesney said as he saw it, it could be complaint-driven as some events may be too noisy and someone could call and that could trigger a review. Mr. Young stated that was how it worked now and they anticipated that was how it would work in the future. He reminded the Commission of previous events and complaint-driven reviews and staff said if an event was not working they would hear about it.

Chair Chvilicek called for a motion.

Vice Chair 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 recommend approval of WDCA17-0003, to amend Washoe County Chapter 110 (Development Code) within Article 302, *Allowed Uses*; Article 304, *Use Classification System*; Article 310, *Temporary Uses*; and, Article 338, *Outdoor Entertainment*. He further moved to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e). Commissioner Horan seconded the motion, which carried unanimously with Commissioner Bruce voting nay.

- 1) Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
- 2) Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
- 3) Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
- 4) No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.