



Planning Commission Staff Report

Meeting Date: February 2, 2016

Subject: **Resolution to Initiate Development Code Amendment**

Applicant: Planning and Development Division

Agenda Item Number: 8A

Summary: To consider and adopt a resolution initiating an amendment to Washoe County Code Chapter 110, Development Code, at Article 302, *Allowed Uses*, Article 304, *Use Classification System*, and at Article 410, *Parking and Loading* to accommodate wineries as enacted by the State Legislature.

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

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Initiation Description

Possible action to adopt a resolution initiating an amendment to Washoe County Code Chapter 110, Development Code, at Article 302, *Allowed Uses*, at Article 304, *Use Classification System*, and at Article 410, *Parking and Loading* to make possible amendments to accommodate wineries as enacted by the State Legislature including the following, and any other amendments as directed by the Planning Commission:

1. Respond to legislation passed by the 2015 (AB 4) Legislature authorizing the establishment of wineries in Washoe County, removing the former prohibition on wineries in the county; and,
2. Allow/expand the Liquor Manufacturing use (which includes wineries) to the Rural Residential Regulatory zones (to include General Rural and General Rural Agricultural) to improve the viability of establishing a comprehensive winery operation (i.e. producing both grapes and liquor on-site); and,
3. Require the approval of a Special Use Permit in the Rural Residential Regulatory zones to establish a Liquor Manufacturing use, which is currently already allowed by Administrative Permit in the Urban Residential and Neighborhood Commercial regulatory zones, and by right (i.e. no discretionary permit) in the General Commercial, Tourist Commercial, and Industrial regulatory zones; and,
4. Amend the Liquor Manufacturing use classification to clarify that wineries are included in the Liquor Manufacturing use and to allow recurring special events in conjunction with Liquor Manufacturing uses as part of a Special Use Permit; and,
5. Establishing parking standards for the Liquor Manufacturing use where none currently exist.

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Initiating Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Board of County Commissioners (Board), the Washoe County Planning Commission (PC), or an owner of real property. Development Code amendments are initiated by resolution of the Board or the PC. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the PC considers the proposed amendment in a public hearing. The PC may recommend approval, approval with modifications or deny the proposed amendment. The PC records its recommendation or denial by resolution.

The Board hears all amendments recommended for approval, and amendments denied by the PC upon appeal. The Board will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading.

Public Notice

There are no public notice requirements established within the Development Code for an initiation of a Development Code amendment.

Background

The 2015 Legislature passed Assembly Bill 4, 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 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, usually greater than 2 acres in size.

If a viable winery operation is to locate in Washoe County, then sites larger than 2 acres with the potential to accommodate both grape production and processing facilities must be available. Such sites in Washoe County, however, are generally zoned Rural or Rural Residential, which are regulatory zones that currently do not allow liquor manufacturing. This represents a significant regulatory barrier to the establishment of wineries in unincorporated Washoe County. Staff has already met with interested parties looking to open a winery in Washoe County and they have confirmed the aforementioned assumptions. Therefore, in the interest of economic development and full implementation of AB 4, staff is proposing to amend the Development Code to remove identified regulatory barriers.

The proposed Code amendments will also enable wineries to host recurring special events in conjunction with winery operations. Such special events could include gatherings such as weddings or group gatherings, or occasional venues with live music. Staff believes the best method to enable such special events is through the existing special use permit process which would allow public notice, public review before an appointed body (i.e., the Planning Commission or the Board of Adjustment), and appropriate conditions based on the size and scope of the special events.

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 (AB 4) Legislature authorizing the establishment of wineries in Washoe County, removing the former prohibition on wineries in the county; and,
2. Allow/expand the Liquor Manufacturing use (which includes wineries) to the Rural Residential Regulatory zones (to include General Rural and General Rural Agricultural) to improve the viability of establishing a comprehensive winery operation (i.e. producing both grapes and liquor on-site); and,
3. Require the approval of a Special Use Permit in the Rural Residential Regulatory zones to establish a Liquor Manufacturing use, which is currently already allowed by Administrative Permit in the Urban Residential and Neighborhood Commercial regulatory zones, and by right (i.e. no discretionary permit) in the General Commercial, Tourist Commercial, and Industrial regulatory zones; and,

4. Amend the Liquor Manufacturing use classification to clarify that wineries are included in the Liquor Manufacturing use and to allow recurring special events in conjunction with Liquor Manufacturing uses as part of a Special Use Permit; and,
5. Establishing parking standards for the Liquor Manufacturing use where none currently exist.

The Planning Commission should add specific proposed amendment matters to the above list if warranted after discussion during their meeting.

Recommendation

Staff recommends adoption of the attached resolution to initiate an amendment to Article 302, *Allowed Uses*, Article 304, *Use Classification System*, and Article 410, *Parking and Loading* to accommodate wineries as enacted by the State Legislature. The following motion is provided for your consideration:

Motion

I move that after giving reasoned consideration to the information contained in the staff report, the Planning Commission:

- (1) Adopt the resolution attached at Exhibit A to the staff report to initiate a Development Code amendment to Article 302, *Allowed Uses*, Article 304, *Use Classification System*, and Article 410, *Parking and Loading* to accommodate wineries as enacted by the State Legislature; and
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission.

I further move to direct staff to bring the amendment back to this Commission for a hearing within 125 days of today's date.

xc: Dave Solaro, Director, Community Services Department
Nate Edwards, Deputy District Attorney
Bill Whitney, Director, Planning and Development Division



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110, DEVELOPMENT CODE, AT ARTICLE 302, ALLOWED USES, CONCERNING LIQUOR MANUFACTURING, AT ARTICLE 304, USE CLASSIFICATION SYSTEM, AND AT ARTICLE 410, PARKING AND LOADING, TO ALLOW LIQUOR MANUFACTURING USES IN THE RURAL REGULATORY ZONES AND ESTABLISH PARKING STANDARDS FOR THE LIQUOR MANUFACTURING USE

Resolution Number 16-01

Whereas, Section 110.818.05 of the Development Code requires that amendments to the Development Code be initiated by resolution of the Washoe County Planning Commission; and

Whereas, the Washoe County Planning Commission received a report on February 2, 2016 concerning potential amendments to Washoe County Code Chapter 110, Development Code, at Article 302, *Allowed Uses*, at Article 304, *Use Classification System*, and at Article 410, *Parking and Loading*; and

Whereas, such amendments would focus on, but are not limited to:

1. Respond to legislation passed by the 2015 (AB 4) Legislature authorizing the establishment of wineries in Washoe County, removing the former prohibition on wineries in the county; and,
2. Allow/expand the Liquor Manufacturing use (which includes wineries) to the Rural Residential Regulatory zones (to include General Rural and General Rural Agricultural) to improve the viability of establishing a comprehensive winery operation (i.e. producing both grapes and liquor on-site); and,
3. Require the approval of a Special Use Permit in the Rural Residential Regulatory zones to establish a Liquor Manufacturing use, which is currently already allowed by Administrative Permit in the Urban Residential and Neighborhood Commercial regulatory zones, and by right (i.e. no discretionary permit) in the General Commercial, Tourist Commercial, and Industrial regulatory zones; and,
4. Amend the Liquor Manufacturing use classification to clarify that wineries are included in the Liquor Manufacturing use and to allow recurring special events in conjunction with Liquor Manufacturing uses as part of a Special Use Permit; and,
5. Establish parking standards for the Liquor Manufacturing use where none currently exist.

Now, therefore, be it resolved that pursuant to Washoe County Code Section 110.818.05(a) that an amendment is initiated to the Washoe County Code Chapter 110, Development Code, at Articles 302, 304, and 410 as set forth in the agenda for the February 2, 2016 meeting of the Washoe County Planning Commission, that a public hearing with this Planning Commission on the amendment shall be held within 125 days of this resolution's adoption date, and that this amendment is initiated without prejudice to its final disposition.

ADOPTED on February 2, 2016.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr. AICP, Secretary

James Barnes, Chairman