



WDCA17-0003 Outdoor Entertainment

- What and Why?
 - The Board of County Commissioners initiated a Development Code Amendment on November 29, 2016, that directed staff to develop proposals that would expand the definition of outdoor entertainment as well as the range of regulatory zones wherein the use can be established, and to determine the need and level of discretionary approval.



WDCA17-0003 Outdoor Entertainment

- **SUBJECT:** Request by the Manager's Office through the Washoe County Clerk pursuant to WCC 2.030 for the Board of County Commissioners to initiate proceedings to amend Washoe County Code Chapter 110 (Development Code) at 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. Additionally, initiate amendments to Washoe County Code Chapter 110 at Article 302, *Allowed Uses*, to potentially expand the regulatory zones within which the outdoor entertainment use type is allowed or allowed with the approval of an appropriate discretionary permit.



WDCA17-0003 Outdoor Entertainment

- What does that specifically look like?
 - A group of amendments to the Development Code that, taken together, address a series of ongoing issues with the way in which Washoe County defines, reviews, and permits outdoor entertainment events and facilities.



WDCA17-0003 Outdoor Entertainment

- Multiple amendments, including the land use tables found in article 302, the definition of outdoor entertainment found in article 304, the description of outdoor entertainment as a temporary use in Article 310, and the Warm Springs Modifiers in Article 226.
- The County Commission will also be asked to consider parallel changes to Washoe County Code Chapter 25, *Business Licenses*, in order to consolidate the review and approval of most outdoor entertainment events and venues into Chapter 110, the Development Code.



WDCA17-0003 Outdoor Entertainment

- **Background and context**
 - Understanding the proposed changes could be confusing without the benefit of seeing how the outdoor entertainment use type is currently approached from a review and permitting perspective.



WDCA17-0003 Outdoor Entertainment

- Washoe County Code Chapter 110, Article 304 *Use Classification System* defines Outdoor Entertainment as one of ten separate Commercial use types under the umbrella use referred to as Commercial Recreation. These ten use types cover a wide range of activities. The allowed regulatory zones vary for each of the listed uses.



WDCA17-0003 Outdoor Entertainment

- **The Ten use types listed under Commercial Recreation are:**
 - Campground Facilities/RV Park; Destination Resorts; Indoor Entertainment; Indoor Sports and Recreation; Limited Gaming Facility; Marinas; Outdoor Entertainment; Outdoor Sports and Recreation; Outdoor Sports Club; and Unlimited Gaming Facility.

[Washoe County Code Chapter 110.304.25(h)(1-10)Commercial Recreation]



WDCA17-0003 Outdoor Entertainment

- **This section of the code also provides definitions for each of these separate use types, and also provides a short list of “typical uses.” The definition for Outdoor Entertainment is as follows:**
 - 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.

[WCC Section 110.304.25(h)(7)]



WDCA17-0003 Outdoor Entertainment

- ***Outdoor Entertainment*** is sometimes confused with other Commercial Recreation uses, particularly ***Outdoor Sports and Recreation***, and ***Outdoor Sports Club***.
 - ***Outdoor Sports and Recreation***. Outdoor sports and recreation refers to predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools and tennis courts. [WCC Section 110.304.25(h)(8)]
 - ***Outdoor Sports Club***. Outdoor sports club refers to sports clubs using agricultural land or open space for hunting, shooting or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs and rifle ranges. [WCC Section 110.304.25(h)(9)]



WDCA17-0003 Outdoor Entertainment

- **As a Permanent Use:**
 - Currently, in order to establish the Outdoor Entertainment use type on a permanent basis, a Special Use Permit from the Board of Adjustment is required. Further, the use is limited to the following regulatory zones:
 - Tourist Commercial (TC)
 - Industrial (I)
 - Parks and Recreation (PR)



WDCA17-0003 Outdoor Entertainment

- **As a Temporary Use:**
 - Article 310, *Temporary Uses* provides regulations to establish Outdoor Entertainment as a Temporary Use.
 - As a temporary use, Outdoor Entertainment is permitted in all Regulatory Zones. Article 310 establishes time limits and attendance thresholds for determining what type of approval process is necessary.
 - However, these temporary events are regulated through both Development Code Article 310, *Temporary Uses* AND Washoe County Code Chapter 25, *Business Licenses*. Currently there are three tiers of licenses and four tiers of review for these temporary events.
 - Understanding how the two codes establish thresholds and processes that overlap can be complex. In general, all outdoor entertainment requires a business license, but depending on attendance levels, the permitting and licensing requirements change.



WDCA17-0003 Outdoor Entertainment

Four Business License/Permitting Tiers for Temporary Outdoor Entertainment:

1. Special Event – 99 people or less.
 - a. Small equestrian events.
 - b. Fund raisers.
 - c. Flea markets.
 - d. Sun Valley GID movie in the park/pool.



WDCA17-0003 Outdoor Entertainment

Review Process for *Special Events*:

- Business License Staff approves and issues after determining the appropriate reviewing agencies required for “sign off.” Limited to 30 days per calendar year.



WDCA17-0003 Outdoor Entertainment

2. Outdoor Community Event A – 100 to 299 people.
 - a. Farmer's markets.
 - b. Medium equestrian events.



WDCA17-0003 Outdoor Entertainment

Review Process for Outdoor Community Events A:

- Planning staff determine the appropriate reviewing agencies and produce a staff report for consideration by the Director of Community Development. The Director determines approval, approval with conditions, or denial after review of the staff report, including agency comments and conditions.



WDCA17-0003 Outdoor Entertainment

3. Outdoor Community Event B – 300 to 999 people.
 - a. Classical Tahoe.
 - b. Incline Village Art Festival.



WDCA17-0003 Outdoor Entertainment

Review Process for Outdoor Community Event B:

- Article 310, *Temporary Uses* requires a Board of Adjustment Administrative Permit as well as a Business License pursuant to Chapter 25, Business Licenses. Planning Staff determine the appropriate reviewing agencies and distribute the application for comments. A staff report is produced for a Board of Adjustment public hearing for an Administrative Permit. The Board of Adjustment determines approval, approval with conditions or denial at the conclusion of the public hearing.



WDCA17-0003 Outdoor Entertainment

4. Outdoor Festival – 1000 people or more.
 - a. Red, White and Tahoe Blue
 - b. Reno-Tahoe Open Foundation - Barracuda Golf Championship.



WDCA17-0003 Outdoor Entertainment

Review Process for Outdoor Festivals:

- Article 310, Temporary Uses, requires an Administrative Permit granted by the Board of County Commissioners, as well as a Business License pursuant to Chapter 25, *Business Licenses*. Planning Staff determine the appropriate reviewing agencies and distribute the application for comments. A staff report is produced for a Board of County Commissioners public hearing for an Outdoor Festival License. The Board of Commissioners determines approval, approval with conditions or denial at the conclusion of the public hearing.



WDCA17-0003 Outdoor Entertainment

■ Different levels of Review:

- The review process very similar for each of the four licensing/permitting requirements.
- The differences concern who provides final approval and the level of public notice.
- Comments from appropriate review agencies are obtained in all instances.



WDCA17-0003 Outdoor Entertainment

■ Public Notice:

The Public Notice requirements established in Washoe County Code Chapter 110, Article 808, *Administrative Permits*, are utilized as follows:

- All Community Events (100-999) and Outdoor Festivals (1000+) require notice of property owners within 500 ft.
- Community Events of 300+ and Outdoor Festivals also require newspaper publication of the required Administrative Permit public hearing.



WDCA17-0003 Outdoor Entertainment

- **Summary of review of current process.**
 - Outdoor Entertainment is regulated across different chapters of county code.
 - The use type is restricted to three regulatory zones for permanent use.
 - There are currently four separate levels of review for temporary outdoor entertainment uses.
 - The intersection of Chapter 25, *Business Licenses* and Chapter 110, *Development Code* creates complexities that are difficult to administer.



WDCA17-0003 Outdoor Entertainment

Staff's approach to identifying and consolidating all necessary amendments:

- Consolidate most necessary new language into a new Article (338) designed specifically for Outdoor Entertainment, similar to the approach used in Article 324 for the Wireless Communications Facilities use type.
- Identify all sections of code that intersect with the proposed new article and make the necessary changes to support and be consistent with the new article (302, *Allowed Uses*; 304, *Use Classification System*; 226, *Warm Springs*; and Chapter 25, *Business License*).



WDCA17-0003 Outdoor Entertainment

Proposed Amendments - Goals

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 Chapter 25, Business Licenses and Chapter 110 , Development Code.
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, and activities such as “equestrian events” can be “given a home” in the Development Code.



WDCA17-0003 Outdoor Entertainment

Specific proposals to meet the project's goals

Goal One: Broaden the definition of Outdoor Entertainment to include more typical uses.





WDCA17-0003 Outdoor Entertainment

Proposed Definition:

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, amphitheatres, 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.

Current Definition:

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.



WDCA17-0003 Outdoor Entertainment

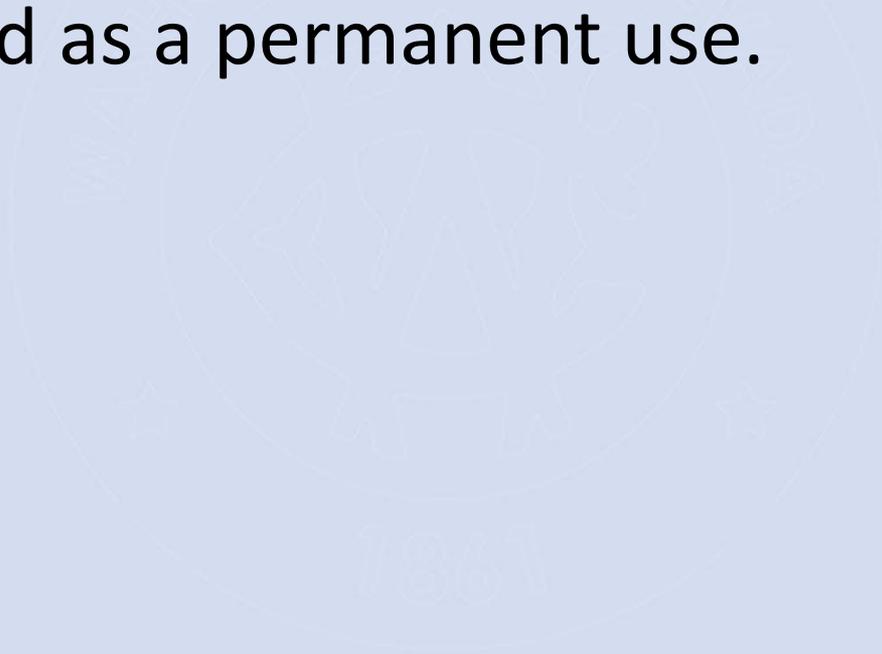
Article 310, Temporary Uses is also amended for consistency:

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.~~



WDCA17-0003 Outdoor Entertainment

Goal Two: Expand the range of regulatory zones where Outdoor Entertainment can be established as a permanent use.





WDCA17-0003 Outdoor Entertainment

Regulatory Zones Proposed for Permanent Use:

- General Rural
- General Rural Agricultural
- Low Density Rural
- Medium Density Rural
- High Density Rural
- Low Density Suburban
- Neighborhood Commercial
- General Commercial
- Tourist Commercial*
- Industrial*
- Parks and Recreation*

*Regulatory Zones where Outdoor Entertainment is currently permitted as a permanent use with the granting of a Special Use Permit from the Board of Adjustment.



WDCA17-0003 Outdoor Entertainment

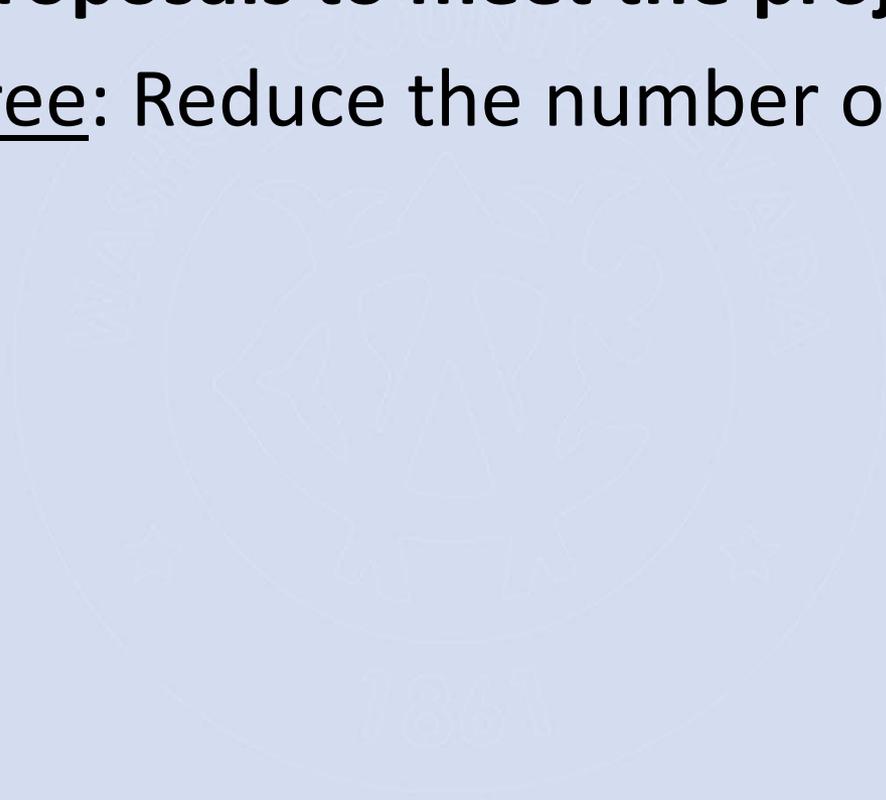
- **How were the additional regulatory zones chosen?**
 - The additional regulatory zones expand to include all commercial zones as well as the zones where the Commercial Stables use type is currently permitted.



WDCA17-0003 Outdoor Entertainment

Specific proposals to meet the project's goals

Goal Three: Reduce the number of tiers of review.





Proposed Review Process

Reduce from Four to Three review tiers:

1. Special Event. 74 or fewer persons.
2. Minor Outdoor Entertainment Permit. 75-999 persons.
3. Major Outdoor Entertainment Event. 1000 or more persons.



WDCA17-0003 Outdoor Entertainment

1. Special Event:

- Events expecting 74 persons or less will continue to be approved and issued through the Business License counter as previously described for a special Event.
- Staff is proposing a change in the threshold from 100 to 75 for these events.



2. Minor Outdoor Entertainment Permit.

- Event and facilities expecting 75 to 999 persons on any given day.
- Director approves or denies following an Administrative Process modelled on the Detached Accessory Dwelling Administrative Review (DADAR) process.



WDCA17-0003 Outdoor Entertainment

2. Minor Outdoor Entertainment Permit, con't.

- Agency Review: Staff collects conditions of approval or reasons for denial from all review agencies and prepares a staff report for the Director's review.
- Public Notice: "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."



3. Major Outdoor Entertainment Permit.

- Events and facilities expecting 1000 or more persons on any given day.
- Board of County Commissioners Public Hearing approves or denies following a Public Hearing and Special Use Permit process modelled on the process established in Article 810, *Special Use Permits*.



3. Major Outdoor Entertainment Permit, con't.

- Agency Review: Staff collects conditions of approval or reasons for denial from all review agencies and prepares a staff report for the BCC's review.
- Public Notice: Similar standards as above.



WDCA17-0003 Outdoor Entertainment

- **How were the proposed thresholds chosen?**
 - The drop from 100 persons to 75 persons for Special Events is intended to capture some of the small but potentially impactful equestrian events for which we periodically see applications.



WDCA17-0003 Outdoor Entertainment

- **How were the proposed thresholds chosen?**
 - The 75 to 999 threshold for a minor permit requiring administrative review and a decision by the Director is expected to represent the majority of expected events and facilities.
 - The intent is to facilitate the ability of landowners to pursue these land use opportunities without degrading the required level of agency review and ability to impose conditions.
 - Essentially consolidates the two Outdoor Community Events (A and B) into one administrative process.



WDCA17-0003 Outdoor Entertainment

- **How were the proposed thresholds chosen?**
 - The 1000 or more persons threshold for a major permit requiring a public hearing before the Board of County Commissioners is intended to ensure our code is consistent with Nevada Revised Statutes 244.3542 License Required, which requires certain activities that draw 1,000 or more persons on any given day be approved by the Board of Commissioners.



WDCA17-0003 Outdoor Entertainment

Specific proposals to meet the project's goals

Goal Four: Detangle Chapter 25, Business Licenses and Chapter 110 , Development Code.



WDCA17-0003 Outdoor Entertainment

- Staff is working on parallel amendments to Chapter 25, Business Licenses that will be presented to the Board of Commissioners concurrently with these Development Code amendments.
- While a business license will still be required to conduct business and for any individual concessions or similar activities at an event or facility, Chapter 25 will largely be divested from all permitting regulations for outdoor entertainment events expecting more than 74 persons. (They will continue to approve and issue Special Event Licenses.)



Specific proposals to meet the project's goals

Goal Five: 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, and activities such as “equestrian events” can be “given a home” in the Development Code.



WDCA17-0003 Outdoor Entertainment

- The expanded definition, the expanded range of permitted regulatory zones, and the consolidation of permitting processes into the Development Code will permit events such as Red, White and Tahoe Blue, the Barracuda Golf Championship, and Classical Tahoe to apply for a permanent permit that includes ongoing pre-, during-, and post-event conditions imposed and implemented.



WDCA17-0003 Outdoor Entertainment

– Equestrian Events:

- Equestrian events are currently reviewed and permitted via the Commercial Stables use type and typically require a special use permit. However, the Commercial Stables use type definition does not anticipate the full range of equestrian oriented commercial activities that a landowner interested in pursuing “equestrian events” is likely interested in. Only Article 226, Warm Springs contains language that specifically refers to “equestrian events” and establishes processes for obtaining a permit.



WDCA17-0003 Outdoor Entertainment

- Equestrian Events:
 - The proposed amendments will capture these uses and provide a consistent and predictable process based on easily identifiable code language.
 - The proposal also makes changes to Article 226, *Warm Springs* in order to ensure consistency with the proposed Article 338, *Outdoor Entertainment*.



WDCA17-0003 Outdoor Entertainment

- **Additional Proposed Amendments:**
 - The proposal includes necessary sections for exemptions, appeals procedures, application contents, suspension and revocation, grounds for denial, and to fully describe the administrative process required for a minor permit.



WDCA17-0003 Outdoor Entertainment

■ Staff's process to develop this proposal

- Staff conducted extensive research into the processes used by both the City of Reno and the City of Sparks.
- Staff met with representatives of the local outdoor entertainment industry to obtain input on their needs and experiences.
- Staff conducted an “All CAB” meeting in which all CAB members are invited to here about the proposal and provide comments.
- Staff attended the South Truckee Meadows/Washoe Valley and Warm Springs Citizens Advisory Boards to discuss the proposal and solicit comments.



WDCA17-0003 Outdoor Entertainment

Industry and Public input:

- Individuals who pursue Outdoor Entertainment permits in both Reno and Sparks greatly appreciate the speed and consistency of the review processes utilized in those jurisdictions.
- Landowners are seeking a wider range of regulatory zones where outdoor entertainment is permitted.
- Event promoters are looking for an alternative to annual temporary permits.



WDCA17-0003 Outdoor Entertainment

Industry and Public input:

- Comments from the three Citizen Advisory Board meetings were largely consistent without differences of opinion arising in different locations.
- Generally the public is concerned that the thresholds for an administrative process (75-999) is both too low too high. They expressed concern that small events will be burdened with a process they currently don't have to endure, and that bigger projects will not afford them the opportunity to have meaningful input on events and facilities that could change the character of their community – whether it is a proposal for a large facility for near the top of the threshold (music/theatre venues etc.), or a small facility near the bottom of the threshold (equestrian events/facilities.)
- Public comment also centered on the theme of public meetings and the appreciation that they have for the ability to meet and talk over proposals in their community. An administrative process that does not include at least a CAB meeting, preferably a public hearing, is generally viewed with caution.



WDCA17-0003 Outdoor Entertainment

■ Summary:

- This is a complex Development Code Amendment that reaches across County Code Chapters.
- The amendment seeks to consolidate and simplify the county's current approach to permitting/licensing Outdoor Entertainment facilities and events.
- The amendment seeks to establish a balance of speed, predictability, and comprehensive agency review in a manner that is consistent with Washoe County's long standing commitment to public/community input.