



# WDCA17-0003 Outdoor Entertainment

## – What and Why?

On November 29, 2016, the Board of County Commissioners initiated a Development Code Amendment. The initiation directed staff to develop proposals for:

- expanding the definition of outdoor entertainment,
- expanding the range of regulatory zones wherein the use can be established; and,
- determining the review and approval process, including any potential need for discretionary approval.



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## Goals - Proposed Amendments

1. Expand the range of regulatory zones where Outdoor Entertainment can be established as a permanent use.
2. Broaden the definition of Outdoor Entertainment to include more typical uses.
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.



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- Multiple amendments, including:
  - Article 302 - the land use tables.
  - Article 304 - definitions for outdoor entertainment and livestock events.
  - Article 310 - the description of outdoor entertainment as a temporary use.
  - Article 338 - new article providing full a description of the use and processes necessary to establish it on a property.
- 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.



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- **October 3, 2017 Planning Commission Public Hearing.**
  - The Planning Commission considered the public input leading up to and including that provided during the public hearing.
  - The PC initiated the amendment, but requested that staff respond to the public input and conduct one more workshop to review those changes.



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- Public input centered on four main questions:
  1. Is an administrative review process acceptable or should a public hearing be required?
  2. What regulatory zones are appropriate?
  3. Are equestrian events distinct enough from other activities to warrant their own definition?
  4. Should periodic review or renewal be required for outdoor entertainment permits?



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**Is an Administrative review process acceptable or should a public hearing be required?**

- **Original Draft:** The original proposal established an administrative process (no public hearing) for outdoor entertainment uses supporting up to 999 participants and spectators on any one day. Currently the code requires a public hearing for activities of more than 299 (300+) participants and spectators on any one day.
- **Public comment:** The public comment strongly favors maintaining a public hearing process for events over 299 participants and spectators on any one day.



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



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## What Regulatory Zones are Appropriate?

- **Original Draft:** The original draft proposed to expand the range of regulatory zones where a permanent outdoor entertainment use type is allowed to include General Commercial, Neighborhood Commercial zones, Low Density Rural, Medium Density Rural, High Density Rural and Low Density Suburban. (Currently Outdoor Entertainment is only allowed in the Industrial, Tourist Commercial and Parks and Recreation regulatory zones.)
- **Public Comment:** Public comment favors restricting outdoor entertainment to nonresidential regulatory zones and large lot rural residential zones. In particular, public comment favored establishing a minimum lot size of at least 10 acres for a permanent outdoor entertainment use type.



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- **Revised Draft:** The revised draft limits the permanent establishment of the outdoor entertainment use type to nonresidential regulatory zones and to the rural residential regulatory zones of Low Density Rural (10 acres zoning) and General Rural (40 acre zoning), and establishes a 10 acre minimum lot size.
- **Impact:** The practical impact of this alternative is that permanent outdoor entertainment use types in residential areas will be restricted to areas with large lot rural zoning. An exception would allow suburban residential regulatory zones (High-, Medium-, and Low Density Suburban) if they are identified on an approved subdivision map and developed as a nonresidential use (golf courses for example) and are part of a broad application that includes other permitted regulatory zones.



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## Are Equestrian Events distinct enough from other activities to warrant their own definition?

- **Original Draft:** The original draft includes equestrian events under the definition of outdoor entertainment. Currently, these types of events are processed as Commercial Stables; however, the Commercial Stables definition only loosely covers the types of activities found at an equestrian event.
- **Public comment:** Public comments suggest that equestrian and other livestock oriented events are not only culturally important to the character of rural Washoe County, but are also distinct from other outdoor entertainment events such as music/theatre venues, golf tournaments, or art festivals.



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- **Revised Draft:** The revised draft proposes to create a distinct and separate use for equestrian events that adequately describes the types of activities undertaken at such events. The “Livestock Event” use type would be permitted with a special use permit from the Board of Adjustment. The livestock events use type would be permitted in all the regulatory zones where commercial stables are currently permitted (LDS, HDR, MDR, LDR, GR, GRA, TC, and PR.). Events in the Warm Springs planning area would continue to be processed according to their agreed upon code modifiers as described in Article 206, *Warm Springs*.
- **Impact:** The practical impact of this alternative is that livestock/equestrian events will have a dedicated definition in the Development Code and will continue to be allowed where such uses are currently permitted. This approach works in conjunction with the other proposed revisions to restrict the location where outdoor entertainment uses are permitted, without unduly restricting the location where equestrian events may be permitted. No amendments to the Warm Springs modifiers (Article 206) will be necessary.



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## Should periodic review or renewal be required for outdoor entertainment permits?

- **Original Draft:** The original draft has provisions for the revocation of outdoor entertainment permits. It also allows conditions of approval that require periodic review of the permit. Periodic reviews would look at public complaints and the ability of the existing conditions to mitigate negative impacts of the approval. However, the draft does not require a condition regarding periodic review, but approaches each permit on a case by case basis.
- **Public comment:** Public comments favor requiring all outdoor entertainment permits to be reviewed on a periodic basis, such that the permit is never seen as a permanent entitlement, but one that needs to be periodically renewed. A periodic renewal process would also consider public complaints and the existing conditions.



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- **Revised Draft:** The revised draft creates a separate section (110.338.65 - Periodic Review of Conditions of Approval.) This section provides language that more clearly supports periodic review of outdoor entertainment uses, but does not create the requirement for periodic renewal. The activities that may occur under the auspice of outdoor entertainment are varied. While it is clear that some proposals for outdoor entertainment uses may need to be reviewed and the conditions reconsidered, there are also many potential uses for which very little periodic review may be necessary. Staff's concern with creating a required renewal process is that on a case by case basis, this could be valuable or it could be a regulatory burden with little benefit to the public.
- **Impact:** The practical impact of the revised language is that the option of using conditions of approval to require a periodic review will be more clear but the specifics of such a review can be tailored to each permit and neighborhood.



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## Temporary Events

- Temporary events are currently allowed in any regulatory zone.
- No changes are proposed to this provision of code.
- All Temporary events permits from 100 to 999 participants would be reviewed following an administrative process identical to the one previously proposed for all events below 1000 participants.
- Any event of 1000 or more participants, temporary or permanent, requires a special use permit (major outdoor entertainment permit.)
- Events of 99 or less would continue to be reviewed under the current process for obtaining a business license (Special Event License.)



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## Proposed Review Process

1. Temporary Special Event. 99 or fewer persons. Issued through Business License counter with agency review.
2. Temporary Outdoor Entertainment Permit. 100-999 persons. Administrative process, including noticing and agency review.
3. Minor Outdoor Entertainment Permit. For permanent uses 100-999 persons. Special Use Permit before the Board of Adjustment.
4. Major Outdoor Entertainment Event. For permanent or temporary uses of 1000 or more persons. Special Use Permit before the Board of Commissioners.



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## Proposed Amendments - Goals

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3. Reduce the number of tiers of review.
4. Detangle Chapter 25, Business Licenses and Chapter 110 , Development Code.
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## ■ 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.
- The proposed draft response to public input on prior proposals.



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## Proposed motion:

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA17-0003, to amend Washoe County Chapter 110 (Development Code) within Article 302, *Allowed Uses*; Article 304, *Use Classification System*; Article 310, *Temporary Uses*; and, Article 338, *Outdoor Entertainment*. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. **Consistency with Master Plan.** The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. **Promotes the Purpose of the Development Code.** The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. **Response to Changed Conditions.** The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. **No Adverse Affects.** The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.