



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

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Washoe County
Commission District: All Commission Districts

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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AN AMENDMENT TO 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.

Resolution Number 17-10

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, Article 226, Warm Springs Modifiers, 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 October 3, 2017; 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 October 3, 2017.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr., AICP, Secretary

Sarah Chvilicek, Chair

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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

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 cope.
- (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, wants 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:

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
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 ₂	S ₂	S ₂	S ₂	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	S ₂	S ₂
Commercial Stables	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
																	*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 ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	--	--	--	--	--	--	--
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S ₂	--	--	--	--	--	--	S ₂	S ₂
Veterinary Services, Pets	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	--	P	--	--	--	--	S ₂
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S ₂	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	--	--

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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
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		
Neighborhood Centers	--	--	--	S ₂	S ₂	S ₂	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S ₂	S ₂	P	S ₂	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 ₂	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	S ₂
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	--	--	--
Outdoor Entertainment	See Article 338 Outdoor Entertainment																	
Outdoor Sports and Recreation	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	S ₂	P	--	P	S ₂
Outdoor Sports Club	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	P	--	S ₂	S ₂
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--
Communication Facilities																		
Commercial Antennas	S ₂	S ₂	S ₂	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	S ₂	--	--	S ₂	--
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Continuum of Care Facilities, Seniors	--	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S ₂	--	--	--
Data Center	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	--	S ₂	--
Eating and Drinking Establishments																		
Convenience	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Full Service	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Financial Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Funeral and Internment Services																		
Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	S ₂

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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
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Gasoline Sales and Service Stations	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	S ₂	--
Helicopter Services																		
Heliport	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	--	S ₂	--
Helistop	S ₂	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	--	--	S ₂	--
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 ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	P	--	--	--	--	S ₂	S ₂
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S ₂	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 ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--

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
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 _____.