



Planning Commission Staff Report

Meeting Date: July 1, 2014

Agenda Item: 10A

Subject: Development Code Amendment

Applicant: Planning and Development Division

Summary: Public hearing, consideration, and possible action (to recommend to the Washoe County Board of County Commissioners) to amend Washoe County Code, Chapter 110, Development Code, Article 302 (Allowed Uses) and Article 304 (Use Classification System) to reduce regulatory barriers to the production and sale of food in certain regulatory zones, and to amend use definitions to authorize community gardens and increase opportunities for local, small scale food production.

Recommendation: **Adopt and authorize the Chair to sign the attached resolution.**

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Washoe County
 Commission District: All Commission Districts

Description

PUBLIC HEARING: Development Code Amendment Case Number DCA14-004 (Food Production/Agricultural Uses) – To amend Washoe County Code, Chapter 110, Development Code, Article 302 (Allowed Uses) and Article 304 (Use Classification System) to reduce regulatory barriers to the production and sale of food in certain regulatory zones, and to amend use definitions to authorize community gardens and increase opportunities for local, small scale food production; and to provide for other matters properly relating thereto.

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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 Commission, the Washoe County Planning Commission, or an owner of real property. 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 Washoe County Commission hears all Development Code amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission 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.

Public Notice

Pursuant to WCC Section 110.818.20, public notification includes publishing a legal notice in the newspaper and notification to every chairperson and member of each Citizen Advisory Board in Washoe County 10 days prior to the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

Background

Amendments to the Development Code are often necessary to keep it up to date with the most current and desirable trends in planning and development. The local food movement, also often referred to as urban agriculture, has been such a trend in recent years and has become a major topic of interest in the planning industry and to many communities across the nation. Since staff first became involved in the issue through collaboration with Washoe County Health District initiatives in 2010, staff has observed and read literally hundreds of mainstream media articles on the subject. Many interrelated factors have aligned to contribute to this interest, ranging from sustainability and health concerns (e.g. obesity prevention) to “buy local” and other economic

development initiatives. Advocates for improving the community food system¹ consider the capacity for local food production (and not just on large rural lots) a critical component in achieving such goals.

The recent economic recession has highlighted the importance of strengthening and improving the resiliency of local economies. Staff has observed that many unemployed citizens, in response to difficult economic times, have been looking for entrepreneurial ways to earn income, often exploring cottage enterprises that utilize existing skills and assets (such as land). The burgeoning local food movement has many residents exploring opportunities to use their property for crop production to supply local restaurants and other interested parties.

Unfortunately, many of these opportunities currently cannot be realized because of regulatory barriers present in the Development Code. For example, the “crop production” use is currently prohibited in the Medium Density Suburban residential regulatory zone, which is the most common regulatory zone in the unincorporated county (22,807 out of 52,250 total parcels, or 44%, in the unincorporated county have this regulatory zoning). Other regulatory barriers include requirements for obtaining a special use permit to establish a use, often at a prohibitive application cost that is out of proportion to the use being requested.

The classification of uses, or lack thereof, in the Development Code can also be problematic. For example, at present the closest use classification for a community garden is “crop production.” A community garden is typically defined as an area used by members of the surrounding community to grow and harvest crops for non-commercial purposes, such as for personal consumption or donation. In contrast, the “crop production” use is defined by the Development Code as the “raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis, including packing and processing.” That use definition does not accurately describe a typical “community garden,” and further, it is a use that is currently prohibited in certain residential and public facility regulatory zones (even though such parcels are the most likely candidates for a community garden). It is also important to note that if a use cannot be classified then it is not allowed. It is therefore important to adequately define uses to maximize land use opportunities.

Acting on previous direction from both the Planning Commission and the Board of County Commissioners, staff conducted a comprehensive review of the Development Code and identified numerous regulatory barriers to local food production and distribution. Staff intends to address these regulatory barriers by processing amendments to the Development Code in a two-phase process.

The first phase of amendments (which are the subject of this agenda item) will be narrowly focused to address the specific issues of crop production, produce sales, and community gardens. Regulatory barriers to these uses are currently preventing many residents from

¹ A sustainable community food system is a collaborative network that integrates sustainable food production, processing, distribution, consumption and waste management in order to enhance the environmental, economic and social health of a particular place. Farmers, consumers, and communities partner to create a more locally based self-reliant food economy. One of the most important aspects of sustainable community food system projects is that they increase resident and government participation to achieve such goals as increasing access to locally produced food, increasing the number of small scale locally owned farms, creating more direct links between farmers and consumers, improved access for all community members to an adequate, affordable, and nutritious diet, increasing food and agriculture-related businesses that create jobs and recirculate financial capital within the community, and educating citizens (especially children) about healthy dietary behaviors and how food is produced and prepared. (source: University of California (Davis) Sustainable Agriculture Research and Education Program)

moving forward with pending land use proposals and therefore need to be addressed as soon as possible. The second phase of amendments will be more comprehensive and will address a wider (and more complicated) range of food production issues, such as agricultural processing, animal slaughtering, animal production, agricultural tourism/education, and special use permit requirements.

As mentioned above, the “community garden” concept is a land use that is currently not classified by code (the closest fit being *crop production*). Staff is therefore recommending that a new civic use type and its associated definition be created for community gardens. This use type definition will include development standards specific to community gardens (see Exhibit B). Requiring a discretionary permit (such as a special use permit) for a use such as a community garden has the effect of discouraging the use since the financial (as well as time) burden of applying for and obtaining the permit is out of proportion with any anticipated benefit the applicant would realize. Therefore staff is recommending that community gardens be authorized as an allowed use in all regulatory zones, subject to the development standards mentioned above and included within the use type’s definition.

Over 44% of the privately-owned parcels in the unincorporated county are zoned Medium Density Suburban (MDS). In recent years, staff has had numerous inquiries from property owners with this zoning designation wishing to pursue crop production to supply locally sourced produce. Unfortunately, crop production is currently not allowed in the MDS regulatory zone. Staff is proposing to remedy this by amending Article 302, Allowed Uses, to allow crop production in the MDS zoning designation by right (subject to a business license). Expanding crop production to the MDS zoning designation could significantly increase the potential capacity for local food production in the unincorporated area. In the opinion of staff, and in the opinion of entrepreneurial property owners, 1/3-acre lots afford adequate space for certain kinds of crop production. Furthermore, staff is aware of numerous MDS zoned parcels that are larger than the minimum lot size of 12,000 square feet, some acres in size, which could be used for crop production were it allowed.

In addition to opening up MDS to crop production, staff is also proposing to allow the use type in Neighborhood Commercial (NC) and Open Space (OS), and to change the requirement for a special use permit in the Parks and Recreation (PR) regulatory zone to a use subject to review and approval by the Park Commission (see Exhibit B). Staff is recommending this change based on the recognition that there are many NC zoned parcels in otherwise rural areas, such as Pleasant Valley. In the opinion of staff, NC zoning is compatible with the crop production use type, especially since NC also allows residential uses (and many NC zoned parcels currently have residential uses on them). Allowing crop production by right in OS would potentially enable entities like Home Owners Associations to utilize common open space for such uses without having to obtain a cost prohibitive special use permit.

The final change staff is recommending in this first phase of amendments is in regard to the *produce sales* use type. The produce sales use type allows year round or permanent on-site sales of produce grown on the same premises. Temporary produce sales are allowed in all regulatory zones. Currently, produce sales is an allowed use type in the General Rural Agricultural (GRA) zoning designation but a special use permit is required to establish the use in the General Rural (GR) designation. Since these zoning designations are very similar from a regulatory stand point (e.g. both require 40-acre lot sizes for subdivision), staff believes they should be regulated the same in regards to produce sales. Two 40-acre lots could literally be across the street from one another, but one would have to spend thousands of dollars to establish the use and the other wouldn’t. Therefore staff is proposing to change produce sales

to an allowed use in the General Rural zoning designation, subject to a minimum lot size of 40-acres.

Required Findings

Before adopting a Development Code amendment, WCC Section 110.818.15(e) requires that the following findings be made by the Planning Commission. Staff recommends that the findings can be made based on this staff report and the information presented at the public hearing.

1. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff Comment. The proposed amendments do not conflict with any policies or action programs of the Washoe County Master Plan. The amendments would promote sustainable land use and help reduce greenhouse gas emissions, a major goal of the Land Use and Transportation Element of the Washoe County Master Plan, by increasing the amount of locally produced food and thereby reducing the distance required to transport it.

2. 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 amendments will enhance the ability of the County to protect and promote public health, safety and welfare by increasing the availability of locally grown healthy food.

3. The proposed Development Code amendments respond 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 wide spread community interest in local food production. At the time the Development Code was written, agricultural uses were viewed predominantly as large scale, industrial type operations not compatible with suburban uses. This view point has changed significantly since that time, particularly in recent years, and there is a large citizen movement seeking to reintegrate agricultural uses into neighborhoods and local communities. The proposed amendments will result in a more desirable utilization of land.

4. 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 proposed amendments will not have an adverse effect on the implementation of the policies and action programs of the Conservation Element or the Population Element. The proposed amendments will have no effect on either of these plans.

Recommendation

If all four findings can be made, staff recommends that the Planning Commission adopt the resolution as set forth in Exhibit A recommending the adoption of an amendment to Washoe County Code, Chapter 110, Development Code, to reduce regulatory barriers to the production, processing, and sale of food in certain regulatory zones, and to amend use definitions to authorize community gardens and increase opportunities for local, small scale food production. The following motion is provided for your consideration:

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission make the following findings and recommend approval of the proposed amendments to Article 302, Allowed Uses, and Article 304, Use Classification System, and as contained in Exhibit B. I further move to authorize the Chair to sign the resolution contained at Exhibit A on behalf of the Washoe County Planning Commission and direct staff to present a report of this Commission's recommendation together with a draft ordinance to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on the following findings in accordance with WCC Section 110.818.15(e):

1. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. 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. The proposed Development Code amendments respond 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.
4. 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 Commission within 15 days after the date of the decision, pursuant to WCC Section 110.818.25. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

Attachments: Exhibit A, Resolution
Exhibit B, Proposed Amendments

xc: Gregory Salter, Esq., District Attorney's Office
Bill Whitney, Director, Planning and Development



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 302 (ALLOWED USES), AND ARTICLE 304 (USE CLASSIFICATION SYSTEM) TO REDUCE REGULATORY BARRIERS TO THE PRODUCTION, PROCESSING, AND SALE OF FOOD IN CERTAIN REGULATORY ZONES, AND TO AMEND USE DEFINITIONS TO AUTHORIZE COMMUNITY GARDENS AND INCREASE OPPORTUNITIES FOR LOCAL, SMALL SCALE FOOD PRODUCTION.

Resolution Number 14-

Whereas Development Code Amendment Case Number DCA14-004 came before the Washoe County Planning Commission for a duly noticed public hearing on July 1, 2014; and

Whereas the Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code Amendment; and

Whereas the Washoe County Planning Commission has given reasoned consideration to the information it has received regarding the proposed Development Code Amendment; and

Whereas, pursuant to Washoe County Code Section 110.818.15, in making this recommendation, the Washoe County Planning Commission finds that this proposed Development Code Amendment:

1. Is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. 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. 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. 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) that:

- (1) The Washoe County Planning Commission hereby recommends approval of an amendment to the Washoe County Development Code at Article 302, Allowed Uses,

and Article 304, Use Classification System, as set forth in the agenda for the July 1, 2014 meeting of the Washoe County Planning Commission; and,

- (2) That 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 July 1, 2014.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr. AICP, Secretary

Chairman

Article 302, Allowed Uses

Table 110.302.05.2

TABLE OF USES (Civic Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	S ₂
Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	--	A	A	--	A	S ₂
Education	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	S ₂	--	S ₂	S ₂
Group Care Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	--	--	--	--	--	S ₂	--
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	S ₂
Major Services and Utilities																		
Utility Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	S ₂	--	S ₂	--
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--
Parks and Recreation																		
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR	S ₂
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	--	--	--	--
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	S ₂	A
Religious Assembly	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	--	S ₂	A
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

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Table 110.302.05.5

TABLE OF USES (Agricultural Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Agricultural Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Agricultural Processing	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	S ₂	A
Agricultural Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Animal Production	A	A	A	A	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	A	A
Animal Slaughtering, Agricultural	A	A	A	A	--	--	--	--	--	--	--	--	--	--	A	A	A	A
Animal Slaughtering, Commercial	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--
Animal Slaughtering, Mobile	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂
Crop Production	A	A	A	A	--A	--	--	--	--	--	--A	--	--	--	PR S ₂	A S ₂	A	A
Forest Products	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	P	--
Game Farms	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂
Produce Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	A S ₂	A

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Article 304, Use Classification System

Section 110.304.20 Civic Use Types. Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

- (a) Administrative Services. Administrative services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage of necessary equipment and vehicles.
- (b) Child Care. Child care use type refers to the use of a building or a portion thereof for the daytime care of individuals under eighteen (18) years of age. Child care use types are subject to the regulations and permission of the Washoe County Department of Social Services. This use type includes nursery schools, preschools, daycare centers and similar uses, but excludes those classified under education. The following are child care use types:
 - (1) Family Daycare. Family daycare refers to daycare services provided for six (6) or fewer full-time children, including those of the child care facility licensee who are under the age of seven (7) years, except that care may also be provided for up to three (3) additional part-time children for three (3) hours before school and three (3) hours after school, but only during

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periods when schools are in session, subject to the regulations and permission of the Washoe County Department of Social Services.

- (2) Large-Family Daycare. Large-family daycare refers to daycare services provided for more than six (6) full-time children, including those of the child care facility licensee who are under the age of seven (7) years.
 - (3) Child Daycare. Child daycare refers to services providing non-medical care to any number of children in need of personal services or supervision, on less than a twenty-four (24) hour basis, but excluding services provided in a private dwelling.
- (c) Community Center. Community center use type refers to recreational, social or multi-purpose uses within buildings with no fixed seats and occupancy limited to five hundred (500) or fewer. Typical uses include public or private, non-commercial clubs.
- (d) Community Garden. Community garden use type refers to an area of land managed and maintained by a group to grow and harvest food crops, non-food crops (such as native plants), or ornamental crops (such as flowers), for personal or group use, consumption, or donation. Commercial sale of any crops produced in the community garden is prohibited. A community garden may be established in any regulatory zone subject to the following conditions:
- (1) A signed affidavit shall be submitted to the division stating that the property owners, or the owners designated agent, agree to the proposed use. All liability considerations are the responsibility of the property owner and the users of the property.
 - (2) A site plan shall be submitted to the division showing the areas to be cultivated, the location of any structures associated with the use, access points, how and where water will be obtained, and parking locations (if applicable).
 - (3) Structures smaller than or equal to two-hundred (200) square feet may be established on-site to support operation and maintenance of the community garden, provided they are located at least five (5) feet from any property line, do not block any easements, and do not impede sight visibility from or onto public streets. All tools, equipment, chemicals, or fertilizers stored on site shall be within a locked structure.
 - (4) Activities at the garden site shall be limited to daylight hours. The use of motorized equipment is limited to the hours of 8 a.m. to 5 p.m. No exterior lighting or illumination shall occur.
 - (5) Once all outdoor crops have been harvested for the current growing season, the area utilized shall be cleaned of any dead vegetation or supporting materials within thirty (30) days of the final harvest or by November 15, whichever comes first. Tilling of the dead vegetation back into the soil is allowed and meets this requirement.

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~~(d)~~(e) Convalescent Services. Convalescent services use type refers to provision of bed care and in-patient services for persons requiring regular medical attention, but excludes a facility providing surgical or emergency medical services and a facility providing care for alcohol or drug addiction.

~~(e)~~(f) Cultural and Library Services. Cultural and library services use type refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

~~(f)~~(g) Education. Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges. Curriculum must be approved by the State Department of Education.

~~(g)~~(h) Group Care Facility. Group care facility use type refers to an establishment that provides housing and living environment on a weekly or longer basis, for a group of persons not defined as a family or a group home. These facilities may provide life skill training, living assistance and supervised care service, but excludes medical treatment or uses classified under hospital services. This term includes specifically the following types of uses:

- (1) Child Care Institution;
- (2) Facility for transitional living for released offenders;
- (3) Group home use types which accommodate more persons than permitted as a group home.

~~(h)~~(i) Hospital Services. Hospital services use type refers to medical, psychiatric or surgical services for sick or injured persons primarily on an in-patient basis, including ancillary facilities for out-patient and emergency medical services, diagnostic services, training, research, administration and services to patients, employees or visitors.

~~(i)~~(j) Major Services and Utilities.

- (1) Utility Services. Utility services use type refers to the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches
- (1) Utility Services. Utility services use type refers to the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches through utility services involving major structures that have flexibility in location. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and irrigation water ditches.
- (2) Major Public Facilities. Major public facilities use type refers to public facilities that provide a significant service and have a substantial impact on the community. Typical uses are sanitary landfills, airports, and detention and correction facilities.

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- (k) Nature Center. Nature center use type refers to an area set aside for the public viewing and display of indigenous or exotic wildlife and/or indigenous or exotic plant life on either a for-profit or non-profit basis in a structured setting. Typical uses include zoos, wildlife sanctuaries, arboretums and gardens.
- (l) Parks and Recreation. Parks and recreation use type refers to publicly owned parks or private not for profit recreation facilities and open space facilities within the recreation areas. These may be operated by a concessionaire. The following are park and recreation use types:
- (1) Active Recreation. Active recreation refers to public park recreational uses that may have a potential impact on the area or adjacent land uses. Uses include participant sports and developed family recreational areas. Typical uses include group picnicking, tennis courts, swimming pools, softball diamonds, group campgrounds, and community centers operated by a public entity.
 - (2) Passive Recreation. Passive recreation refers to public park recreational uses that have no or a minimal impact on the area and adjacent land uses. Uses include hiking, nature study, wildlife refuge, fishing and viewing. No active uses, such as group picnicking, camping and sporting activities, are included.
- (m) Postal Services. Postal services use type refers to mailing services, excluding major processing, as provided by the United States Postal Service, including branch post offices and public and private facilities.
- (n) Public Parking Services. Public parking services use type refers to parking services involving building and lots which may be privately and/or publicly owned and operated and is assigned to meet a parking demand. Commercial parking is that which is not designated for any identified use.
- (o) Public Service Yard. Public service yard use type refers to the use of a property operated by a governmental agency for the purposes of storing equipment and materials and includes ancillary office and meeting space for public service projects. A public service yard is limited to operations involving public road construction, road maintenance, snow removal and operations supporting public parks construction and maintenance.
- (p) Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as customarily occurs in synagogues, temples and churches.
- (q) Safety Services. Safety services use type refers to public safety and emergency services, including police and fire protection services, and emergency medical and ambulance services.

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Section 110.304.35 Agricultural Use Types. Agricultural use types include the on-site production of plant and animal products by agricultural methods.

- (a) Agricultural Processing. Agricultural processing use type refers to the processing of foods and beverages from agricultural commodities, but excludes animal slaughtering. Typical uses include canning of fruits and vegetables, processing of dairy products, and the production of prepared meats from purchased carcasses.
- (b) Agricultural Sales. Agricultural sales use type refers to the sale of agricultural supplies such as feed, grain and fertilizers. Typical uses include feed and grain stores.
- (c) Animal Production. Animal production use type refers to raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis, but excluding commercial slaughtering. Typical uses include grazing, ranching, dairy farming, poultry farming and aquaculture.
- (d) Animal Slaughtering, Agricultural. Agricultural animal slaughtering use type refers to the slaughtering of animals to be used in making meat products on the same premises.
- (e) Animal Slaughtering, Commercial. Commercial animal slaughtering use type refers to the slaughtering of animals to be sold to others or to be used in making meat products on the same premises. Typical uses include slaughter houses.
- (f) Animal Slaughtering, Mobile. Mobile animal slaughtering use type refers to the slaughtering of animals to be sold to others or to be used in making meat products, within a fully-enclosed mobile slaughtering facility approved by the US Food and Drug Administration, for a duration of not more than fourteen (14) days off-site on any one parcel within a calendar year. Typical uses include mobile commercial slaughtering units.
- (g) Crop Production. Crop production use type refers to raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis, including packing and processing.
- (h) Forest Products. Forest products use type refers to commercial timber harvesting uses and facilities. Typical uses include production of forest products, sawmills and lumber camps.
- (i) Game Farms. Game farms use type refers to boarding or breeding of exotic animals generally considered as wild or not normally domesticated.
- (j) Produce Sales. Produce sales use type refers to the on-site sale of farm produce and/or shell eggs from property owned, rented or leased by the farmers who grow or produce all or part of the farm produce or shell eggs offered for sale. [Typical uses include produce stands, and fruit and vegetable stands.](#)
 - (1) [Only products grown or produced on-site may be sold. A minimum lot size of forty \(40\) acres is required to establish produce sales as an allowed use in the General Rural \(GR\) regulatory zone. A valid business](#)

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Proposed Amendments

license pursuant to Chapter 25 of County ~~this~~ Code must be obtained prior to any sales.

- (2) Temporary produce sales, for a maximum duration of thirty (30) days in any one (1) calendar year, are allowed in all regulatory zones; however, a valid business license pursuant to Chapter 25 of ~~this~~ County Code must be obtained prior to any sales. ~~Typical uses include produce stands, and fruit and vegetable stands.~~



July 1st, 2014

Washoe County Planning Commission
1001 E. 9th Street
Reno, Nevada 89512

Dear Members of the Washoe County Planning Commission,

The Washoe County Food Policy Council unanimously endorses the proposed changes to the Washoe County Code, Chapter 110, Development Code, Article 302 (Allowed Uses) and Article 304 (Use Classification System) that will reduce regulatory barriers to the production and sale of food in certain regulatory zones, and to amend use definitions to authorize community gardens and increase opportunities for local, small scale food production.

Our council seeks greater access to healthy, sustainably produced food through policies such as these being considered today and thanks you in advance for supporting greater community food security for Washoe County residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Haley Anderton-Folmer".

Haley Anderton-Folmer
Chair, Washoe County Food Policy Council
Email: handerton@gmail.com • Phone: (775) 210-3735

DCA14-004 (Food Production)

Amends Chapter 110 (Development Code) at:

- **Article 302 (Allowed Uses)**
 - *Community Garden* as a new civic use type
 - Expand *Crop Production* use
 - Produce sales
- **Article 304 (Use Classification System)**
 - New use definition for *Community Garden*
 - Clarify where *Produce Sales* use type is allowed



Background

- **Burgeoning local food movement**
 - Buy local initiatives
 - Economic development
 - Increasing access to fresh, healthy food
 - Sustainability interests
- **In response to community interest, staff conducted a series of workshops with the BCC, WCPC, and other entities (e.g. Food Policy Council)**
 - Euclidian zoning – strict separation of uses
 - Outdated development regulations (changing trends)



Background

- **BCC directed staff to identify regulatory barriers to local food production and propose development code amendments to address identified barriers**
- **Several potential amendments were identified by staff**
 - Zoning barriers (Article 302, Table of allowed uses)
 - Burdensome permit requirements (e.g. requiring Special Use Permit for produce sales)
 - Existing use definitions out of date or inadequate to accommodate uses (e.g. aquaculture, community garden)
 - Pending development proposals on MDS zoned properties (crop production not allowed)



Background

- To address identified barriers, staff is proposing a two phase amendment process
- First phase to be narrowly focused – removal of barriers to pending land use proposals
- Second phase will be comprehensive and more complicated, addressing a wide range of food policy issues (e.g. processing, sales, animal production, slaughtering, etc.)



Article 302 amendments

- **Community garden as a new civic use type**
 - Allowed in all regulatory zones subject to compliance with development standards in use definition
 - Non-commercial food production only
- **Expand *Crop Production* use to additional regulatory zones**
 - Allowed use in MDS (44% of private parcels zoned MDS), NC, and OS; Park Commission approval in PR– allow GC?
 - Commercial food production – business license required
 - Does not involve or authorize on-site sales
- **Produce Sales as an allowed use in GR instead of requiring a Special Use Permit – reduce cost (40-acre lots only – GRR)**



Article 302 amendments

TABLE OF USES (Civic Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	S ₂
Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--

TABLE OF USES (Agricultural Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Agricultural Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Agricultural Processing	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	S ₂	A
Agricultural Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Animal Production	A	A	A	A	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	A	A
Animal Slaughtering, Agricultural	A	A	A	A	--	--	--	--	--	--	--	--	--	--	A	A	A	A
Animal Slaughtering, Commercial	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--
Animal Slaughtering, Mobile	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂
Crop Production	A	A	A	A	-A	--	--	--	--	--	-A	--	--	--	PR S ₂	AS ₂	A	A
Forest Products	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	P	--
Game Farms	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂
Produce Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	AS ₂	A



Article 304 amendments

- **Community Garden as a new civic use type**
 - Defined as “an area of land managed and maintained by a group to grow and harvest food crops, non-food crops (such as native plants), or ornamental crops (such as flowers), for personal or group use, consumption, or donation.”
 - No commercial activity; allowed in all zones
 - Subject to development standards in definition



Article 304 amendments

- (1) A signed affidavit shall be submitted to the division stating that the property owners, or the owners designated agent, agree to the proposed use. All liability considerations are the responsibility of the property owner and the users of the property.
- (2) A site plan shall be submitted to the division showing the areas to be cultivated, the location of any structures associated with the use, access points, how and where water will be obtained, and parking locations (if applicable).
- (3) Structures smaller than or equal to **two-hundred (200)** square feet may be established on-site to support operation and maintenance of the community garden, provided they are located at least **five (5)** feet from any property line, do not block any easements, and do not impede sight visibility from or onto public streets. All tools, equipment, chemicals, or fertilizers stored on site shall be within a locked structure.
- (4) Activities at the garden site shall be limited to daylight hours. The use of motorized equipment is limited to the hours of 8 a.m. to 5 p.m. No exterior lighting or illumination shall occur.
- (5) Once all outdoor crops have been harvested for the current growing season, the area utilized shall be cleaned of any dead vegetation or supporting materials within **thirty (30)** days of the final harvest or by November 15, whichever comes first. Tilling of the dead vegetation back into the soil is allowed and meets this requirement.



Article 304 amendments

- **Minor amendment to the *Produce Sales* use type definition**
 - Changes produce sales in the General Rural regulatory zone to an allowed use (instead of by SUP)
 - Requires 40-acre lot size and business license
 - Aligns requirements for GR with GRR



Article 304 amendments

- (j) Produce Sales. Produce sales use type refers to the on-site sale of farm produce and/or shell eggs from property owned, rented or leased by the farmers who grow or produce all or part of the farm produce or shell eggs offered for sale. Typical uses include produce stands, and fruit and vegetable stands.
- (1) Only products grown or produced on-site may be sold. A minimum lot size of forty (40) acres is required to establish produce sales as an allowed use in the General Rural (GR) regulatory zone. A valid business license pursuant to Chapter 25 of Countythis Code must be obtained prior to any sales.
- (2) Temporary produce sales, for a maximum duration of thirty (30) days in any one (1) calendar year, are allowed in all regulatory zones; however, a valid business license pursuant to Chapter 25 of thisCounty Code must be obtained prior to any sales. Typical uses include produce stands, and fruit and vegetable stands.



Findings

- **Page 5 of the Staff Report outlines staff comments on the required findings**
- **Staff believes all four findings can be made in support of the amendment**



Public Notice

Public notice and meetings:

- **Published 10 days prior to this meeting**
 - Newspaper and CABs
- **Development Services Forum review on June 12, 2014**



Recommendation

Page 6 of the staff report

- **Staff recommends approval of DCA14-004 to:**
 - Reduce regulatory barriers to the production and sale of food in certain regulatory zones; and
 - to amend use definitions to authorize community gardens and increase opportunities for local, small scale food production



Motion

Page 6 of the staff report

- **Recommend approval of DCA14-004**
- **Authorize Chair to sign resolution (Exhibit B)**
- **Direct staff to present a report to the BCC within 60 days**
- **Based on all four findings**



DCA14-004 (Food Production)

Questions?

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