



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: May 8, 2018

**DATE:** March 1, 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 & Building Community Services Dept., 328-3619,  
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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.)

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### 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

AGENDA ITEM # \_\_\_\_\_

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
- (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 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



**RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION**

**RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE):**

- (1) **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.**

Resolution Number 18-03

WHEREAS

A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of County Commissioners or the Washoe County Planning Commission; and

B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) Articles 302, Allowed Uses, Article 304 Use Classification System, Article 310 Temporary Uses, and Article 338, Outdoor Entertainment, as fully described in Exhibit A to this resolution on October 3, 2017; and

C. Development Code Amendment Case Number WDCA17-0003, came before the Washoe County Planning Commission for a duly noticed public hearing on January 2, 2018; and

D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and



E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA17-0003:

1. Consistency with Master Plan. The proposed 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 allows 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.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Washoe County Code Section 110.818.15(d) and (g):

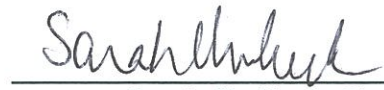
- 1) The Washoe County Planning Commission does hereby recommend approval of WDCA17-0003 as set forth in Exhibit A to this resolution; and,
- 2) A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on January 2, 2018.

ATTEST:

  
\_\_\_\_\_  
Trevor Lloyd, Secretary

WASHOE COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
Sarah Chvilicek, Chair

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

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INFORMATION ONLY**

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

*Summary: This ordinance makes amendments to Washoe County Code Chapter 110 (Development Code) including Articles 302, Allowed Uses; 304, Use Classification System; 310, Temporary Uses, and creates a new Article, 338, Outdoor Entertainment, in order to expand the regulatory zones wherein the outdoor entertainment use type is permitted, expand the list of uses commonly considered to be outdoor entertainment uses, to establish Livestock Events as a separate use type, to 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.*

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code Chapter 110 (Development Code):

1. 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



**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

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.

WHEREAS:

- A. This Commission desires to amend Articles 302, 304, 310, and 338 of the Washoe County Development Code (Chapter 110) in order to expand the range of uses considered as outdoor entertainment and to establish a clear set of processes for establishing both permanent and temporary outdoor entertainment uses and,
- B. The Washoe County Board of Commissioners initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 29, 2016; and,
- C. Due to the expiration of the required 125 day time frame to hear the proposed amendments, the Planning Commission re-initiated the proposed amendments to the Development Code on October 3, 2017; and,
- D. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA17-0003 on January 2, 2018, and adopted Resolution Number 18-03 recommending adoption of this ordinance; and,
- E. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,

## Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment

F. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Article 338, *Outdoor Entertainment*, is hereby added to read as follows:

# ***OUTDOOR ENTERTAINMENT***

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**Section 110.328.00 Purpose.** The purpose of Article 338, *Outdoor Entertainment*, is to provide a process for establishing Outdoor Entertainment as a permanent and temporary use type, to designate the regulatory zones where Outdoor Entertainment may be established on a permanent basis, and to provide the standards by which a request to establish the use type will be evaluated.

**Section 110.338.05 Outdoor Entertainment Defined.** Outdoor entertainment refers to both facilities and events for the assembly of 100 or more spectators and participants on any one day for any purpose in any outdoor location (see Section 110.338.15 of this Code for exemptions.) Typical uses include arenas, amphitheaters, and other similar venues for music (live or recorded), theatre, sports (including golf tournaments), racing facilities, and amusement parks. Events with 99 spectators and participants or less must obtain a special event license pursuant to Washoe County Cod Chapter 25 of this Code.

**Section 110.338.10 Applicability.** The codes described in Article 338, *Outdoor Entertainment*, are applicable to all temporary or permanent outdoor entertainment use types. Further discussion of establishing the outdoor entertainment use type on a temporary basis is described in Article 310, Temporary Uses.

**Section 110.338.15 Exemptions.** The provisions of this Article do not apply to any uses defined separately as a Commercial Recreation use type, or determined to fall under the Active or Passive Recreation, Outdoor Sports and Recreation, or Outdoor Sports Club use types, or any uses on land owned or managed by the State of Nevada or Washoe County. Further excluded are uses on Federal land for which an agreement for exemption has been granted by the Board of County Commissioners pursuant to NRS. 244.35425. Additionally, notwithstanding any provision in this Article or this Code, outdoor entertainment will not be allowed in any planning areas to the extent the applicable area plan prohibits outdoor entertainment.

**Section 110.338.20 Permitted Regulatory Zones.** The Outdoor Entertainment use type may be permitted as a permanent use in the General Rural (GR), General Rural Agricultural (GRA), Low Density Rural (LDR), Neighborhood Commercial (NC), General Commercial (GC), Tourist Commercial (TC), Industrial (I), or Parks and Recreation (PR) Regulatory Zones, with the granting

## **Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

of an Outdoor Entertainment Permit as described below. Outdoor Entertainment as a permanent use is excluded from all other Regulatory Zones. The Outdoor Entertainment use type is permitted as a temporary use in all regulatory zones, as described in Article 310, Temporary Uses.

**Section 110.338.25 Minimum Lot Size.** In the General Rural (GR), General Rural Agricultural (GRA), and Low Density Rural (LDR) regulatory zones, a minimum lot size of 10 acres is required to establish outdoor entertainment as a permanent permitted use.

**Section 110.338.30 Exceptions to Permitted Regulatory Zones and Minimum Lot Size.** Outdoor entertainment may be permitted on any parcel regardless of size or regulatory zone if the parcel is identified on an approved final map and developed as a non-residential use, such as a golf course, park or open space.

**Section 110.338.35 Outdoor Entertainment, Permit Required.** Proposals to establish Outdoor Entertainment as a permanent permitted use or as a temporary permitted use in any regulatory zone shall be required to obtain an Outdoor Entertainment Permit as described below.

- (a) **Application.** The Planning and Building Division shall provide an application and charge fees, if required, for an Outdoor Entertainment Permit. The application shall request any information necessary to determine the impact of the proposed use on affected property owners and the ability of the permit holders to fulfill any necessary public health, safety and/or welfare conditions placed on approval of the event or facility. The Director or his designee may request additional information as necessary to determine the impacts and necessary mitigating measures.
- (b) **Timeline for Application Submittal.** Applications for Outdoor Entertainment Permits must be submitted at least 90 days prior to the proposed start of the event.
- (c) **Minor, Major, and Temporary Outdoor Entertainment Permits.**
  - (1) A minor outdoor entertainment permit is for a permanent facility for assemblies expected to draw at least 100, but no more than 999 spectators and participants on any one day of the event. The process for review of a minor outdoor entertainment permit application is described in Section 110.338.40.
  - (2) A major outdoor entertainment permit is for either a temporary or permanent facility for an assembly expected to draw 1,000 or more spectators and participants on any one day of the event. This permit requires a public hearing before the Board of County Commissioners. The process for review of a major outdoor entertainment permit is described in Section 110.338.45.
  - (3) A temporary outdoor entertainment permit is for temporary facilities/events for an assembly expected to draw at least 100, but no more than 999 spectators and participants on any one day of the event. Temporary events are not to exceed 10 total days in any calendar year and must be consistent with the provisions of Article 310, *Temporary Uses*. The process for review of a temporary outdoor entertainment permit is described in Section 110.338.50.

**Section 110.338.40 Minor Outdoor Entertainment Permit Process.** A minor outdoor entertainment Permit is required for all outdoor entertainment uses that will draw an expected participation of at least 100 but not more than 999 spectators and participants on any one day of the event.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

- (a) The procedures for the processing, review, revocation, and appeal of a minor outdoor entertainment permit are those described in Article 810, *Special Use Permits*.
- (b) In addition to the submittal and approval requirements for a special use permit established in Article 810, *Special Use Permits*, the requirements established in Sections 110.338.55 through 110.338.80 inclusive shall apply.

**Section 110.338.45 Major Outdoor Entertainment Permit Process.** A major outdoor entertainment permit is required for all permanent or temporary outdoor entertainment activities that will draw an expected participation of 1,000 or more spectators and participants on any one day of the event.

- (a) The procedures for the processing, review, revocation, and appeal of a major outdoor entertainment permit are those described in Article 810, *Special Use Permits*, of this Code with the following exceptions:
  - 1. **Board.** Major outdoor entertainment permits are heard by the Board of County Commissioners.
  - 2. **Time Period for Hearing.** Upon receipt of a complete application and fee if required, a public hearing will be set at a regular meeting of the Board of County Commissioners, not less than 15 days nor more than 30 days thereafter pursuant to NRS 244.3544(a), unless waived by the applicant.
  - 3. **Appeal.** Per Section 110.912.20(b)(6)(vi) of this Code *Judicial Review of BCC Decision*, a decision of the Board of County Commissioners pursuant to this section is considered a final order for purposes of judicial review, and persons wishing to appeal a decision of the Board may petition for judicial review if allowed by law.
- (b) In addition to the submittal and approval requirements for a special use permit established in Article 810, *Special Use Permits*, the requirements established in Sections 110.338.55 through 110.338.80 inclusive shall apply.

**Section 110.338.50 Temporary Outdoor Entertainment Permit Process.** A temporary outdoor entertainment permit is required for all temporary outdoor entertainment activities that will draw an expected participation of at least 100 but no more than 999 on any one day of the event. Temporary events are not to exceed 10 total days in any calendar year and must be consistent with the provisions of Article 310, *Temporary Uses*.

- (a) The procedures for the processing, review, revocation, and appeal of a temporary outdoor entertainment permit are as follows:
  - 1. **Notice to Affected Property Owners.** Upon receipt of a complete application, and fee if required, to establish a temporary outdoor entertainment permit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within 500 feet of the subject parcel, Citizen Advisory Board members representing the area within which the event is proposed, homeowners associations that are registered with the Planning and Building Division of the County of the properties notified for the application; and

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

all military installations as defined in Article 902, Definitions, that are within 3,000 feet of the property that is the subject of the proposed event will be considered affected property owners. A minimum of 10 adjacent property owners shall be noticed.

2. **Processing.** Upon receipt of a complete application to establish a temporary outdoor entertainment permit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.
  - (a) **Notice.** An application must be deemed complete or incomplete within three working days of receipt of the application. Notice will be mailed to affected property owners within three working days after the application is deemed to be complete.
  - (b) **Affected Property Owner Comment Period.** Written testimony from affected property owners must be received by the department within 15 calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
  - (c) **Applicant Responses to Affected Property Owner Comments.** The Director, or his designee, shall provide affected property owner responses to the applicant. Written responses from the applicant must be received by the department within seven calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
  - (d) **Issuance of Written Decision on the Application.** A written decision shall be issued and mailed by the Director, or his designee, within 10 working days after the end of the applicant response period. The applicant may choose not to respond and begin this 10 working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners as defined in subsection (1) above.
  - (e) **Public Hearing Not Required.** No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article and Article 912.
3. **Effective Date of Action.** Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.
4. **Contents of Decision Notice – Approval or Denial.** Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal



**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.

5. **Compliance with Noticing Requirements.** All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means.
6. **Appeals.** An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the provisions of Section 110.912.10(j) of this Code.
7. Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.

**Section 110.338.55 Application Contents.** Applications for minor, major, and temporary outdoor entertainment permits must contain the following information, as applicable.

- (a) The name and address of the person making the application
- (b) A statement of the nature and purpose of the proposed event(s).
- (c) The address and assessor's parcel number or numbers of the place where the proposed event is to be conducted, operated, or carried on. The application must include proof of ownership of the place where the event is to be conducted or a statement signed by the owner indicating his consent for the site to be used for the proposed event.
- (d) The date or dates and the hours during which the event is to be conducted.
- (e) An estimate of the number of customers, spectators, participants and other persons expected to attend the event for each day it is conducted.
- (f) An event plan, including but not limited to:
  - (1) A detailed explanation of the applicant's plans to provide security, fire protection, water supply, water facilities, sanitation facilities, medical facilities, medical services, vehicle parking, vehicle access, traffic control and, if the event will operate after dark or if persons will remain overnight, illumination and camping facilities.
  - (2) Provisions and a cost estimate for cleaning up the premises and removing rubbish after the event.
  - (3) A site plan showing the arrangement of all facilities, including those for egress, ingress, parking, and camping.
- (g) Such other information as the Director determines is necessary.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

**Section 110.338.60 Conditions of Approval.** The Board of County Commissioners, the Board of Adjustment, the Director or his designee will impose conditions addressing the event and any facilities associated with the event, such conditions will include pre-event conditions, conditions associated with the event itself, and post-event conditions, all of which may or may not require inspection at the discretion of the Board of County Commissioners, or the Director or his designee. Conditions will address, at a minimum, the following:

- (a) Police protection.
- (b) Food, water, sanitation, garbage disposal, and medical services.
- (c) Access, traffic, parking, camping, and illumination.
- (d) Hours of operation.
- (e) Fire protection.
- (f) Financial ability to meet conditions and performance security if determined necessary by the Board of Adjustment, or the Director or his designee.
- (g) Indemnification and insurance.

**Section 110.338.65 Periodic Review of Conditions of Approval.** The Board of County Commissioners, the Board of Adjustment, the Director or his designee will determine if periodic review of the conditions of approval is appropriate. If a periodic review is required, the approval will include timeframes and methods for the periodic review; and, a mechanism for imposing new conditions if the existing conditions are determined to be inadequate to ensure public health, safety and welfare.

**Section 110.338.70 FBI/State Criminal History Inquiry Required For All Major Outdoor Entertainment Permits.** After determination that a major outdoor entertainment permit application is complete, the Planning and Building Division shall request the sheriff to conduct a FBI/State criminal history inquiry of the applicants to determine whether cause for denial exists pursuant to section 110.338.75 of this Code.

- (a) The reasonable costs of the inquiry shall be the responsibility of the applicant and shall be paid to the sheriff in advance. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation or inquiry than is normally required. A list of fees set by the Sheriff for criminal history inquiries shall be posted in a place of clear public view.
- (b) Each applicant, owner, officer and/or director shall present himself within 14 days of filing a complete application to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the permit as may be required by the sheriff, which shall include the applicant's social security number and date of birth. Each applicant, owner, officer and/or director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a FBI/state criminal history inquiry. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the person.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

- (c) The sheriff shall also conduct an investigation of the history of similar events operated, conducted, or promoted by the applicant to determine the truthfulness of the facts submitted by the applicant and to determine whether those events would have met the standards for outdoor festivals set forth in county code.
- (d) For a second or subsequent application by an applicant for the same venue or event, and provided that the applicant, owner, officer and/or director have not changed, the Planning and Building Division or the sheriff may waive the requirements of this section and modify the requirements as follows:
  - (1) A criminal history inquiry need not be processed but the Sheriff shall review local police records including, without limitation, warrants and warrants to determine whether cause for denial exists.

**Section 110.338.75 Grounds for Denial.** The Board of County Commissioners, the Board of Adjustment, or the Director or his designee may deny issuance of a permit for any of the following reasons:

- (a) The proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building, or safety codes or standards established by Washoe County or state law.
- (b) The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for the permit or in any other document required pursuant to this Article.
- (c) The applicant or any person connected or associated with the applicant as partner, director, officer, associate or manager, or having a financial interest has previously conducted the type of event for which a permit is being applied for which resulted in the creation of a public or private nuisance.
- (d) The applicant or any person associated with the applicant as a partner, director, or officer has been convicted within the past 10 years of any of the following crimes:
  - (1) Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;
  - (2) Involving lewd conduct;
  - (3) Involving the use of force and violence upon the person of another;
  - (4) Involving misconduct with children; or
  - (5) Involving illegal use of controlled substances or dangerous drugs.
- (e) The applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in this Code.

**Section 110.338.80 Suspension and Revocation.** A Permit obtained pursuant to this Article may be suspended or revoked according to the provisions of Washoe County Code 110.910, Enforcement.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

SECTION 2. Section 110.302.05 Table of Uses, Table 110.302.05.3 (Commercial Use Types) of the Washoe County Code is hereby amended to read as follows:

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Offices	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animal Sales and Services																		
Commercial Kennels	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Commercial Stables	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
																		*See Article 226 for Warm Springs parcels.
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	--	--	--	--	--	--
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Veterinary Services, Pets	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	P	--	--	--	--	S <sub>2</sub>
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		
Neighborhood Centers	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	P	S <sub>2</sub>	P	P	--	--	--
Limited Gaming Facilities	--	--	--	--	--	--	--	--	--	P	P	P	S <sub>2</sub>	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	S <sub>2</sub>
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--
<b>Outdoor Entertainment</b>	<b>See Article 338 Outdoor Entertainment</b>																	

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	
Outdoor Sports and Recreation	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	S <sub>2</sub>	P	--	P	S <sub>2</sub>	
Outdoor Sports Club	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	P	--	S <sub>2</sub>	S <sub>2</sub>	
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--	
<b>Livestock Events</b>	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	--	--	--	--	--	--	--	<b>S<sub>2</sub></b>	--	--	<b>S<sub>2</sub></b>	--	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	
																		<b>*See Article 226 for Warm Springs parcels.</b>	
Communication Facilities																			
Commercial Antennas	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Satellite Dish Antennas	See Article 324																		
Wireless Communication Facilities	See Article 324																		
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--	
Continuum of Care Facilities, Seniors	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S <sub>2</sub>	--	--	--	
Data Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Eating and Drinking Establishments																			
Convenience	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--	
Full Service	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--	
Financial Services	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--	
Funeral and Internment Services																			
Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	S <sub>2</sub>	
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--	
Gasoline Sales and Service Stations	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	S <sub>2</sub>	--	
Helicopter Services																			
Helipport	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Helistop	S <sub>2</sub>	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Liquor Manufacturing	--	--	--	--	--	--	P	P	P	A	P	A	A	--	--	--	--	--	
Liquor Sales																			
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--	
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--	
Lodging Services																			
Bed and Breakfast Inns	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	P	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--	
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--	
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--	
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	
Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	



**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S2	S2	S2	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S2	S2	S2	--	--	--	--	--	--	A	--	--	A	--	--	--	S2	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S2	S2	S2	A	S2	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S2	--	--	A	--	--	--	--	--
Remote Collection Facility	S2	S2	S2	S2	S2	S2	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S2	--	--	S2	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S2	S2	S2	S2	S2	S2	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

SECTION 3. Section 110.304.25 *Commercial Use Types, (h), Commercial Recreation, (7)Outdoor Entertainment*, of the Washoe County Code is hereby amended to read as follows:

**(7) Outdoor Entertainment.** Outdoor entertainment refers to both facilities and events for the assembly of 100 or more spectators and participants on any one day for any purpose in any outdoor location (see Section 110.338.15 for exemptions.) Typical uses include arenas, amphitheatres, and other similar venues for music (live or recorded), theatre, sports (including

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

golf tournaments), racing facilities, and amusement parks, See Article 338 Outdoor Entertainment.

~~Outdoor entertainment refers to predominantly spectator type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.~~

SECTION 4. Section 110.310.20 *Circuses, Carnivals and Other Outdoor Entertainment Events* is hereby amended to read as follows:

Section 110.310.20 *Circuses, Carnivals or Other Outdoor Entertainment Events.* A circus, carnival or other outdoor entertainment event may be permitted in all regulatory zones for a period not to exceed ~~ten (10)~~ days in any calendar year. Adequate parking and restroom facilities shall be provided for the expected attendance. An event that will have a combination of **100 or more** ~~between three hundred (300) and nine hundred ninety-nine (999)~~ participants and spectators on any one ~~(1)~~ day of the event shall obtain an **Temporary Outdoor Entertainment Permit as described in Article 338, Outdoor Entertainment,** ~~administrative permit~~ prior to the event. An **Outdoor Entertainment Permit** ~~administrative permit or outdoor festival Permit~~ shall not be required for **temporary** events held at or in facilities designed for such events. These exempted facilities include auditoriums, convention facilities, stadiums and parks, but do not include ancillary support areas, such as parking lots, if the event is to be held on or in those ancillary support facilities. An event that will have a combination of ~~more than~~ **one thousand (1,000) or more** participants and spectators on any one (1) day of the event shall obtain an **major outdoor entertainment festival Permit** as ~~specified~~ **described in Article 338, Outdoor Entertainment.** ~~Chapter 25 of the Washoe County Code, instead of an administrative permit.~~

Section 5. Section 110.304.25(h) *Commercial Recreation* is hereby amended to read as follows:

**(11) Livestock Events.** The Livestock Events use type refers to events and facilities for livestock events including but not limited to exhibitions, shows and/or competitive events such as riding, roping, barrel racing, jumping events, dressage, bull riding, etc. Typical uses at these types of facilities include rodeos and other equestrian events.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

SECTION 5. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2018.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2018.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Marsha Berkbigler, Chair  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.



# Planning Commission Staff Report

**Meeting Date: January 2, 2018**

**Subject:** Development Code Amendment Case Number WDCA17-0003

**Applicant:** Planning and Building Division

**Agenda Item Number:** 9B

**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 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.

**Recommendation:** **Recommend approval and authorize the Chair to sign the attached resolution**

**Prepared by:** Eric Young, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division

**Phone:** 775.328.3613

**E-Mail:** eyoung@washoecounty.us

Washoe County  
**Commission District:** All Commission Districts

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## **Description**

**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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 Appeal Process..... 8

**Attachment Contents**

Resolution..... Attachment A  
 Staff Report, October 3, 2017 Planning Commission..... Attachment B  
 Original Draft Ordinance.....Attachment C  
 Minutes, October 3, 2017 Planning Commission..... Attachment D

**Development Code Amendments**

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Board of County Commissioners (Board), the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Board or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Board hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The Board will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

## **Background and Proposed Amendments**

### **BACKGROUND ON PROPOSED CODE CHANGES**

- On November 29, 2016, the 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, an/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 (PC) 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 7<sup>th</sup> workshop.
- The draft ordinance attached to this staff report (Attachment A) is the result of the revisions and refinements made following the October 3<sup>rd</sup> Planning Commission meeting and the November 7<sup>th</sup> workshop.

Important note: these amendments would not be applicable to the South Valleys Area Plan or the Spanish Springs Area Plan because those area plans currently prohibit outdoor entertainment. If these amendments pass, area plan amendments to those plans would need to then be processed before this use type could occur in those areas.

### **PROPOSED REVISIONS**

The revisions made to the original draft ordinance are based on four issues raised by the public throughout the process of drafting the proposed amendments. Staff has attempted to respond to each of these issues in the revised draft. The issues, the original draft's approach, and the proposed revisions are as follows:

**Issue # 1:**     **Is an Administrative review process acceptable or should a public hearing be required?**

- Original Draft: The original proposal established an administrative process (no public hearing) for outdoor entertainment uses supporting up to 999 participants

and spectators on any one day. Currently the code requires a public hearing for activities of more than 299 (300+) participants and spectators on any one day.

- Public comment: The public comment strongly favors maintaining a public hearing process for events over 299 participants and spectators on any one day.
- Revised Draft: The revised draft requires a public hearing process for all outdoor entertainment events/facilities supporting 100 or more participants and spectators on any one day regardless of location.
- Impact: The practical impact of this revision is that all permanent outdoor entertainment uses will require a special use permit, while applications for temporary outdoor entertainment uses for 100-999 persons on any one day will continue to be subject to an administrative review process.

**Issue #2: What Regulatory Zones are Appropriate?**

- Original Draft: The original draft proposed to expand the range of regulatory zones where a permanent outdoor entertainment use type is allowed to include General Commercial, Neighborhood Commercial zones, Low Density Rural, Medium Density Rural, High Density Rural and Low Density Suburban. (Currently Outdoor Entertainment is only allowed in the Industrial, Tourist Commercial and Parks and Recreation regulatory zones.)
- Public Comment: Public comment favors restricting outdoor entertainment to nonresidential regulatory zones and large lot rural residential zones. In particular, public comment favored establishing a minimum lot size of at least 10 acres for a permanent outdoor entertainment use type.
- Revised Draft: The revised draft limits the permanent establishment of the outdoor entertainment use type to nonresidential regulatory zones and to the rural residential regulatory zones of Low Density Rural (10 acre zoning) and General Rural (40 acre zoning), and establishes a 10 acre minimum lot size.
- Impact: The practical impact of this alternative is that permanent outdoor entertainment use types in residential areas will be restricted to areas with large lot rural zoning. An exception would allow suburban residential regulatory zones (High-, Medium-, and Low Density Suburban) if they are identified on an approved subdivision map and developed as a nonresidential use (golf courses for example) and are part of a broad application that includes other permitted regulatory zones.

**Issue #3: Are Equestrian Events distinct enough from other activities to warrant their own definition?**

- Original Draft: The original draft includes equestrian events under the definition of outdoor entertainment. Currently, these types of events are processed as Commercial Stables; however, the Commercial Stables definition only loosely covers the types of activities found at an equestrian event.

- **Public comment:** Public comments suggest that equestrian and other livestock oriented events are not only culturally important to the character of rural Washoe County, but are also distinct from other outdoor entertainment events such as music/theatre venues, golf tournaments, or art festivals.
- **Revised Draft:** The revised draft proposes to create a distinct and separate use for equestrian events that adequately describes the types of activities undertaken at such events. The “Livestock Event” use type would be permitted with a special use permit from the Board of Adjustment. The livestock events use type would be permitted in all the regulatory zones where commercial stables are currently permitted (LDS, HDR, MDR, LDR, GR, GRA, TC, and PR.). Events in the Warm Springs planning area would continue to be processed according to their agreed upon code modifiers as described in Article 206, *Warm Springs*.
- **Impact:** The practical impact of this alternative is that livestock/equestrian events will have a dedicated definition in the Development Code and will continue to be allowed where such uses are currently permitted. This approach works in conjunction with the other proposed revisions to restrict the location where outdoor entertainment uses are permitted, without unduly restricting the location where equestrian events may be permitted. No amendments to the Warm Springs modifiers (Article 206) will be necessary.

**Issue #4: Should periodic review or renewal be required for outdoor entertainment permits?**

- **Original Draft:** The original draft has provisions for the revocation of outdoor entertainment permits. It also allows conditions of approval that require periodic review of the permit. Periodic reviews would look at public complaints and the ability of the existing conditions to mitigate negative impacts of the approval. However, the draft does not require a condition regarding periodic review, but approaches each permit on a case by case basis.
- **Public comment:** Public comments favor requiring all outdoor entertainment permits to be reviewed on a periodic basis, such that the permit is never seen as a permanent entitlement, but one that needs to be periodically renewed. A periodic renewal process would also consider public complaints and the existing conditions.
- **Revised Draft:** The revised draft creates a separate section (110.338.65 - Periodic Review of Conditions of Approval.) This section provides language that more clearly supports periodic review of outdoor entertainment uses, but does not create the requirement for periodic renewal. The activities that may occur under the auspice of outdoor entertainment are varied. While it is clear that some proposals for outdoor entertainment uses may need to be reviewed and the conditions reconsidered, there are also many potential uses for which very little periodic review may be necessary. Staff’s concern with creating a required renewal process is that on a case by case basis, this could be valuable or it could be a regulatory burden with little benefit to the public.

- **Impact:** The practical impact of the revised language is that the option of using conditions of approval to require a periodic review will be more clear but the specifics of such a review can be tailored to each permit and neighborhood.

### **Summary:**

During the development of the draft ordinance, four issues consistently rose to the top of the public input. Those issues – identifying the appropriate process for review, establishing appropriate regulatory zones and lot sizes, recognizing equestrian events as unique, and recognizing the need for periodic review – are the focus of staff’s current revisions to the original draft ordinance.

The staff report, the original draft ordinance, and the minutes of the October 3, 2017 Planning Commission meeting (Attachments B, C, and D respectively) are attached for your reference. Staff recommends reviewing the October 3<sup>rd</sup> staff report for important information about the Board’s original initiation, the identified need for the amendments, the public outreach used to develop the original draft, and parallel changes required in Washoe County Code Chapter 25, *Business Licenses*.

### **Findings**

Washoe County Code Section 110.818.15(e) requires the PC to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the PC make all four findings in support of the proposed Development Code amendment.

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.

**Staff comment:** The Washoe County Master Plan anticipates the need for extra discretionary action to approve certain uses. The Master Plan also encourages promoting economic development while ensuring the compatibility of uses. This amendment is consistent with the policies and action programs in the Master Plan that promote these concepts.

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.

**Staff comment:** The proposed amendment will provide for the orderly development of the County by ensuring that the permitting and conducting of outdoor entertainment activities are done manner that is efficient, results in appropriate conditions of approval, does not endanger the public’s health or safety, and is compatible with adjacent land uses.

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 allows for a more desirable utilization of land within the regulatory zones.

**Staff comment:** The changed conditions to which these amendments respond are related to the dynamic growth of the region in recent years. The region’s growth is



creating an increasing market demand for a variety of different outdoor entertainment facilities/events. This increased demand has highlighted the county's inefficient and cumbersome process for licensing such events. The proposed amendments respond to this change by creating a consistent and efficient review and permitting process for these events and facilities.

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.

Staff comment: The Conservation Element and the Population element are not impacted by this proposed amendment.

### **Public Notice**

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

### **Recommendation**

It is recommended that 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*. The following motion is provided for your consideration:

### **Motion**

I move 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*. I further move 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):

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.

**Appeal Process**

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.

Staff Report and Action Order xc:     Dave Solaro, Director, CSD  
   Nate Edwards, Deputy District Attorney



## RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

### RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE):

- (1) **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.**

Resolution Number 18-03

#### WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of County Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) Articles 302, Allowed Uses, Article 304 Use Classification System, Article 310 Temporary Uses, and Article 338, Outdoor Entertainment, as fully described in Exhibit A to this resolution on October 3, 2017; and
- C. Development Code Amendment Case Number WDCA17-0003, came before the Washoe County Planning Commission for a duly noticed public hearing on January 2, 2018; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and

E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA17-0003:

1. Consistency with Master Plan. The proposed 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 allows 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.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Washoe County Code Section 110.818.15(d) and (g):

- 1) The Washoe County Planning Commission does hereby recommend approval of WDCA17-0003 as set forth in Exhibit A to this resolution; and,
- 2) A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on January 2, 2018.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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Trevor Lloyd, Secretary

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Sarah Chvilicek, Chair

Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment

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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

*Summary: This ordinance makes amendments to Washoe County Code Chapter 110 (Development Code) including Articles 302, Allowed Uses; 304, Use Classification System; 310, Temporary Uses, and creates a new Article, 338, Outdoor Entertainment, in order to expand the regulatory zones wherein the outdoor entertainment use type is permitted, expand the list of uses commonly considered to be outdoor entertainment uses, to establish Livestock Events as a separate use type, to 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.*

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code Chapter 110 (Development Code):

1. 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

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

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.

WHEREAS:

- A. This Commission desires to amend Articles 302, 304, 310, and 338 of the Washoe County Development Code (Chapter 110) in order to expand the range of uses considered as outdoor entertainment and to establish a clear set of processes for establishing both permanent and temporary outdoor entertainment uses and,
- B. The Washoe County Board of Commissioners initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 29, 2016; and,
- C. Due to the expiration of the required 125 day time frame to hear the proposed amendments, the Planning Commission re-initiated the proposed amendments to the Development Code on October 3, 2017; and,
- D. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA17-0003 on January 2, 2018, and adopted Resolution Number 18-XX recommending adoption of this ordinance; and,
- E. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

F. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Article 338, *Outdoor Entertainment*, is hereby added to read as follows:

## ***OUTDOOR ENTERTAINMENT***

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**Section 110.328.00 Purpose.** The purpose of Article 338, *Outdoor Entertainment*, is to provide a process for establishing Outdoor Entertainment as a permanent and temporary use type, to designate the regulatory zones where Outdoor Entertainment may be established on a permanent basis, and to provide the standards by which a request to establish the use type will be evaluated.

**Section 110.338.05 Outdoor Entertainment Defined.** Outdoor entertainment refers to both facilities and events for the assembly of 100 or more spectators and participants on any one day for any purpose in any outdoor location (see Section 110.338.15 of this Code for exemptions.) Typical uses include arenas, amphitheaters, and other similar venues for music (live or recorded), theatre, sports (including golf tournaments), racing facilities, and amusement parks. Events with 99 spectators and participants or less must obtain a special event license pursuant to Washoe County Cod Chapter 25 of this Code.

**Section 110.338.10 Applicability.** The codes described in Article 338, *Outdoor Entertainment*, are applicable to all temporary or permanent outdoor entertainment use types. Further discussion of establishing the outdoor entertainment use type on a temporary basis is described in Article 310, Temporary Uses.

**Section 110.338.15 Exemptions.** The provisions of this Article do not apply to any uses defined separately as a Commercial Recreation use type, or determined to fall under the Active or Passive Recreation, Outdoor Sports and Recreation, or Outdoor Sports Club use types, or any uses on land owned or managed by the State of Nevada or Washoe County. Further excluded are uses on Federal land for which an agreement for exemption has been granted by the Board of County Commissioners pursuant to NRS. 244.35425. Additionally, notwithstanding any provision in this Article or this Code, outdoor entertainment will not be allowed in any planning areas to the extent the applicable area plan prohibits outdoor entertainment.

**Section 110.338.20 Permitted Regulatory Zones.** The Outdoor Entertainment use type may be permitted as a permanent use in the General Rural (GR), General Rural Agricultural (GRA), Low Density Rural (LDR), Neighborhood Commercial (NC), General Commercial (GC), Tourist Commercial (TC), Industrial (I), or Parks and Recreation (PR) Regulatory Zones, with the granting



**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

of an Outdoor Entertainment Permit as described below. Outdoor Entertainment as a permanent use is excluded from all other Regulatory Zones. The Outdoor Entertainment use type is permitted as a temporary use in all regulatory zones, as described in Article 310, Temporary Uses.

**Section 110.338.25 Minimum Lot Size.** In the General Rural (GR), General Rural Agricultural (GRA), and Low Density Rural (LDR) regulatory zones, a minimum lot size of 10 acres is required to establish outdoor entertainment as a permanent permitted use.

**Section 110.338.30 Exceptions to Permitted Regulatory Zones and Minimum Lot Size.** Outdoor entertainment may be permitted on any parcel regardless of size or regulatory zone if the parcel is identified on an approved final map and developed as a non-residential use, such as a golf course, park or open space.

**Section 110.338.35 Outdoor Entertainment, Permit Required.** Proposals to establish Outdoor Entertainment as a permanent permitted use or as a temporary permitted use in any regulatory zone shall be required to obtain an Outdoor Entertainment Permit as described below.

- (a) **Application.** The Planning and Building Division shall provide an application and charge fees, if required, for an Outdoor Entertainment Permit. The application shall request any information necessary to determine the impact of the proposed use on affected property owners and the ability of the permit holders to fulfill any necessary public health, safety and/or welfare conditions placed on approval of the event or facility. The Director or his designee may request additional information as necessary to determine the impacts and necessary mitigating measures.
- (b) **Timeline for Application Submittal.** Applications for Outdoor Entertainment Permits must be submitted at least 90 days prior to the proposed start of the event.
- (c) **Minor, Major, and Temporary Outdoor Entertainment Permits.**
  - (1) A minor outdoor entertainment permit is for a permanent facility for assemblies expected to draw at least 100, but no more than 999 spectators and participants on any one day of the event. The process for review of a minor outdoor entertainment permit application is described in Section 110.338.40.
  - (2) A major outdoor entertainment permit is for either a temporary or permanent facility for an assembly expected to draw 1,000 or more spectators and participants on any one day of the event. This permit requires a public hearing before the Board of County Commissioners. The process for review of a major outdoor entertainment permit is described in Section 110.338.45.
  - (3) A temporary outdoor entertainment permit is for temporary facilities/events for an assembly expected to draw at least 100, but no more than 999 spectators and participants on any one day of the event. Temporary events are not to exceed 10 total days in any calendar year and must be consistent with the provisions of Article 310, *Temporary Uses*. The process for review of a temporary outdoor entertainment permit is described in Section 110.338.50.

**Section 110.338.40 Minor Outdoor Entertainment Permit Process.** A minor outdoor entertainment Permit is required for all outdoor entertainment uses that will draw an expected participation of at least 100 but not more than 999 spectators and participants on any one day of the event.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

- (a) The procedures for the processing, review, revocation, and appeal of a minor outdoor entertainment permit are those described in Article 810, *Special Use Permits*.
- (b) In addition to the submittal and approval requirements for a special use permit established in Article 810, *Special Use Permits*, the requirements established in Sections 110.338.55 through 110.338.80 inclusive shall apply.

**Section 110.338.45 Major Outdoor Entertainment Permit Process.** A major outdoor entertainment permit is required for all permanent or temporary outdoor entertainment activities that will draw an expected participation of 1,000 or more spectators and participants on any one day of the event.

- (a) The procedures for the processing, review, revocation, and appeal of a major outdoor entertainment permit are those described in Article 810, *Special Use Permits*, of this Code with the following exceptions:
  - 1. **Board.** Major outdoor entertainment permits are heard by the Board of County Commissioners.
  - 2. **Time Period for Hearing.** Upon receipt of a complete application and fee if required, a public hearing will be set at a regular meeting of the Board of County Commissioners, not less than 15 days nor more than 30 days thereafter pursuant to NRS 244.3544(a), unless waived by the applicant.
  - 3. **Appeal.** Per Section 110.912.20(b)(6)(vi) of this Code *Judicial Review of BCC Decision*, a decision of the Board of County Commissioners pursuant to this section is considered a final order for purposes of judicial review, and persons wishing to appeal a decision of the Board may petition for judicial review if allowed by law.
- (b) In addition to the submittal and approval requirements for a special use permit established in Article 810, *Special Use Permits*, the requirements established in Sections 110.338.55 through 110.338.80 inclusive shall apply.

**Section 110.338.50 Temporary Outdoor Entertainment Permit Process.** A temporary outdoor entertainment permit is required for all temporary outdoor entertainment activities that will draw an expected participation of at least 100 but no more than 999 on any one day of the event. Temporary events are not to exceed 10 total days in any calendar year and must be consistent with the provisions of Article 310, *Temporary Uses*.

- (a) The procedures for the processing, review, revocation, and appeal of a temporary outdoor entertainment permit are as follows:
  - 1. **Notice to Affected Property Owners.** Upon receipt of a complete application, and fee if required, to establish a temporary outdoor entertainment permit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within 500 feet of the subject parcel, Citizen Advisory Board members representing the area within which the event is proposed, homeowners associations that are registered with the Planning and Building Division of the County of the properties notified for the application; and

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all military installations as defined in Article 902, Definitions, that are within 3,000 feet of the property that is the subject of the proposed event will be considered affected property owners. A minimum of 10 adjacent property owners shall be noticed.

2. **Processing.** Upon receipt of a complete application to establish a temporary outdoor entertainment permit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.
  - (a) **Notice.** An application must be deemed complete or incomplete within three working days of receipt of the application. Notice will be mailed to affected property owners within three working days after the application is deemed to be complete.
  - (b) **Affected Property Owner Comment Period.** Written testimony from affected property owners must be received by the department within 15 calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
  - (c) **Applicant Responses to Affected Property Owner Comments.** The Director, or his designee, shall provide affected property owner responses to the applicant. Written responses from the applicant must be received by the department within seven calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
  - (d) **Issuance of Written Decision on the Application.** A written decision shall be issued and mailed by the Director, or his designee, within 10 working days after the end of the applicant response period. The applicant may choose not to respond and begin this 10 working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners as defined in subsection (1) above.
  - (e) **Public Hearing Not Required.** No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article and Article 912.
3. **Effective Date of Action.** Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.
4. **Contents of Decision Notice – Approval or Denial.** Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal

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and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.

5. **Compliance with Noticing Requirements.** All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means.
6. **Appeals.** An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the provisions of Section 110.912.10(j) of this Code.
7. Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.

**Section 110.338.55 Application Contents.** Applications for minor, major, and temporary outdoor entertainment permits must contain the following information, as applicable.

- (a) The name and address of the person making the application
- (b) A statement of the nature and purpose of the proposed event(s).
- (c) The address and assessor's parcel number or numbers of the place where the proposed event is to be conducted, operated, or carried on. The application must include proof of ownership of the place where the event is to be conducted or a statement signed by the owner indicating his consent for the site to be used for the proposed event.
- (d) The date or dates and the hours during which the event is to be conducted.
- (e) An estimate of the number of customers, spectators, participants and other persons expected to attend the event for each day it is conducted.
- (f) An event plan, including but not limited to:
  - (1) A detailed explanation of the applicant's plans to provide security, fire protection, water supply, water facilities, sanitation facilities, medical facilities, medical services, vehicle parking, vehicle access, traffic control and, if the event will operate after dark or if persons will remain overnight, illumination and camping facilities.
  - (2) Provisions and a cost estimate for cleaning up the premises and removing rubbish after the event.
  - (3) A site plan showing the arrangement of all facilities, including those for egress, ingress, parking, and camping.
- (g) Such other information as the Director determines is necessary.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

**Section 110.338.60 Conditions of Approval.** The Board of County Commissioners, the Board of Adjustment, the Director or his designee will impose conditions addressing the event and any facilities associated with the event, such conditions will include pre-event conditions, conditions associated with the event itself, and post-event conditions, all of which may or may not require inspection at the discretion of the Board of County Commissioners, or the Director or his designee. Conditions will address, at a minimum, the following:

- (a) Police protection.
- (b) Food, water, sanitation, garbage disposal, and medical services.
- (c) Access, traffic, parking, camping, and illumination.
- (d) Hours of operation.
- (e) Fire protection.
- (f) Financial ability to meet conditions and performance security if determined necessary by the Board of Adjustment, or the Director or his designee.
- (g) Indemnification and insurance.

**Section 110.338.65 Periodic Review of Conditions of Approval.** The Board of County Commissioners, the Board of Adjustment, the Director or his designee will determine if periodic review of the conditions of approval is appropriate. If a periodic review is required, the approval will include timeframes and methods for the periodic review; and, a mechanism for imposing new conditions if the existing conditions are determined to be inadequate to ensure public health, safety and welfare.

**Section 110.338.70 FBI/State Criminal History Inquiry Required For All Major Outdoor Entertainment Permits.** After determination that a major outdoor entertainment permit application is complete, the Planning and Building Division shall request the sheriff to conduct a FBI/State criminal history inquiry of the applicants to determine whether cause for denial exists pursuant to section 110.338.75 of this Code.

- (a) The reasonable costs of the inquiry shall be the responsibility of the applicant and shall be paid to the sheriff in advance. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation or inquiry than is normally required. A list of fees set by the Sheriff for criminal history inquiries shall be posted in a place of clear public view.
- (b) Each applicant, owner, officer and/or director shall present himself within 14 days of filing a complete application to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the permit as may be required by the sheriff, which shall include the applicant's social security number and date of birth. Each applicant, owner, officer and/or director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a FBI/state criminal history inquiry. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the person.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

- (c) The sheriff shall also conduct an investigation of the history of similar events operated, conducted, or promoted by the applicant to determine the truthfulness of the facts submitted by the applicant and to determine whether those events would have met the standards for outdoor festivals set forth in county code.
- (d) For a second or subsequent application by an applicant for the same venue or event, and provided that the applicant, owner, officer and/or director have not changed, the Planning and Building Division or the sheriff may waive the requirements of this section and modify the requirements as follows:
  - (1) A criminal history inquiry need not be processed but the Sheriff shall review local police records including, without limitation, warrants and warrants to determine whether cause for denial exists.

**Section 110.338.75 Grounds for Denial.** The Board of County Commissioners, the Board of Adjustment, or the Director or his designee may deny issuance of a permit for any of the following reasons:

- (a) The proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building, or safety codes or standards established by Washoe County or state law.
- (b) The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for the permit or in any other document required pursuant to this Article.
- (c) The applicant or any person connected or associated with the applicant as partner, director, officer, associate or manager, or having a financial interest has previously conducted the type of event for which a permit is being applied for which resulted in the creation of a public or private nuisance.
- (d) The applicant or any person associated with the applicant as a partner, director, or officer has been convicted within the past 10 years of any of the following crimes:
  - (1) Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;
  - (2) Involving lewd conduct;
  - (3) Involving the use of force and violence upon the person of another;
  - (4) Involving misconduct with children; or
  - (5) Involving illegal use of controlled substances or dangerous drugs.
- (e) The applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in this Code.

**Section 110.338.80 Suspension and Revocation.** A Permit obtained pursuant to this Article may be suspended or revoked according to the provisions of Washoe County Code 110.910, Enforcement.



**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

SECTION 2. Section 110.302.05 Table of Uses, Table 110.302.05.3 (Commercial Use Types) of the Washoe County Code is hereby amended to read as follows:

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Offices	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animal Sales and Services																		
Commercial Kennels	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Commercial Stables	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
																		*See Article 226 for Warm Springs parcels.
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	--	--	--	--	--	--
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Veterinary Services, Pets	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	P	--	--	--	--	S <sub>2</sub>
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		
Neighborhood Centers	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	P	S <sub>2</sub>	P	P	--	--	--
Limited Gaming Facilities	--	--	--	--	--	--	--	--	--	P	P	P	S <sub>2</sub>	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	S <sub>2</sub>
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--
<b>Outdoor Entertainment</b>	<b>See Article 338 Outdoor Entertainment</b>																	



**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	
Outdoor Sports and Recreation	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	S <sub>2</sub>	P	--	P	S <sub>2</sub>	
Outdoor Sports Club	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	P	--	S <sub>2</sub>	S <sub>2</sub>	
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--	
<b>Livestock Events</b>	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	--	--	--	--	--	--	--	<b>S<sub>2</sub></b>	--	--	<b>S<sub>2</sub></b>	--	<b>S<sub>2</sub></b>	<b>S<sub>2</sub></b>	
																		<b>*See Article 226 for Warm Springs parcels.</b>	
Communication Facilities																			
Commercial Antennas	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Satellite Dish Antennas	See Article 324																		
Wireless Communication Facilities	See Article 324																		
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--	
Continuum of Care Facilities, Seniors	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S <sub>2</sub>	--	--	--	
Data Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Eating and Drinking Establishments																			
Convenience	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--	
Full Service	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--	
Financial Services	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--	
Funeral and Internment Services																			
Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	S <sub>2</sub>	
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--	
Gasoline Sales and Service Stations	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	S <sub>2</sub>	--	
Helicopter Services																			
Heliport	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Helistop	S <sub>2</sub>	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--	
Liquor Manufacturing	--	--	--	--	--	--	P	P	P	A	P	A	A	--	--	--	--	--	
Liquor Sales																			
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--	
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--	
Lodging Services																			
Bed and Breakfast Inns	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	P	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--	
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--	
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--	
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	
Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S2	S2	S2	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S2	S2	S2	--	--	--	--	--	--	A	--	--	A	--	--	--	S2	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S2	S2	S2	A	S2	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S2	--	--	A	--	--	--	--	--
Remote Collection Facility	S2	S2	S2	S2	S2	S2	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S2	--	--	S2	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S2	S2	S2	S2	S2	S2	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

SECTION 3. Section 110.304.25 *Commercial Use Types, (h), Commercial Recreation, (7)Outdoor Entertainment*, of the Washoe County Code is hereby amended to read as follows:

**(7) Outdoor Entertainment.** Outdoor entertainment refers to both facilities and events for the assembly of 100 or more spectators and participants on any one day for any purpose in any outdoor location (see Section 110.338.15 for exemptions.) Typical uses include arenas, amphitheaters, and other similar venues for music (live or recorded), theatre, sports (including

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

golf tournaments), racing facilities, and amusement parks, See Article 338 Outdoor Entertainment.

~~Outdoor entertainment refers to predominantly spectator type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.~~

SECTION 4. Section 110.310.20 *Circuses, Carnivals and Other Outdoor Entertainment Events* is hereby amended to read as follows:

Section 110.310.20 *Circuses, Carnivals or Other Outdoor Entertainment Events.* A circus, carnival or other outdoor entertainment event may be permitted in all regulatory zones for a period not to exceed ~~ten (10)~~ days in any calendar year. Adequate parking and restroom facilities shall be provided for the expected attendance. An event that will have a combination of **100 or more** ~~between three hundred (300) and nine hundred ninety-nine (999)~~ participants and spectators on any one ~~(1)~~ day of the event shall obtain an **Temporary Outdoor Entertainment Permit as described in Article 338, Outdoor Entertainment,** ~~administrative permit~~ prior to the event. An **Outdoor Entertainment Permit** ~~administrative permit or outdoor festival Permit~~ shall not be required for **temporary** events held at or in facilities designed for such events. These exempted facilities include auditoriums, convention facilities, stadiums and parks, but do not include ancillary support areas, such as parking lots, if the event is to be held on or in those ancillary support facilities. An event that will have a combination of ~~more than~~ one thousand (1,000) **or more** participants and spectators on any one (1) day of the event shall obtain an **major outdoor entertainment festival Permit as specified described in Article 338, Outdoor Entertainment.** ~~Chapter 25 of the Washoe County Code, instead of an administrative permit.~~

Section 5. Section 110.304.25(h) *Commercial Recreation* is hereby amended to read as follows:

(11) **Livestock Events.** The Livestock Events use type refers to events and facilities for livestock events including but not limited to exhibitions, shows and/or competitive events such as riding, roping, barrel racing, jumping events, dressage, bull riding, etc. Typical uses at these types of facilities include rodeos and other equestrian events.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

SECTION 5. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

**Exhibit A to Resolution: Draft Ordinance, WDCA17-0003 Outdoor Entertainment**

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Bob Lucey, Chair  
County Commission

ATTEST:

\_\_\_\_\_  
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.



# Planning Commission Staff Report

**Meeting Date: October 3, 2017**

**Subject:** Development Code Amendment Case Number WDCA17-0003

**Applicant:** Planning and Building Division

**Agenda Item Number:** 9B

**Summary:** To initiate an amendment and to subsequently amend Washoe County Code Chapter 110 (Development Code) within *Article 302, Allowed Uses*, to establish the regulatory zones wherein the Outdoor Entertainment commercial use type is permitted by right or by discretionary action; and, to create a new Article, *Article 338 Outdoor Entertainment*, for establishing the processes, regulations and standards specific to establishing both temporary and permanent outdoor entertainment use types

**Recommendation:** **Initiate, and recommend approval and authorize the Chair to sign the attached resolution**

**Prepared by:** Eric Young, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division

**Phone:** 775.328.3613

**E-Mail:** [eyoung@washoecounty.us](mailto:eyoung@washoecounty.us)

Washoe County  
**Commission District:** All Commission Districts

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## **Description**

**Development Code Amendment Case Number WDCA17-0003 (Outdoor Entertainment) –** For possible action, hearing, and discussion, to initiate an amendment to Washoe County Code Chapter 110 (Development Code) within *Article 302, Allowed Uses*, to establish the regulatory zones wherein the Outdoor Entertainment commercial use-type is permitted by right or by discretionary action; and, Article 226 , Section 110.226.18 Equestrian Uses, to subject certain activities occurring under the Equestrian Facilities use type to the outdoor entertainment regulations; and, to create a new Article, *Article 338 Outdoor Entertainment*, for establishing the processes, regulations and standards specific to establishing both temporary and permanent outdoor entertainment. The proposed *Article 338, Outdoor Entertainment*, expands the definition of Outdoor Entertainment to include both facilities and events for the assembly of 75 or more people for any purpose in any outdoor location; identifies a wider range of typical outdoor entertainment activities; establishes an administrative review and approval process for activities with an attendance between 75 and 999 people on any one day, and a public hearing review and approval process for activities with 1,000 or more people in attendance on any one day; provides for both temporary and permanent activities; and, provides for certain exemptions for establishing the use-type on Federal land. The Amendment also makes the necessary changes to Article 304, *Use Classification System*, to amend the description of the Outdoor Entertainment use-type to be consistent with the new description found in the proposed Article

338, and Article 310, *Temporary Uses*, to establish the criteria for determining when a temporary outdoor entertainment use-type requires a permit.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution that effect.

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**Development Code Amendments**

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Board of County Commissioners (Board), the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Board or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Board hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The Board will hold a first reading and introduction of the ordinance



(proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

## **Background and Proposed Amendments**

### **BACKGROUND ON PROPOSED CODE CHANGES**

On November 29, 2016, the 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, an/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.

Staff's subsequent research on the subject of outdoor entertainment has led to the proposed amendments as described in the Attached Resolution (Attachment A).

Important note: these amendments would not be applicable to the South Valleys Area Plan or the Warm Springs Area Plan because those plans currently prohibit outdoor entertainment. If these ordinance amendments pass, area plan amendments to those plans would need to then be processed before this use type could take place in those areas.

### **PROPOSED AMENDMENTS**

An important goal staff maintained in approaching the Board's initiation was to ensure the resulting codes are clear and do not conflict with other county or state regulations concerning outdoor entertainment. Currently, Outdoor Entertainment uses are governed by two separate chapters of county code. Washoe County Code (WCC) Chapter 25, *Business License Ordinance*, and Chapter 110, *Development Code*, both provide regulations, thresholds, and procedures regarding these uses. Therefore staff is proposing to also amend WCC Chapter 25, *Business License Ordinance*, in order to consolidate all of the regulations concerning outdoor community events and outdoor festivals (i.e., Outdoor Entertainment use types) within WCC Chapter 110. Staff will request that the Board initiate the amendments to WCC Chapter 25 prior to this amendment appearing before the Board, if recommended for approval by the Planning Commission (PC). If initiated, the proposed amendments to WCC Chapter 25 will go forward to the Board on a parallel track with the proposed amendments to Chapter 110. 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.

The proposed amendments to WCC Chapter 110 include the following changes (please see Attachment A, Resolution, for the specific proposed language):

- Changes to Article 302, *Allowed Uses*, Table 110.302..05.3 (Commercial Use Types), to indicate that the Outdoor Entertainment use type is regulated under the proposed new Article 338, *Outdoor Entertainment*.

- Changes in Article 304, *Use Classification System*, to amend the description of the Outdoor Entertainment use-type to be consistent with the new description found in the proposed Article 338 and establishes attendance thresholds for determining the need for permitting.
- Changes in Article 310, *Temporary Uses*, to establish the criteria for determining when a temporary outdoor entertainment use-type requires a permit, and to ensure the description of the use type is consistent with the description provided in Articles 304 and 338.
- Changes in Article 226 (Warm Springs modifiers), Section 110.226.18(b) Equestrian Facilities, to subject certain activities occurring under the Equestrian Facilities use type to the outdoor entertainment regulations.
- The addition of Article 338, *Outdoor Entertainment*, to:
  - Establish the Regulatory Zones in which the Outdoor Entertainment use type is permitted on both a permanent and basis. The proposed changes expand the regulatory zones for *permanent* Outdoor Entertainment to include General Rural (GR), General Rural Agricultural (GRA), Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), Low Density Suburban (LDS), Neighborhood Commercial (NC), General Commercial (GC), Tourist Commercial (TC), Industrial (I), and Parks and Recreation (PR) Regulatory Zones. Currently the Outdoor Entertainment use type is permitted on a permanent basis only in the Parks and Recreation, Tourist Commercial, and Industrial regulatory zones and only with the approval of a Board of Adjustment Special Use Permit. Outdoor Entertainment is currently permitted as a temporary use in any regulatory zone. This approach would continue under the proposed draft. However, temporary uses would be subject to the new approval processes (described below.)
  - Provide an expanded definition of Outdoor Entertainment that includes a wider variety of uses. The proposed definition will bring all activities that are of an “Outdoor Entertainment” nature under one regulatory framework, and will allow certain events that are currently required to undergo an annual licensing process (Barracuda Golf Tournament; Classical Tahoe; Red, White, and Tahoe Blue, etc.) to obtain a land use permit for conducting the activities annually without the need for an annual process. An annual agency review process could remain a requirement if the permit is granted pursuant to conditions that require annual agency review or inspection.
  - Provide for exemptions, suspension and revocation of a permit. The proposed language ensures that a permit granted pursuant to Article 338 can be suspended or revoked, particularly under circumstances when the health, safety, or welfare of the community is threatened.
  - Establish an administrative (minor) process for events and venues expected to have between 75 and 999 people on any one day, and a public hearing (major) process for venues and events expected to draw 1,000 people or more on any one day. These thresholds are consistent with *Nevada Revised Statutes 244.3542 License Required* which requires certain Outdoor Entertainment activities that will draw 1,000 or more people in any one day be approved by the

Board. Staff's proposal to administratively review events of 999 persons or fewer on any one day is intended to streamline the process for establishing these uses while maintaining robust agency review and public noticing/input criteria. Staff's research of other jurisdictions suggests that a slight tilt toward delegation of authority to administrative review and approval can facilitate a streamlined permitting process without needlessly endangering the community's health safety and welfare. Outdoor Entertainment events that expect to draw less than 75 people will continue to require a special event license and through *Washoe County Code Chapter 25, Business Licenses*.

## **Findings**

Washoe County Code Section 110.818.15(e) requires the PC to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the PC make all four findings in support of the proposed Development Code amendment.

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.

Staff comment: The Washoe County Master Plan anticipates the need for extra discretionary action to approve certain uses. The Master Plan also encourages promoting economic development while ensuring the compatibility of uses. This amendment is consistent with the policies and action programs in the Master Plan that promote these concepts.

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.

Staff comment: The proposed amendment will provide for the orderly development of the County by ensuring that the permitting and conducting of outdoor entertainment activities are done manner that is efficient, results in appropriate conditions of approval, does not endanger the public's health or safety, and is compatible with adjacent land uses.

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 allows for a more desirable utilization of land within the regulatory zones.

Staff comment: The changed conditions to which these amendments respond are related to the dynamic growth of the region in recent years. The region's growth is creating an increasing market demand for a variety of different outdoor entertainment facilities/events. This increased demand has highlighted the county's inefficient and cumbersome process for licensing such events. The proposed amendments respond to this change by creating a consistent and efficient review and permitting process for these events and facilities.

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.

Staff comment: The Conservation Element and the Population element are not impacted by this proposed amendment.

### **Public Notice**

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

### **Recommendation**

It is recommended that the Washoe County Planning Commission initiate and subsequently recommend approval of WDCA17-0003, to amend Washoe County Chapter 110 (Development Code) within Article 226, Warm Springs, Article 302, *Allowed Uses*; Article 304, *Use Classification System*; Article 310, *Temporary Uses*; and, Article 338, *Outdoor Entertainment*. The following motions are provided for your consideration:

### **Motion**

*Initiation:* I move 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 initiate the amendment of Washoe County Code Chapter 110 within Article 226, Warm Springs, Article 302, *Allowed Uses*; Article 304, *Use Classification System*; Article 310, *Temporary Uses*; and, Article 338, *Outdoor Entertainment*, as described in the staff report and discussed at the public hearing.

*Amendment:* I move 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 226, Warm Springs, Article 302, *Allowed Uses*; Article 304, *Use Classification System*; Article 310, *Temporary Uses*; and, Article 338, *Outdoor Entertainment*. I further move 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):

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.

### **Appeal Process**

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.

Staff Report and Action Order xc:     Dave Solaro, Director, CSD  
   Nate Edwards, Deputy District Attorney

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REGULAR TEXT: NO CHANGE IN LANGUAGE

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**BOLD TEXT: NEW LANGUAGE**

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040
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**Summary:** *This ordinance makes amendments to Washoe County Code Chapter 110 (Development Code) including Articles 302, Allowed Uses; 304, Use Classification System; 310, Temporary Uses, Article 226 (Warm Springs Modifiers), and creates a new Article, 338, Outdoor Entertainment, in order to expand the regulatory zones wherein the outdoor entertainment use type is permitted, expand the list of uses commonly considered to be outdoor entertainment uses, to establish administrative and public hearing processes for the establishment of temporary and permanent outdoor entertainment uses and to establish the thresholds used to determine the applicability of the administrative or public hearing process.*

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, to establish the regulatory zones wherein the Outdoor Entertainment commercial use-type is permitted by right or by discretionary action; and, Article 226, Section 110.226.18 Equestrian Uses, to subject certain activities occurring under the Equestrian Facilities use type to the outdoor entertainment regulations; and, to create a new Article, Article 338 Outdoor Entertainment, for establishing the processes, regulations and standards specific to establishing both temporary and permanent

outdoor entertainment. The proposed Article 338, Outdoor Entertainment, expands the definition of Outdoor Entertainment to include both facilities and events for the assembly of 75 or more people for any purpose in any outdoor location; identifies a wider range of typical outdoor entertainment activities; establishes an administrative review and approval process for activities with an attendance between 75 and 999 people on any one day, and a public hearing review and approval process for activities with 1,000 or more people in attendance on any one day; provides for both temporary and permanent activities; and, provides for certain exemptions for establishing the use-type on Federal land. The Amendment also makes the necessary changes to Article 304, Use Classification System, to amend the description of the Outdoor Entertainment use-type to be consistent with the new description found in the proposed Article 338, and Article 310, Temporary Uses, to establish the criteria for determining when a temporary outdoor entertainment use-type requires a permit; and other items necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Articles 302, 304, 310, and 338 of the Washoe County Development Code (Chapter 110) in order to expand the range of uses considered as outdoor entertainment and to establish a clear set of processes for establishing both permanent and temporary outdoor entertainment uses and,
- B. The Washoe County Board of Commissioners initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 29, 2016; and,
- C. Due to the expiration of the required 125 day time frame to hear the proposed amendments, the Planning Commission re-initiated the proposed amendments to the Development Code on October 3, 2017; and,
- D. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA17-0003 on October 3, 2017, and adopted Resolution



Number 17-XX recommending adoption of this ordinance;  
and,

- E. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- F. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES  
HEREBY ORDAIN:

SECTION 1. Article 338, *Outdoor Entertainment*, is hereby  
added to read as follows:

## ***OUTDOOR ENTERTAINMENT***

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**Section 110.328.00 Purpose.** The purpose of Article 338, *Outdoor Entertainment*, is to provide a process for establishing Outdoor Entertainment as a permanent and temporary use type, to designate the regulatory zones where Outdoor Entertainment may be established on a permanent basis, and to provide the standards by which a request to establish the use type will be evaluated.

**Section 110.338.05 Outdoor Entertainment Defined.** Outdoor entertainment refers to both facilities (venues) and events for the assembly of 75 or more people on any one day for any purpose in any outdoor location (see Section 110.338.15 for exemptions.) Typical uses include arenas, amphitheaters, and other similar venues for music (live or recorded), theatre, sports (including golf tournaments), equestrian and other animal events, racing facilities, and amusement parks. Outdoor Entertainment type uses of 74 people or less must obtain a special event license pursuant to Washoe County Code Chapter 25, Business License.

**Section 110.338.10 Applicability.** The codes described in Article 338, *Outdoor Entertainment*, are applicable to all temporary or permanent outdoor entertainment use types. Further discussion of establishing the outdoor entertainment use type on a temporary basis is described in Article 310, Temporary Uses.

**Section 110.338.15 Exemptions.** The provisions of this Article do not apply to any uses defined separately as a Commercial Recreation use type, or determined to fall under the Active or Passive Recreation, Outdoor Sports and Recreation, or Outdoor Sports Club use types, or any uses on land owned or managed by the State of Nevada or Washoe County. Further excluded are uses on Federal land for which an agreement for exemption has been granted by the Board of County Commissioners pursuant to NRS. 244.35425. Additionally, notwithstanding any provision in this Article or this Code, outdoor entertainment will not be allowed in any planning areas to the extent the applicable area plan prohibits outdoor entertainment.

**Section 110.338.20 Permitted Regulatory Zones.** The Outdoor Entertainment use type is permitted as a permanent use in the General Rural (GR), General Rural Agricultural (GRA), Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), Low Density Suburban (LDS), Neighborhood Commercial (NC), General Commercial (GC), Tourist Commercial (TC), Industrial (I), or Parks and Recreation (PR) Regulatory Zones, with the granting of an Outdoor Entertainment Permit as described below. Outdoor Entertainment as a permanent use is excluded from all other Regulatory Zones. The Outdoor Entertainment use type is permitted as a temporary use in all regulatory zones, as described in Article 310, Temporary Uses.

**Section 110.338.25 Outdoor Entertainment Permit Required.** Proposals to establish Outdoor Entertainment as a permanent permitted use or as a temporary permitted use in any regulatory zone shall be required to obtain an Outdoor Entertainment Permit as described below.

- (a) **Application.** The Planning and Building Division shall provide an application for an Outdoor Entertainment Permit. The application shall request any information necessary to determine the impact of the proposed use on affected property owners and the ability of the permit holders to fulfill any necessary conditions placed on approval of the event or facility. The Director or his designee may request additional information as necessary to determine the impacts and necessary mitigating measures.
- (b) **Major and Minor Outdoor Entertainment Permit.** A minor outdoor entertainment permit is administrative in nature and is for assemblies expected to draw between 75 and 999 spectators and participants on any one day of the event. The process for the review of Minor Outdoor Entertainment Permit applications is described in Section 110.338.30. A major outdoor entertainment permit is for an assembly expected to draw 1,000 or more spectators and participants on any one day of the event. This permit requires a public hearing before the Board of County Commissioners. The process for review of a major outdoor entertainment permit is described in Section 110.338.35.

**Section 110.338.30 Minor Outdoor Entertainment Permit Process.** A Minor Outdoor Entertainment Permit is required for all outdoor entertainment uses that will draw an expected participation of between 75 and 999 spectators and participants on any one day of the event.

- (a) **Notice to Affected Property Owners.** Upon receipt of a complete application, and fee if required, to establish a Minor Outdoor Entertainment Permit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within 500 feet of the subject parcel, Citizen Advisory Board members

representing the area within which the event is proposed, homeowners associations that are registered with the Planning and Building Division of the County of the properties notified for the application; and all military installations as defined in Article 902, Definitions, that are within 3,000 feet of the property that is the subject of the proposed event will be considered affected property owners. A minimum of 10 adjacent property owners shall be noticed.

- (b) **Processing.** Upon receipt of a complete application to establish a Minor Outdoor Entertainment Permit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.
- (1) **Notice.** An application must be deemed complete or incomplete within three working days of receipt of the application. Notice will be mailed to affected property owners within three working days after the application is deemed to be complete.
- (2) **Affected Property Owner Comment Period.** Written testimony from affected property owners must be received by the department within 15 calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
- (3) **Applicant Responses to Affected Property Owner Comments.** The Director, or his designee, shall provide affected property owner responses to the applicant. Written responses from the applicant must be received by the department within seven calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
- (4) **Issuance of Written Decision on the Application.** A written decision shall be issued and mailed by the Director, or his designee, within 10 working days after the end of the applicant response period. The applicant may choose not to respond and begin this 10 working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners as defined in subsection (a) above.
- (5) **Public Hearing Not Required.** No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.
- (c) **Effective Date of Action.** Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.

- (d) **Contents of Decision Notice – Approval or Denial.** Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.
- (e) **Compliance with Noticing Requirements.** All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means.
- (f) **Appeals.** An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the provisions of Section 110.912.10(j) of this Code.
- (g) **Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.**

**Section 110.338.35 Major Outdoor Entertainment Permit Process.** A Major Outdoor Entertainment Permit is required for all outdoor entertainment activities that will draw an expected participation of 1,000 or more spectators and participants on any one day of the event.

- (a) The procedures for the processing, review, revocation, and appeal of a major outdoor entertainment permit are those described in Article 810, Special Use Permits, of this Code with the following exceptions:
  - (1) **Time Period for Hearing.** Upon receipt of a complete application and fee if required, a public hearing will be set at a regular meeting of the Board, not less than 15 days nor more than 30 days thereafter pursuant to NRS 244.3544(a), unless waived by the applicant.
  - (2) **Appeal.** Per Section 110.912.20(b)(6)(vi) *Judicial Review of BCC Decision*, persons wishing to appeal a decision of the Board may petition for judicial review.

**Section 110.338.40 Application Contents.** Applications for a Minor or Major Outdoor Entertainment Permit must contain the following information, as applicable.

- (a) The name and address of the person making the application
- (b) A statement of the nature and purpose of the proposed event(s).
- (c) The address and assessor's parcel number or numbers of the place where the proposed event is to be conducted, operated, or carried on. The application must include proof of ownership of the place where the event is

to be conducted or a statement signed by the owner indicating his consent for the site to be used for the proposed event.

- (d) The date or dates and the hours during which the event is to be conducted.
- (e) An estimate of the number of customers, spectators, participants and other persons expected to attend the event for each day it is conducted.
- (f) An event plan, including but not limited to:
  - (1) A detailed explanation of the applicant's plans to provide security, fire protection, water supply, water facilities, sanitation facilities, medical facilities, medical services, vehicle parking, vehicle access, traffic control and, if the event will operate after dark or if persons will remain overnight, illumination and camping facilities.
  - (2) Provisions and a cost estimate for cleaning up the premises and removing rubbish after the event.
  - (3) A site plan showing the arrangement of all facilities, including those for egress, ingress, parking, and camping.
- (g) Such other information as the Director determines is necessary.

**Section 110.338.45 Conditions of Approval.** The Board of County Commissioners, the Director or his designee will impose conditions addressing any facilities associated with the event, pre-event conditions, conditions associated with the event itself, and post-event conditions, all of which may or may not require inspection at the discretion of the Board of County Commissioners, or the Director or his designee. The Board of County Commissioners, the Director or his designee may include timeframes and methods for periodic review of the permit, to determine if the existing conditions of approval are adequate. If the existing conditions are determined to be inadequate, new conditions will be imposed to ensure public health safety and welfare. Conditions will address, at a minimum, the following:

- (a) Police protection.
- (b) Food, water, sanitation, garbage disposal, and medical services.
- (c) Access, traffic, parking, camping, and illumination.
- (d) Hours of operation.
- (e) Fire protection.
- (f) Financial ability to meet conditions and performance security if determined necessary by the Board of Adjustment, or the Director or his designee. .
- (g) Indemnification and insurance.

**Section 110.338.55. FBI/State Criminal history inquiry.** After determination that an application is complete, the Planning and Building Division shall request the sheriff to conduct a FBI/State criminal history inquiry of the applicants to determine whether cause for denial exists pursuant to section 110.338.60.

- (a) The reasonable costs of the inquiry shall be the responsibility of the applicant and shall be paid to the sheriff in advance. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation or inquiry than is normally required. A list of fees set by the Sheriff for criminal history inquiries shall be posted in a place of clear public view.
- (b) Each applicant, owner, officer and/or director shall present himself within 14 days of filing a complete application to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the permit as may be required by the sheriff, which shall include the applicant's social security number and date of birth. Each applicant, owner, officer and/or director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a FBI/state criminal history inquiry. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the person.
- (c) The sheriff shall also conduct an investigation of the history of similar events operated, conducted, or promoted by the applicant to determine the truthfulness of the facts submitted by the applicant and to determine whether those events would have met the standards for outdoor festivals set forth in county code.
- (d) For a second or subsequent application by an applicant for the same venue or event, and provided that the applicant, owner, officer and/or director have not changed, the Planning and Building Division or the sheriff may waive the requirements of this section and modify the requirements as follows:
  - (1) A criminal history inquiry need not be processed but the Sheriff shall review local police records including, without limitation, warrants and warrants to determine whether cause for denial exists.

**Section 110.338.60 Grounds for Denial.** The Board of County Commissioners, or the Director or his designee may deny issuance of a permit for any of the following reasons:

- (a) The proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building, or safety codes or standards established by Washoe County or state law.
- (b) The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for the permit or in any other document required pursuant to this Article.
- (c) The applicant or any person connected or associated with the applicant as partner, director, officer, associate or manager, or having a financial interest has previously conducted the type of event for which a permit is being applied for which resulted in the creation of a public or private nuisance.

- (d) **The applicant or any person associated with the applicant as a partner, director, or officer has been convicted within the past 10 years of any of the following crimes:**
- (1) **Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;**
  - (2) **Involving lewd conduct;**
  - (3) **Involving the use of force and violence upon the person of another;**
  - (4) **Involving misconduct with children; or**
  - (5) **Involving illegal use of controlled substances or dangerous drugs.**
- (e) **The applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in this Code.**

**Section 110.338.65 Suspension and Revocation. A Permit obtained pursuant to this Article may be suspended or revoked according to the provisions of Washoe County Code 110.910, Enforcement.**

SECTION 2. Section 110.302.05 Table of Uses, Table 110.302.05.3 (Commercial Use Types) of the Washoe County Code is hereby amended to read as follows:

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Offices	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animal Sales and Services																		
Commercial Kennels	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Commercial Stables	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
																	*See Article 226 for Warm Springs parcels.	
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	--	--	--	--	--	--
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Veterinary Services, Pets	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	P	--	--	--	--	S <sub>2</sub>
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	--	--



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<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		
Neighborhood Centers	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	P	S <sub>2</sub>	P	P	--	--	--
Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Limited Gaming Facilities	--	--	--	--	--	--	--	--	--	P	P	P	S <sub>2</sub>	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	S <sub>2</sub>
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--
<b>Outdoor Entertainment</b>	<b>See Article 338 Outdoor Entertainment</b>																	
Outdoor Sports and Recreation	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	S <sub>2</sub>	P	--	P	S <sub>2</sub>
Outdoor Sports Club	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	P	--	S <sub>2</sub>	S <sub>2</sub>
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
Communication Facilities																		
Commercial Antennas	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Continuum of Care Facilities, Seniors	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S <sub>2</sub>	--	--	--
Data Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Eating and Drinking Establishments																		
Convenience	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--
Full Service	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--
Financial Services	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--
Funeral and Internment Services																		
Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	S <sub>2</sub>

Exhibit A to PC Resolution  
 WDCA17-0003  
 October 3, 2017 PC Meeting

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Gasoline Sales and Service Stations	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	S <sub>2</sub>	--
Helicopter Services																		
Heliport	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Helistop	S <sub>2</sub>	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Liquor Manufacturing	--	--	--	--	--	--	P	P	P	A	P	A	A	--	--	--	--	--
Liquor Sales																		
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--
Lodging Services																		
Bed and Breakfast Inns	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	P	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--
Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	A	--	--	A	--	--	--	S <sub>2</sub>	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	S <sub>2</sub>	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Remote Collection Facility	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	--	--	--	--

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S2	S2	S2	S2	S2	S2	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

SECTION 3. Section 110.304.25 *Commercial Use Types, (h), Commercial Recreation, (7)Outdoor Entertainment*, of the Washoe County Code is hereby amended to read as follows:

**(7) Outdoor Entertainment.** Outdoor entertainment refers to both facilities (venues) and events for the assembly of 75 or more people on any one day for any purpose in any outdoor location (see Section 110.338.15 for exemptions.) Typical uses include arenas, amphitheaters, and other similar venues for music (live or recorded), theatre, sports (including golf tournaments), equestrian and other animal events, racing facilities, and amusement parks, See Article 338 Outdoor Entertainment.

~~Outdoor entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.~~

SECTION 4. Section 110.310.20 *Circuses, Carnivals and Other Outdoor Entertainment Events* is hereby amended to read as follows:

Section 110.310.20 *Circuses, Carnivals or Other Outdoor Entertainment Events.* A circus, carnival or other outdoor entertainment event may be permitted in all regulatory zones for a period not to exceed ~~ten (10)~~ days. Adequate parking and restroom facilities shall be provided for the expected attendance. An event that will have a combination of **75 or more** ~~between three hundred (300) and nine hundred ninety-nine (999)~~ participants and spectators on any one ~~(1)~~ day of the event shall obtain an **Outdoor Entertainment Permit as described in Article 338, Outdoor Entertainment,**

~~administrative permit~~ prior to the event. An **Outdoor Entertainment Permit** ~~administrative permit or outdoor festival Permit~~ shall not be required for **temporary** events held at or in facilities designed for such events. These exempted facilities include auditoriums, convention facilities, stadiums and parks, but do not include ancillary support areas, such as parking lots, if the event is to be held on or in those ancillary support facilities. ~~An event that will have a combination of more than one thousand (1,000) participants and spectators on any one (1) day of the event shall obtain an outdoor festival Permit as specified in Chapter 25 of the Washoe County Code, instead of an administrative permit.~~

Section 5. Section 110.226.18 *Equestrian Uses*, is hereby amended to read as follows:

**Section 110.226.18 Equestrian Uses.** The keeping or raising of horses, mules, donkeys or ponies as a private, non-commercial use is regulated within Article 330, Domestic Pets and Livestock. Otherwise, in addition to the regulations of the regulatory zones described in Article 106, Regulatory Zones, and Article 302, Allowed Uses, on all legally-established parcels greater than thirty-five (35) acres in area and zoned General Rural (GR) or General Rural Agricultural (GRA) in the Warm Springs planning area, the following regulations shall apply:

(a) Allowed Uses.

(1) Boarding Stables. The boarding, keeping or raising of up to three (3) horses, mules, donkeys, or ponies per acre as an accessory use to an established residential or agricultural use on the property (excluding horses used primarily for agricultural operations which are classified under animal production). Typical associated uses and activities could include, but are not limited to: riding instruction, roping practice, barrel racing practice, dressage practice and jumping practice for the boarders of said horses.

(b) Uses Requiring an Outdoor Entertainment Permit subject to the Provisions of Article 338, Outdoor Entertainment.

(1) Equestrian Facilities. Commercial (public or private) horse, mule, donkey, or pony facilities, to include at a minimum or any

part thereof: riding schools/academies, exhibition facilities (for shows or other competitive events including, but not limited to, riding, roping, barrel racing, jumping events, dressage, bull riding), boarding facilities, and all other ancillary or accessory structures and uses typical and/or incidental to such facilities.

(c) Uses Requiring a Board of Adjustment Approved Special Use Permit Subject to the Provisions of Article 810, Special Use Permits.

(1) Commercial Stables. The commercial boarding, keeping or raising of more than three (3) horses, mules donkeys, or ponies per acre (excluding horses used primarily for agricultural operations which are classified under animal production). Typical uses and activities could include, but are not limited to, commercial riding stables open to the public, riding clubs, and riding instruction facilities.

~~(2) Equestrian Facilities. Commercial (public or private) horse, mule, donkey, or pony facilities, to include at a minimum or any part thereof: riding schools/academies, exhibition facilities (for shows or other competitive events including, but not limited to, riding, roping, barrel racing, jumping events, dressage, bull riding), boarding facilities, and all other ancillary or accessory structures and uses typical and/or incidental to such facilities.~~

SECTION 5. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

**DRAFT: Month, Day, Year**

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Bob Lucey, Chair  
County Commission

ATTEST:

\_\_\_\_\_  
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the  
\_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.

# Minutes of the October 3<sup>rd</sup>, 2017 Planning Commission regarding WDCA17-0003 (Outdoor Entertainment).

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## **B. Development Code Amendment Case Number WDCA17-0003 (Outdoor Entertainment)**

– For possible action, hearing and discussion to initiate an amendment to Washoe County Code Chapter 110 (Development Code) within *Article 302, Allowed Uses*, to establish the regulatory zones wherein the Outdoor Entertainment commercial use-type is permitted by right or by discretionary action; and, Article 226, Section 110.22618 Equestrian Uses, to subject certain activities occurring under the Equestrian Facilities use type to the outdoor entertainment regulations; and, to create a new Article, *Article 338 Outdoor Entertainment*, for establishing the processes, regulations and standards specific to establishing both temporary and permanent outdoor entertainment. The proposed *Article 338, Outdoor Entertainment*, expands the definition of Outdoor Entertainment to include both facilities and events for the assembly of 75 or more people for any purpose in any outdoor location; identifies a wider range of typical outdoor entertainment activities; establishes an administrative review and approval process for activities with an attendance between 75 and 999 people on any one day, and a public hearing review and approval process for activities with 1,000 or more people in attendance on any one day; provides for both temporary and permanent activities; and, provides for certain exemptions for establishing the use-type on Federal land. The Amendment also makes the necessary changes to Article 304, *Use Classification System*, to amend the description of the Outdoor Entertainment use-type to be consistent with the new description found in the proposed Article 338, and Article 310, *Temporary Uses*, to establish the criteria for determining when a temporary outdoor entertainment use-type requires a permit.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution to that effect.

- Prepared by: Eric Young, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3613
- E-Mail: [eyoung@washoecounty.us](mailto:eyoung@washoecounty.us)

Chair Chvilicek opened the public hearing and called for disclosures from the Commission. Commissioner Horan disclosed that he was a member of the Incline Village General Improvement District and they applied for such things under outdoor entertainment. Commissioner Chesney stated he attended the CAB meeting. Chair Chvilicek called staff forward. Eric Young, Senior Planner, presented the Staff Report.

Chair Chvilicek called for public comment. Linda Harrison, US Highway 395 North, stated she realized that this change was to expand the definition of outdoor entertainment and to allow event preparers more leeway. She said she understood the events mentioned by staff, but she



totally disagreed with the whole thing as far as redefining outdoor entertainment. She felt that if the County made the rules too broad there would be abuse. She lived right down the street from the new marijuana superstore and she was sure that was one of the places that would want to have outdoor concerts in their residential area. She wondered who would be putting in the restrictions and the requirements for security, parking, and noise stopping at 10:00 pm and notifying all the neighbors for her area and for other areas where those types of events might take place. She felt the 75 to 999 people in attendance category was too large a difference.

Douglas Studwell, Jr., 315 Sanctuary Way, stated there were other homeowners around him that also agreed this Master Plan Amendment and Old Washoe zoning should not be changed without more specificity. There needed to be more public input because it was key to maintain the rural setting of Old Washoe City and Washoe Valley and other rural areas in the County. He did not know how they were going to handle the traffic, parking and law enforcement. He believed this should be delayed for more input from citizens and CABs. He said the mega marijuana mall was first approved as medical marijuana and then, because of the vote, it went to recreational marijuana. He said they were looking at future outdoor entertainment; how long before they wanted to make smoking lounges or smoking entertainment areas. He said right now people who bought marijuana were supposed to go home with it and could not smoke in a car or park, but he believed this change was so broad it could eventually be allowed to happen.

William Naylor, 1005 Dunbar Drive, said staff pointed out this change would expand the typical uses under outdoor entertainment, which would include music, venues, theaters, sports activities, race tracks, amusement parks and many diverse activities. He asked the Commission to consider the size of these activities and what they would require. Even for a minor event, 999 people, which probably translated to about 500 vehicles, would be present in a location. He said Hawkins Amphitheater only seated 400 people and had a total capacity of 900. That was a big facility and had a lot of parking and it did not even come up to the top of the minor entertainment activity in this amendment. He did not see how that would fit into their neighborhoods, especially on a permanent basis such a motocross race track, for example. The new regulatory zones would be Low Density Rural-10 acres, Medium Density Rural-5 acres; High Density Rural-2.5 acres; and, Low Density Suburban-1 acre. He did not see how a large event could be comfortably done on small residential parcels like those. Warm Springs equestrian uses specified a parcel minimum of 35 acres and he would like to see that kind of restriction put on these. He thought that the public should have input, because it was not fair to put something in their neighborhood that they were not able to discuss openly. He hoped the Commission would delay this amendment to receive more public input.

Marilyn Naylor, 1005 Dunbar Drive, stated she had been the Chair of the Spark's Jack's Carnival and that position gave her personal experience of the impact an outdoor entertainment event with attendance of over 500 people had on a neighborhood. After covering all the conditions of approval, informing the police and fire departments of times and dates of their event, addressing all the issues regarding food, water and sanitation, when all was said and done the resulting negative impact on the neighborhood was unavoidable. There was always increased traffic, parking along neighborhood streets, increased noise, litter, lack of public respect for other people's property and the need for more security. Currently, the outdoor entertainment was only permitted in industrial, tourist commercial and parks and recreation. When one chose to live by the inconveniences associated with an outdoor event area, they knew what to expect, but now it was being proposed in all zoning areas. The negative impact on the quality of life and welfare would be substantial. The modification of a development code must meet the requirement that: "promoted health, safety, morals, convenience, property and

general welfare of the public as a minimum.” This code amendment did not meet that criteria and she did not feel the finding could be met to approve it now.

Karen Critor, 445 Puma Drive, said she was a board member of the Washoe Valley Alliance. She was concerned about the way this proposed amendment had been presented to the public and the lack of public input for an issue that could substantially impact people's quality of life. Only one poorly attended public workshop was held because the information regarding the meeting was received second hand and at the last minute. The draft of the proposed amendment was only presented to two CABs; Warm Springs and South Truckee Meadows Washoe Valley. She said this was an important county-wide issue and should have been formally presented to all CABs. Comments from CAB members and citizens were not included in the staff report for consideration by the Planning Commission. The South Valleys CAB asked to see a final draft of the amendment before moving on it and that had not been provided. The staff report contained an important note, which stated the Code amendment did not apply to the South Valleys or Warm Springs areas since they did not allow outdoor entertainment; why then was this code amendment only presented to those two CABs. In South Valleys only the Old Washoe City Character Management Area and the Steamboat Rural Transition Mixed Use Character Management Area had special allowed use tables, which prohibited outdoor entertainment. Most of the South Valleys Area would be impacted by the County standard allowed use table. The important note was therefore inaccurate and misleading and may have prevented citizens from expressing concerns. She requested that action on this item be delayed until it could be presented to all CABs so Washoe County citizens could make their concerns known.

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people to participate, but it did not fit into the current definition of outdoor entertainment because it was not principally a spectator event. He said the motocross event in Truckee Canyon at the Lucas Oil facility was a true outdoor entertainment event and was approved through a special use permit in the correct regulatory zone. He went on to discuss commercial stables and equestrian events and how they could only be established as a temporary use under Article 310, because that Article allowed for temporary uses in any regulatory zones for a maximum of 10 consecutive days. What staff did was to use the provision that would allow the use permit process to modify the Code and approve those as permanent uses, such as the Franktown equestrian events. Staff attempted to provide for permanent events that would bring in crowds for a certain number of days on a reoccurring annual basis. Mr. Young's research found this to be the best effort to answer that specific question. They needed to come up with an answer to allow temporary use and permanent use out of two completely different codes and merge them into one.

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Vice Chair Chesney said he felt the CABs were satisfied and understood the different types of events, but he had concerns with Warm Springs being singled out because they fought hard for the Area Plan. He concluded it appeared that some of those regulations were written in this new Code and he did not see this as objectionable. Mr. Webb stated one of the changes was to make sure that the Modifiers in Warm Springs remained as they were. He said an equestrian event in that Area would have to get a special use permit, but under this proposal they could get whatever was required.

Commissioner Horan asked what the remedy would be if staff approved something for an area that should not have been approved. Mr. Webb explained how complaints would go through the Code compliance process and how citizen's issues would go through the BCC. He informed the Commission of the various actions that were available, including the licensee's ability to appeal to the BCC when action was taken on their business license. He noted if a decision made by the Director could be appealed through the Board of Adjustment, the BCC or ultimately to a court.

Chair Chvilicek stated blending in the Business License component created specifications for traffic, for use, etc., and the applicant was told what they could and could not do. Mr. Young stated that was correct. He went on to explain the review agency checklist, staff's responsibilities regarding the checklist, the different types of agencies such as federal, state, water, wildlife, fire and all the internal review agencies. He noted the different agencies

requirements for the number of days to respond and comments, which would become part of the Conditions of Approval or denial. If there was a reason for denial, they would work with the applicant as much as they could to get them on track. Most of the time what they were working with was Conditions of Approval and those conditions were adopted by either the Director or the BCC and whatever those agencies required, had to happen. He said a Planner would visit the site as would the Health Department, Fire Department and other agencies to ensure those conditions were being met. He noted once those conditions were adopted, the applicant was stuck with them. He said the new Code would provide for staff to shut an event down, stop it from occurring the next year, or work with the event to bring it into conformance.

Mr. Webb said the Conditions of Approval stated the BCC or the Director would impose conditions addressing facilities, pre-event, during-event and post-event, which may or may not require inspection. He noted the BCC or the Director may include time frames and a period review of the permit to determine if the existing Conditions of Approval were adequate. If they were not adequate, new conditions may be imposed to ensure public health, safety and welfare. He stated all conditions at a minimum would address police protection, food, water sanitation, garbage disposal, medical services, access, traffic, parking, camping and elimination, hours of operation, fire protection, financial ability to meet those conditions, indemnification and insurance.

Chair Chvilicek asked for a more detailed description of how notification was done, because she was trying to figure out how the community would hear about these types of issues. She said she had asked to receive all CAB notifications, but had not received any. Mr. Webb stated staff had been working on that issue. He said notifications went out to the CAB mailing list and the Development Code Amendments went one step further than the County Code amendments. County Code amendments would be noticed in the newspaper just prior to the public hearings; but Development Code Amendments went a little deeper than that to try to get some sort of public exposure and public notification.

Commissioner Bruce said he appreciated staff's efforts, because this was very complex and difficult, but he did not agree with 100 percent of the amendment. He said Mr. Young indicated the original initiation order on this process had expired. Mr. Young stated that was correct. Commissioner Bruce asked if the Commission could take a little time to make this as transparent as possible, because he felt the amendment affected a lot of people and he had a serious question in terms of the permanency. Mr. Webb stated it was staff's decision to have the Planning Commission initiate and move forward. He said this Commission would have to request to table the item, but he did not recommend taking it off the table completely.

Chair Chvilicek closed the public hearing and brought discussion back to the Commission. She said the options before the Commission were to deny, move forward on the initiation and bring it back for further review, or approve both the initiation and the amendment. DDA Edwards stated the Commission could proceed in that manner or simply initiate and take no action and then it would be brought back. Mr. Webb stated if the Commission determined to do that, to provide staff with firm guidance about what the Commission would like to see changed.

Commissioner Horan stated he thought he could accept the permanency portion because if an event was not working, there would be a review process and ways to appeal. He felt staff's recommendations made a lot of sense and he supported the application as presented.

Commissioner Lawson said he thought the Commission should initiate action and provide direction to staff, but he was not comfortable to approve the amendment as it was presented

because he had too many concerns. His chief concern was the lack of opportunity for the community to provide meaningful feedback. He said he thought they could add to the Conditions of Approval, but he thought that was usurping their responsibility to the community to hear what they had to say. He said another concern was the broad inclusion of rural communities and this had gone too far, too fast. His direction would be to initiate, but provide clear direction to hold a public workshop that would be better advertised.

Mr. Young said there was a little bit of a disconnect between establishing it as a permanent use and establishing it as temporary use. Currently, it was only allowed as a permanent use in three regulatory zones: industrial, tourist commercial and parks and recreation. He explained it was allowed as a temporary use in any regulatory zone given the appropriate review process. Chair Chvilicek discussed the complex tables and how the legend was missing from the table, which did not help them or the public. Mr. Young stated that was his fault, because it should have been included.

Commissioner Bruce asked if the clock would start ticking again if the amendment was initiated. Mr. Young stated the 125-day clock would start.

Chair Chvilicek called for a motion.

Commissioner Lawson 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 initiate the amendment of Washoe County Code Chapter 110 within Article 226, Warm Springs, Article 302, Allowed Uses; Article 304, Use Classification System; Article 310, Temporary Uses; and, Article 338, Outdoor Entertainment, as described in the staff report and discussed at the public hearing. Commissioner Horan seconded the motion, which carried unanimously.

Commissioner Horan 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 226, Warm Springs, 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). The motion died for a lack of a second.

DDA Edwards explained if the Commission voted to deny the amendment, it would not be brought back for further review.

Chair Chvilicek called for feedback from the Commission for direction to staff. DDA Edwards said he thought staff had been tracking the various points and the Commission was only agendized to move to initiate or not, and to either recommend approval or denial. He said the Commissioners acted to initiate and staff had been tracking the comments and input from the Commission and there would be a video and minutes for their use. He recommended the Commission not take another action, because there was a risk of the way the agenda was written.

**B. Development Code Amendment Case Number WDCA17-0003 (Outdoor Entertainment)**

– For possible action, hearing and discussion to initiate an amendment to Washoe County Code Chapter 110 (Development Code) within *Article 302, Allowed Uses*, to establish the regulatory zones wherein the Outdoor Entertainment commercial use-type is permitted by right or by discretionary action; and, Article 226, Section 110.22618 Equestrian Uses, to subject certain activities occurring under the Equestrian Facilities use type to the outdoor entertainment regulations; and, to create a new Article, *Article 338 Outdoor Entertainment*, for establishing the processes, regulations and standards specific to establishing both temporary and permanent outdoor entertainment. The proposed *Article 338, Outdoor Entertainment*, expands the definition of Outdoor Entertainment to include both facilities and events for the assembly of 75 or more people for any purpose in any outdoor location; identifies a wider range of typical outdoor entertainment activities; establishes an administrative review and approval process for activities with an attendance between 75 and 999 people on any one day, and a public hearing review and approval process for activities with 1,000 or more people in attendance on any one day; provides for both temporary and permanent activities; and, provides for certain exemptions for establishing the use-type on Federal land. The Amendment also makes the necessary changes to Article 304, *Use Classification System*, to amend the description of the Outdoor Entertainment use-type to be consistent with the new description found in the proposed Article 338, and Article 310, *Temporary Uses*, to establish the criteria for determining when a temporary outdoor entertainment use-type requires a permit.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution to that effect.

- Prepared by: Eric Young, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3613
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Chair Chvilicek opened the public hearing and called for disclosures from the Commission. Commissioner Horan disclosed that he was a member of the Incline Village General Improvement District and they applied for such things under outdoor entertainment. Commissioner Chesney stated he attended the CAB meeting. Chair Chvilicek called staff forward. Eric Young, Senior Planner, presented the Staff Report.

Chair Chvilicek called for public comment. Linda Harrison, US Highway 395 North, stated she realized that this change was to expand the definition of outdoor entertainment and to allow event preparers more leeway. She said she understood the events mentioned by staff, but she totally disagreed with the whole thing as far as redefining outdoor entertainment. She felt that if the County made the rules too broad there would be abuse. She lived right down the street from the new marijuana superstore and she was sure that was one of the places that would want to have outdoor concerts in their residential area. She wondered who would be putting in the restrictions and the requirements for security, parking, and noise stopping at 10:00 pm and notifying all the neighbors for her area and for other areas where those types of events might take place. She felt the 75 to 999 people in attendance category was too large a difference.

Douglas Studwell, Jr., 315 Sanctuary Way, stated there were other homeowners around him that also agreed this Master Plan Amendment and Old Washoe zoning should not be changed

without more specificity. There needed to be more public input because it was key to maintain the rural setting of Old Washoe City and Washoe Valley and other rural areas in the County. He did not know how they were going to handle the traffic, parking and law enforcement. He believed this should be delayed for more input from citizens and CABs. He said the mega marijuana mall was first approved as medical marijuana and then, because of the vote, it went to recreational marijuana. He said they were looking at future outdoor entertainment; how long before they wanted to make smoking lounges or smoking entertainment areas. He said right now people who bought marijuana were supposed to go home with it and could not smoke in a car or park, but he believed this change was so broad it could eventually be allowed to happen.

William Naylor, 1005 Dunbar Drive, said staff pointed out this change would expand the typical uses under outdoor entertainment, which would include music, venues, theaters, sports activities, race tracks, amusement parks and many diverse activities. He asked the Commission to consider the size of these activities and what they would require. Even for a minor event, 999 people, which probably translated to about 500 vehicles, would be present in a location. He said Hawkins Amphitheater only seated 400 people and had a total capacity of 900. That was a big facility and had a lot of parking and it did not even come up to the top of the minor entertainment activity in this amendment. He did not see how that would fit into their neighborhoods, especially on a permanent basis such a motocross race track, for example. The new regulatory zones would be Low Density Rural-10 acres, Medium Density Rural-5 acres; High Density Rural-2.5 acres; and, Low Density Suburban-1 acre. He did not see how a large event could be comfortably done on small residential parcels like those. Warm Springs equestrian uses specified a parcel minimum of 35 acres and he would like to see that kind of restriction put on these. He thought that the public should have input, because it was not fair to put something in their neighborhood that they were not able to discuss openly. He hoped the Commission would delay this amendment to receive more public input.

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Chair Chvilicek stated blending in the Business License component created specifications for traffic, for use, etc., and the applicant was told what they could and could not do. Mr. Young stated that was correct. He went on to explain the review agency checklist, staff's responsibilities regarding the checklist, the different types of agencies such as federal, state, water, wildlife, fire and all the internal review agencies. He noted the different agencies requirements for the number of days to respond and comments, which would become part of the Conditions of Approval or denial. If there was a reason for denial, they would work with the applicant as much as they could to get them on track. Most of the time what they were working with was Conditions of Approval and those conditions were adopted by either the Director or the BCC and whatever those agencies required, had to happen. He said a Planner would visit the site as would the Health Department, Fire Department and other agencies to ensure those conditions were being met. He noted once those conditions were adopted, the applicant was stuck with them. He said the new Code would provide for staff to shut an event down, stop it from occurring the next year, or work with the event to bring it into conformance.

Mr. Webb said the Conditions of Approval stated the BCC or the Director would impose conditions addressing facilities, pre-event, during-event and post-event, which may or may not require inspection. He noted the BCC or the Director may include time frames and a period review of the permit to determine if the existing Conditions of Approval were adequate. If they were not adequate, new conditions may be imposed to ensure public health, safety and welfare. He stated all conditions at a minimum would address police protection, food, water sanitation, garbage disposal, medical services, access, traffic, parking, camping and elimination, hours of operation, fire protection, financial ability to meet those conditions, indemnification and insurance.

Chair Chvilicek asked for a more detailed description of how notification was done, because she was trying to figure out how the community would hear about these types of issues. She said she had asked to receive all CAB notifications, but had not received any. Mr. Webb stated staff had been working on that issue. He said notifications went out to the CAB mailing list and the Development Code Amendments went one step further than the County Code amendments. County Code amendments would be noticed in the newspaper just prior to the public hearings; but Development Code Amendments went a little deeper than that to try to get some sort of public exposure and public notification.

Commissioner Bruce said he appreciated staff's efforts, because this was very complex and difficult, but he did not agree with 100 percent of the amendment. He said Mr. Young indicated the original initiation order on this process had expired. Mr. Young stated that was correct. Commissioner Bruce asked if the Commission could take a little time to make this as transparent as possible, because he felt the amendment affected a lot of people and he had a serious question in terms of the permanency. Mr. Webb stated it was staff's decision to have the Planning Commission initiate and move forward. He said this Commission would have to request to table the item, but he did not recommend taking it off the table completely.

Chair Chvilicek closed the public hearing and brought discussion back to the Commission. She said the options before the Commission were to deny, move forward on the initiation and bring it back for further review, or approve both the initiation and the amendment. DDA Edwards stated the Commission could proceed in that manner or simply initiate and take no action and then it would be brought back. Mr. Webb stated if the Commission determined to do that, to provide staff with firm guidance about what the Commission would like to see changed.

Commissioner Horan stated he thought he could accept the permanency portion because if an event was not working, there would be a review process and ways to appeal. He felt staff's recommendations made a lot of sense and he supported the application as presented.

Commissioner Lawson said he thought the Commission should initiate action and provide direction to staff, but he was not comfortable to approve the amendment as it was presented because he had too many concerns. His chief concern was the lack of opportunity for the community to provide meaningful feedback. He said he thought they could add to the Conditions of Approval, but he thought that was usurping their responsibility to the community to hear what they had to say. He said another concern was the broad inclusion of rural communities and this had gone too far, too fast. His direction would be to initiate, but provide clear direction to hold a public workshop that would be better advertised.

Mr. Young said there was a little bit of a disconnect between establishing it as a permanent use and establishing it as temporary use. Currently, it was only allowed as a permanent use in three regulatory zones: industrial, tourist commercial and parks and recreation. He explained it was

allowed as a temporary use in any regulatory zone given the appropriate review process. Chair Chvilicek discussed the complex tables and how the legend was missing from the table, which did not help them or the public. Mr. Young stated that was his fault, because it should have been included.

Commissioner Bruce asked if the clock would start ticking again if the amendment was initiated. Mr. Young stated the 125-day clock would start.

Chair Chvilicek called for a motion.

Commissioner Lawson 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 initiate the amendment of Washoe County Code Chapter 110 within Article 226, Warm Springs, Article 302, Allowed Uses; Article 304, Use Classification System; Article 310, Temporary Uses; and, Article 338, Outdoor Entertainment, as described in the staff report and discussed at the public hearing. Commissioner Horan seconded the motion, which carried unanimously.

Commissioner Horan 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 226, Warm Springs, 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). The motion died for a lack of a second.

DDA Edwards explained if the Commission voted to deny the amendment, it would not be brought back for further review.

Chair Chvilicek called for feedback from the Commission for direction to staff. DDA Edwards said he thought staff had been tracking the various points and the Commission was only agendized to move to initiate or not, and to either recommend approval or denial. He said the Commissioners acted to initiate and staff had been tracking the comments and input from the Commission and there would be a video and minutes for their use. He recommended the Commission not take another action, because there was a risk of the way the agenda was written.

**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.