

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

SUMMARY: An ordinance amending Washoe County Code Chapter 110, (Development Code) to reduce regulatory barriers to increase opportunities for local, small scale food production, and providing for other matters properly relating thereto.

BILL NO. 1721

ORDINANCE NO. 1540

An ordinance amending Washoe County Code Chapter 110, Development Code, at 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 providing for other matters properly relating thereto.

WHEREAS:

- A. Following the notice and public hearing requirements set forth in Washoe County Code Chapter 110, Article 808, and following the hearing, recommends adoption of an ordinance that amends Section 110.302 and Section 110.304; and
- B. This ordinance is adopted pursuant to a provision in NRS Chapter 278 and therefore is not a "rule" as defined in NRS 237.060.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES HEREBY ORDAIN:

SECTION 1. Article 302, Allowed Uses, Table 110.302.05.3 of Washoe County Code is hereby amended to add Community Garden as a Civic Use Type as follows:

Table 110.302.05.3
 TABLE OF USES (Commercial 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
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	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

SECTION 2. Article 302, Allowed Uses, Table 110.302.05.5 of Washoe County Code is hereby amended to modify Crop Production and Produce Sales Agricultural Use Types as follows:

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
Crop Production	A	A	A	A	A	--	--	--	--	A	A	--	--	--	PR	A	A	A
Produce Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	A	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

SECTION 3. Article 304, Use Classification System, Section 110.304.20 of the Washoe County Code is hereby amended to read as follows:

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 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.

- (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.
- (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.
- (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.
- (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.
- (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.
- (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.

- (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.

SECTION 4. Article 304, Use Classification System, Section 110.304.35 of the Washoe County Code is hereby amended to read as follows:

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

SECTION 5. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the board members voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.

5. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date (Food Production)

This Ordinance was proposed on 8-12-14 by Board Member
Jung.

This Ordinance was passed on 8-26-14.

Those voting "aye" were HUMKE, WEBER, Jung,
BERKBIGLER & Hantung.


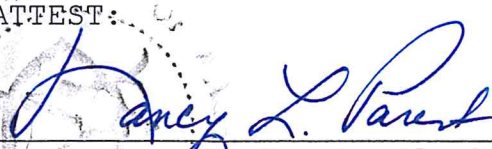
Those voting "nay" were none.

Those absent were none.

Those abstaining were none.



David Humke, Chairman
Washoe County Commission

ATTEST:



Nancy Parent, County Clerk

This Ordinance shall be in force and effect immediately upon the date of the second publication of such Ordinance as required by NRS 244.100.

WASHOE COUNTY
CLERK

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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **8/29/2014 - 9/5/2014**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *[Signature]*



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1540 BILL NO. 1721
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on August 12, 2014 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on August 26, 2014 by the following vote of the Board of County Commissioners: An Ordinance amending Washoe County Code Chapter 110, Development Code, at 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 providing for other matters properly relating thereto. (Bill No. 1721) Those Voting Aye: David Humke, Vaughn Hartung, Marsha Berkgigler, Bonnie Weber, and Kitty Jung Those Absent: None This Ordinance shall be in full force and effect from and after September 5, 2014. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED August 27, 2014 Nancy Parent,

✓
1540

Washoe County Clerk and Clerk of the Board of County Commissioners No. 40002 Aug. 29,
Sept. 5, 2014

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1540
BILL NO. 1721**

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on August 12, 2014 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on August 26, 2014 by the following vote of the Board of County Commissioners:

An Ordinance amending Washoe County Code Chapter 110, Development Code, at 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 providing for other matters properly relating thereto. (Bill No. 1721)

Those Voting Aye: David Humke, Vaughn Hartung, Marsha Berkgigler, Bonnie Weber, and Kitty Jung

Those Absent: None

This Ordinance shall be in full force and effect from and after September 5, 2014.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only.

DATED August 27, 2014

Nancy Parent, Washoe County Clerk and
Clerk of the Board of County Commissioners

No. 40002

Aug. 29, Sept. 5, 2014