



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: May 8, 2018

DATE: February 20 , 2018

TO: Board of County Commissioners

FROM: Eric Young, Senior Planner, Community Services Department.
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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 Washoe County Code Chapter 25 (Business License Ordinance) as part of a comprehensive process to consolidate all permitting and licensing functions for outdoor festivals and outdoor community events under Washoe County Code Chapter 110 (Development Code). The proposed changes are intended to expand the range of uses considered as outdoor entertainment and to establish a clear set of license and permit processes for establishing both permanent and temporary outdoor entertainment uses. The proposed amendments to Chapter 25 are as follows:

- to Section 25.013, *Definitions*, to remove the definitions of outdoor festival and outdoor community events and to add a definition for special events, temporary sales and services, carnival, circus, and tent show, to ensure clarity relative to temporary events;
- to Section 25.0255, *Business License Fees for Specific Businesses*, to remove subsection (2) (e) regarding daily fees and subsection (6)(a-c) which define the terms Carnival, Circus, Tent Show, Special Event License, and Temporary Sales and Service, to ensure consistency with the new definitions described above ;
- to remove all sections regarding Outdoor Festivals, specifically Sections 25.263 through 25.307 inclusive; 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.)

AGENDA ITEM # _____

SUMMARY

The proposed amendments to Chapter 25, Business License Ordinance (Attachment A), are coordinated with additional amendments to Washoe County Code Chapter 110, Development Code. Taken together the amendments to Chapters 25 and 110 will consolidate the current permitting and licensing processes for outdoor festivals and outdoor community events within Chapter 110. The amendments necessary to Chapter 25 to accomplish this overarching goal are to remove definitions of “outdoor festival” and “outdoor community event”, to remove references to fees for these events, to add a definition for “special event;” and, to entirely delete the sections that currently govern these activities found under the heading – *Outdoor Festivals*.

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 PC 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 to Chapter 110, the Development Code 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

The Board's primary goals with the initiation of these amendments are:

- To address the inability of numerous annual events in the community to obtain a permanent permit, rather than returning each year to obtain a temporary license.
- To ensure that Washoe County Code can accommodate a variety of potential future outdoor entertainment activities in a manner that enables their establishment rather than a manner that may discourage their establishment, e.g. location choices and permanent vs. temporary.

Staff has researched the details of the changes that may be necessary to accomplish the Board's goals. As part of this effort, staff identified issues related to Chapter 25 that impact the ability of amendments to Chapter 110 alone to fully achieve the board's direction. In general, the issues regard the entanglement of the two chapters in the regulating of outdoor events. Some of the ways the two codes are entangled relative to these uses include:

- The Development Code refers to a use called "outdoor entertainment" and establishes the regulatory zones and the required process to establish the use on a *permanent* basis.
- The Business License Code establishes the processes and thresholds to establish such uses on a *temporary* basis, but refers to these uses as "Outdoor Festival" and "Outdoor Community Event."
- Chapter 25 calls for the use of discretionary processes established and described by Chapter 110.
- Regardless of whether a proposed activity is temporary or permanent, the process of agency review leading to the establishment of conditions for approval is essentially identical.

Staff determined that the process for establishing these uses would be clearer to both staff and the public if these uses were approached with a clear, consistent and single set of terminology, regulations, and processes. While business licenses will still be required for operators and vendors of outdoor entertainment use types as they are today, 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.

The proposed draft ordinance, in conjunction with the proposed changes to Chapter 110, will detangle the regulatory approach to outdoor entertainment between the two chapters. Outdoor entertainment use types will be reviewed and processed from a land use perspective, using the provisions of Chapter 110 exclusively to establish the regulations, processes, and terminology used to establish these uses. A definition for Special Event is being added to Chapter 25 to clarify those events with attendance of 99 persons or less will continue to be handled as a business license function rather than as a land use function.

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 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 and adopt an ordinance amending Washoe County Code Chapter 25 (Business License Ordinance) as part of a comprehensive process to consolidate all permitting and licensing functions for outdoor festivals and outdoor community events under Washoe County Code Chapter 110 (Development Code). The proposed changes are intended to expand the range of uses considered as outdoor entertainment and to establish a clear set of license and permit processes for establishing both permanent and temporary outdoor entertainment uses. The proposed amendments to Chapter 25 are as follows:

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- to remove all sections regarding Outdoor Festivals, specifically Sections 25.263 through 25.307 inclusive; and to effect other items necessarily connected therewith and pertaining thereto.

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 ordinance number as provided by the County Clerk].”

Attachment A: Proposed Ordinance.