



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: September 27, 2016

DATE: September 1, 2016

TO: Board of County Commissioners

FROM: Chad Giesinger, Senior Planner, Planning and Development, Community Services Department, 328-3626, cgiesinger@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Hearing and possible action to conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto.

(Bill No. ____)

(All Commission Districts.)

SUMMARY

In response to legislation passed by the 2015 Nevada Legislature (AB 4) that authorized the establishment of wineries in Washoe County, create a new use titled "Winery" that would allow wineries to be established in certain residential zoning districts subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and rural residential zoning districts subject to approval of an Administrative Permit; and establish parking standards for the Liquor Manufacturing and Winery use types.

AGENDA ITEM # _____

Washoe County Strategic Objectives supported by this item: Proactive Economic Development and Diversification.

PREVIOUS ACTION

The Washoe County Planning Commission initiated Development Code Amendment Case Number DCA16-001 on February 2, 2016 by Resolution Number 16-01.

The Washoe County Planning Commission held a public hearing on DCA16-001 on March 1, 2016 but did not take action on the item and directed staff to keep working with constituents on the proposed amendments and return to the Planning Commission with revised language.

The Washoe County Planning Commission recommended approval of DCA16-001 on August 2, 2016 by Resolution Number 16-13 (see Attachment A).

The Washoe County Board of Commissioners (Board) introduced and held a first reading of DCA16-001 on September 13, 2016.

BACKGROUND

The 2015 Nevada Legislature passed Assembly Bill 4 (see Attachment C), which authorized the counties of Washoe and Clark to establish wineries. Prior to the passage of this legislation, only the less populous counties in Nevada (with a population of less than 100,000) were allowed by state law to approve wineries for operation in their counties. Although the Washoe County Development Code already contains a use classified as *Liquor Manufacturing* that includes a reference to “wine making”, the use as presently defined in Article 304, and as distributed in Article 302 (i.e. allowed use table), did not contemplate large scale wineries where all facets of wine making could occur, such as growing grapes, storage, fermentation, sales, and barreling. In addition, liquor manufacturing is currently only allowed in the urban residential, commercial, and industrial regulatory zones; sites which are unlikely or impractical candidates for a commercial winery where a range of uses (to include residential) typically occur on one property.

Therefore, in the interest of economic development and full implementation of Assembly Bill 4, staff is proposing to amend the Development Code to create a new “winery” use type that would be allowed in certain residential regulatory zones. Allowing wineries to be established in these regulatory zones will greatly increase the potential for viable winery operations (where both grape production and processing facilities can be located on the same parcel) to locate in unincorporated Washoe County.

The proposed Code amendments will also enable wineries permitted through the approval of an Administrative Permit to host recurring special events in conjunction with winery operations. Such special events could include gatherings such as weddings, food and wine pairings, and/or occasional venues with live music. Enabling recurring special events through the Administrative Use permit process would allow public notice, public

review before an appointed body (i.e. the Board of Adjustment), and the imposition of appropriate conditions based on the size and scope of the special events proposed.

The proposed amendments to Article 302, *Allowed Uses*, Article 304, *Use Classification System*, and Article 410, *Parking and Loading* will:

1. Respond to legislation passed by the 2015 Nevada Legislature (Assembly Bill 4) authorizing the establishment of wineries in Washoe County, removing the former prohibition on wineries in the county;
2. Create a new use type titled “Winery” that would be allowed in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones;
3. Require the approval of a business license (with noticing of surrounding property owners and required review by appropriate public agencies) to establish a winery in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; and, require the approval of an Administrative Permit to establish a winery in the Medium Density Suburban and Low Density Suburban regulatory zones;
4. Allow recurring special events in conjunction with a winery use as part of an approved Administrative Permit in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; and,
5. Establish parking standards for the Liquor Manufacturing and Winery commercial use types.

The Planning Commission considered related amendments at their March 1, 2016 meeting but took no action due to opposition from a group of wine enthusiasts that voiced concerns about the requirement for a Special Use Permit to establish a winery within that version of the proposed code amendments. The Planning Commission directed staff to continue working with interested parties to reach consensus on the proposed amendments/regulatory framework and then bring the matter back the Planning Commission for reconsideration. The proposed amendments outlined in this staff report represent the results of those efforts as well as the Planning Commission recommendation of approval. The language of the proposed amendments is provided in Attachment B.

Washoe County Code Section 110.818.35 requires the Board to affirm, modify or reject the findings of fact made by the Planning Commission (PC) during the Board’s final action (i.e., adoption of the ordinance) of any Development Code amendment. The Board may also add any other findings of fact that they deem to be relevant as part of their final action. The four findings of fact made by the PC during their recommendation for approval of DCA16-001 are included within Resolution 16-13 (Attachment A). Those findings of fact, and staff’s comments on those findings as contained in the Planning Commission staff report for the August 2, 2016 meeting (see Attachment D for the entire staff report), are included below:

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 Master Plan contains numerous policies promoting land uses that support a healthy and diversified economic base (for example, see Goal Six of the Land Use and Transportation Element). The proposed amendments would expand the potential for a new economic use in Washoe County that could help diversify and grow the economy of Northern Nevada. The proposed amendments would also establish development standards and an approval process that will ensure consistency with the Master Plan and compatibility with other allowed uses in similar regulatory zones.

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: One of the purposes of the Development Code as expressed in Article 918 is to promote the economic and social advantages gained from an appropriately regulated use of land resources. The proposed amendments would enable a new use of land resources (as envisioned by the state legislature) and would regulate that use appropriately, thereby promoting economic and social advantages within Washoe County.

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.

Staff comment: The proposed amendments respond to changed conditions resulting from legislation (Assembly Bill 4) passed by the 2015 Nevada Legislature that authorized the establishment of wineries in Washoe County, which were previously prohibited by state law.

4. No Adverse Effects. 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 amendments will not affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan. The potential establishment of wineries in Washoe County will not result in a substantial change in projected population nor affect the ability to plan adequately for future populations while maintaining the sustainability of natural resources. The business license and Administrative Permit approval process will address operational conditions to ensure compatibility with the policies and action programs of the Conservation Element.

FISCAL IMPACT

No fiscal impacts are anticipated. Normal fees associated with a business license or an Administrative Permit per approved fee schedules would apply.

RECOMMENDATION

It is recommended that the Board of County Commissioners conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled “Winery” in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled “Winery” that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto.

It is further recommended that the Board affirm the four findings of fact that the Washoe County Planning Commission made on August 2, 2016 as recorded within Resolution Number 16-13 (Attachment A).

POSSIBLE MOTION

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

“Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk) and affirm the four findings of fact that the Washoe County Planning Commission made on August 2, 2016, as recorded within Resolution 16-13 and attached to the staff report for this item.”

- Attachments:
- A. Planning Commission Resolution 16-13
 - B. Working copy, DCA16-001 (WCC Chapter 110 amendments)
 - C. Assembly Bill #4, as enrolled.
 - D. Planning Commission Staff Report