



WASHOE COUNTY

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CM/ACM _____

Finance _____

DA _____

Risk Mgt. N/A

Comptroller _____

Clerk _____

STAFF REPORT

BOARD MEETING DATE: September 27, 2016

DATE: September 1, 2016

TO: Board of County Commissioners

FROM: Chad Giesinger, Senior Planner, Planning and Development, Community Services Department, 328-3626, cgiesinger@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Hearing and possible action to conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto.

(Bill No. 1770)

(All Commission Districts.)

SUMMARY

In response to legislation passed by the 2015 Nevada Legislature (AB 4) that authorized the establishment of wineries in Washoe County, create a new use titled "Winery" that would allow wineries to be established in certain residential zoning districts subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and rural residential zoning districts subject to approval of an Administrative Permit; and establish parking standards for the Liquor Manufacturing and Winery use types.

AGENDA ITEM # _____

Washoe County Strategic Objectives supported by this item: Proactive Economic Development and Diversification.

PREVIOUS ACTION

The Washoe County Planning Commission initiated Development Code Amendment Case Number DCA16-001 on February 2, 2016 by Resolution Number 16-01.

The Washoe County Planning Commission held a public hearing on DCA16-001 on March 1, 2016 but did not take action on the item and directed staff to keep working with constituents on the proposed amendments and return to the Planning Commission with revised language.

The Washoe County Planning Commission recommended approval of DCA16-001 on August 2, 2016 by Resolution Number 16-13 (see Attachment A).

The Washoe County Board of Commissioners (Board) introduced and held a first reading of DCA16-001 on September 13, 2016.

BACKGROUND

The 2015 Nevada Legislature passed Assembly Bill 4 (see Attachment C), 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 could 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.

Therefore, in the interest of economic development and full implementation of Assembly Bill 4, staff is proposing to amend the Development Code to create a new “winery” use type that would be allowed in certain residential regulatory zones. Allowing wineries to be established in these regulatory zones will greatly increase the potential for viable winery operations (where both grape production and processing facilities can be located on the same parcel) to locate in unincorporated Washoe County.

The proposed Code amendments will also enable wineries permitted through the approval of an Administrative Permit to host recurring special events in conjunction with winery operations. Such special events could include gatherings such as weddings, food and wine pairings, and/or occasional venues with live music. Enabling recurring special events through the Administrative Use permit process would allow public notice, public

review before an appointed body (i.e. the Board of Adjustment), and the imposition of appropriate conditions based on the size and scope of the special events proposed.

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 Nevada Legislature (Assembly Bill 4) authorizing the establishment of wineries in Washoe County, removing the former prohibition on wineries in the county;
2. Create a new use type titled “Winery” that would be allowed in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones;
3. Require the approval of a business license (with noticing of surrounding property owners and required review by appropriate public agencies) to establish a winery in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; and, require the approval of an Administrative Permit to establish a winery in the Medium Density Suburban and Low Density Suburban regulatory zones;
4. Allow recurring special events in conjunction with a winery use as part of an approved Administrative Permit in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; and,
5. Establish parking standards for the Liquor Manufacturing and Winery commercial use types.

The Planning Commission considered related amendments at their March 1, 2016 meeting but took no action due to opposition from a group of wine enthusiasts that voiced concerns about the requirement for a Special Use Permit to establish a winery within that version of the proposed code amendments. The Planning Commission directed staff to continue working with interested parties to reach consensus on the proposed amendments/regulatory framework and then bring the matter back the Planning Commission for reconsideration. The proposed amendments outlined in this staff report represent the results of those efforts as well as the Planning Commission recommendation of approval. The language of the proposed amendments is provided in Attachment B.

Washoe County Code Section 110.818.35 requires the Board to affirm, modify or reject the findings of fact made by the Planning Commission (PC) during the Board’s final action (i.e., adoption of the ordinance) of any Development Code amendment. The Board may also add any other findings of fact that they deem to be relevant as part of their final action. The four findings of fact made by the PC during their recommendation for approval of DCA16-001 are included within Resolution 16-13 (Attachment A). Those findings of fact, and staff’s comments on those findings as contained in the Planning Commission staff report for the August 2, 2016 meeting (see Attachment D for the entire staff report), are included below:

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.

Staff comment: The Master Plan contains numerous policies promoting land uses that support a healthy and diversified economic base (for example, see Goal Six of the Land Use and Transportation Element). The proposed amendments would expand the potential for a new economic use in Washoe County that could help diversify and grow the economy of Northern Nevada. The proposed amendments would also establish development standards and an approval process that will ensure consistency with the Master Plan and compatibility with other allowed uses in similar regulatory zones.

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.

Staff comment: One of the purposes of the Development Code as expressed in Article 918 is to promote the economic and social advantages gained from an appropriately regulated use of land resources. The proposed amendments would enable a new use of land resources (as envisioned by the state legislature) and would regulate that use appropriately, thereby promoting economic and social advantages within Washoe County.

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.

Staff comment: The proposed amendments respond to changed conditions resulting from legislation (Assembly Bill 4) passed by the 2015 Nevada Legislature that authorized the establishment of wineries in Washoe County, which were previously prohibited by state law.

4. No Adverse Effects. 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 amendments will not affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan. The potential establishment of wineries in Washoe County will not result in a substantial change in projected population nor affect the ability to plan adequately for future populations while maintaining the sustainability of natural resources. The business license and Administrative Permit approval process will address operational conditions to ensure compatibility with the policies and action programs of the Conservation Element.

FISCAL IMPACT

No fiscal impacts are anticipated. Normal fees associated with a business license or an Administrative Permit per approved fee schedules would apply.

RECOMMENDATION

It is recommended that the Board of County Commissioners conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled “Winery” in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled “Winery” that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto.

It is further recommended that the Board affirm the four findings of fact that the Washoe County Planning Commission made on August 2, 2016 as recorded within Resolution Number 16-13 (Attachment A).

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be:

“Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk) and affirm the four findings of fact that the Washoe County Planning Commission made on August 2, 2016, as recorded within Resolution 16-13 and attached to the staff report for this item.”

- Attachments:
- A. Planning Commission Resolution 16-13
 - B. Working copy, DCA16-001 (WCC Chapter 110 amendments)
 - C. Assembly Bill #4, as enrolled.
 - D. Planning Commission Staff Report



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AMENDMENTS (DCA16-001) TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 302, *ALLOWED USES*, AT SECTION 110.302.05.3, *TABLE OF USES (COMMERCIAL USE TYPES)* TO ALLOW A NEW USE TYPE TITLED "WINERY" IN THE MEDIUM DENSITY SUBURBAN, LOW DENSITY SUBURBAN, HIGH DENSITY RURAL, MEDIUM DENSITY RURAL, LOW DENSITY RURAL, GENERAL RURAL, AND GENERAL RURAL AGRICULTURAL ZONING DISTRICTS; WITHIN ARTICLE 304 (*USE CLASSIFICATION SYSTEM*) AT SECTION 110.304.25 (GG) TO CREATE A NEW USE TITLED "WINERY" THAT WOULD ALLOW WINERIES TO BE ESTABLISHED IN CERTAIN RESIDENTIAL ZONING DISTRICTS SUBJECT TO THE APPROVAL OF EITHER A BUSINESS LICENSE OR AN ADMINISTRATIVE PERMIT; ALLOW RECURRING SPECIAL EVENTS IN CONJUNCTION WITH A WINERY USE IN CERTAIN RURAL AND RURAL RESIDENTIAL ZONING DISTRICTS SUBJECT TO APPROVAL OF AN ADMINISTRATIVE PERMIT; WITHIN ARTICLE 410 (*PARKING AND LOADING*) AT SECTION 110.410.10.3 TO ESTABLISH PARKING STANDARDS FOR THE LIQUOR MANUFACTURING AND WINERY USE TYPES.

Resolution Number 16-13

WHEREAS

- A. Development Code Amendment Case Number DCA16-001, came before the Washoe County Planning Commission for a duly noticed public hearing on August 2, 2016; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. Pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment, Case Number DCA16-001:
 1. Consistency with Master Plan. The proposed 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.

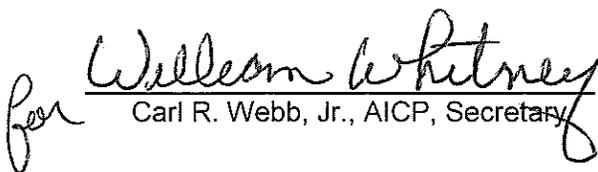
NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

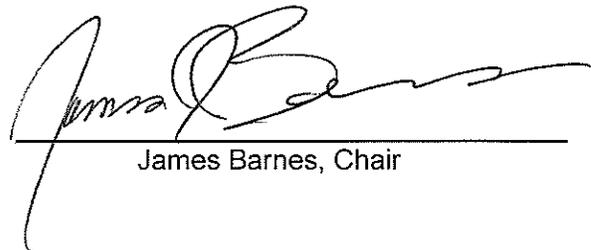
1. The Washoe County Planning Commission does hereby recommend APPROVAL of DCA16-001, an amendment to the Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural, and General Rural Agricultural zoning districts; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential zoning districts subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and rural residential zoning districts subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery use types; and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation to be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on August 2, 2016.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:


for William Whitney
Carl R. Webb, Jr., AICP, Secretary


James Barnes
James Barnes, Chair

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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

Summary: In response to legislation passed by the 2015 Legislature (AB 4) that authorized the establishment of wineries in Washoe County, create a new use titled "Winery" that would allow wineries to be established in certain residential zoning districts subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and rural residential zoning districts subject to approval of an Administrative Permit; and establish parking standards for the Liquor Manufacturing and Winery use types.

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural, and General Rural Agricultural zoning districts; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential zoning districts subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and rural residential zoning districts subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*)

DRAFT: July 12, 2016

at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery use types.

WHEREAS:

- A. This Board of County Commissioners desires to promote economic development relating to wineries, a newly authorized use in Washoe County enabled by the 2015 Legislature; and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 16-01 on February 2, 2016; the amendments and this ordinance were drafted by the District Attorney; the Planning Commission held a duly noticed public hearing for DCA 16-001 on March 1, 2016, and August 2, 2016, and adopted Resolution Number 16-~~XX~~ recommending adoption of this ordinance; and,
- C. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- D. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 110.302.05.3 is hereby amended to read as follows:

DRAFT: July 12, 2016

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	P	P	P	P	P	P	A	P	P	--	--	--					
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S ₂	A	A	A	A	--	--	--	--	--					
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

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

SECTION 2. Section 110.304.25 is hereby amended to read as follows:

Section 110.304.25 Commercial Use Types. Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types. All permanent commercial uses are required to operate from a commercial structure.

(aa) **Professional Services.** Professional services use type refers to establishments which provide professional services to individuals or businesses, but excludes offices servicing

walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, real estate offices, insurance offices and architectural firms.

- (bb) Recycle Center. Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles and cans. Recycle centers do not include recycle facilities existing as a part of a refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycle center use types:
 - (1) Full Service Recycle Center. Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass household recyclables and may include processing or sorting of the recyclables.
 - (2) Remote Collection Facility. Remote collection facility refers to a center for the acceptance, by redemption or purchase, of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.
 - (3) Residential Hazardous Substance Recycle Center. Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.
- (cc) Repair Services, Consumer. Repair services, consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.
- (dd) Retail Sales. Retail sales use type refers to retail sales of commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:
 - (1) Convenience. Convenience refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners and self-service laundromats.
 - (2) Specialty Stores. Specialty stores refers to establishments which provide a variety of retail or personal services needs for residents in the larger community area. Typical uses include supermarkets, super drugs stores, clothing boutiques, antiques, bookstores, furniture stores and auto parts.
 - (3) Comparison Shopping Centers. Comparison shopping centers refers to retail establishments that provide a wide variety of retail and personal services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.
- (ee) Secondhand Sales. Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time, but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.

- (ff) Transportation Services. Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.

- (gg) Winery. The Winery use type refers to a facility comprising the building(s) or space used to make wine as an alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar. A winery includes crushing of fruit, fermenting, bottling, blending, bulk and bottle storage, aging, shipping and receiving of wine making materials, laboratory equipment, associated maintenance equipment, and administrative office functions related to the operation of the winery. A winery may or may not have a vineyard associated with it and may include a public tasting room and the sale of merchandise related directly to the winery. A winery may only sell at retail by the bottle or serve by the glass, on its premises, wine produced, blended, or aged on site by the winery.

A winery may be established as a stand-alone principal use type or in combination with residential or other authorized use types. The growing of grapes for use in a winery use type or in wine making is classified as Crop Production, a separate Agricultural Use Type. Wine making in the urban, commercial or industrial regulatory zones, or in conjunction with the manufacture of other types of intoxicating liquor, is classified as Liquor Manufacturing, a separate Commercial Use Type. Any allowed winery use type requires the issuance of the appropriate Washoe County business and liquor licenses pursuant to Chapters 25 and 30 of this Code. The business license application process for an allowed winery shall include the noticing of all adjacent property owners within 500 feet of the subject parcel, homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division which have an interest in the subject parcel, and any properties that share a privately maintained access road to the subject parcel. Review and approval of a business license application to establish a winery shall include, at a minimum, review by the Washoe County Health District, the fire department of jurisdiction, and any General Improvement District with jurisdiction.

Winery with Special Events. Except in the Suburban Residential regulatory zone, a winery approved through an Administrative Permit may include, as part of the Administrative Permit application, provisions for conducting recurring special events as ancillary uses to the principal Winery use. "Special event" means an assembly of less than 100 persons on any one day of the event. Such recurring special events may include, but are not limited to, weddings, tours, promotional events, entertainment (indoor or outdoor), wine and food pairings, and craft fairs. Recurring special events proposed in conjunction with a Winery use must be included in the Administrative Permit application authorizing the Winery use. New or amended proposals for special events shall require either an amendment to the existing Administrative Permit (i.e. Amendment of Conditions) or a separate application for a Temporary Special Event Business License pursuant to Chapter 25 of this Code through the Business License division.

SECTION 3. Section 110.410.10.3 is hereby amended to read as follows:

DRAFT: July 12, 2016

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Marinas		As specified by use permit	
Outdoor Entertainment		As specified by use permit	
Outdoor Sports and Recreation		As specified by use permit	
Outdoor Sports Club		As specified by use permit	
Unlimited Gaming Facilities	8	1	
Construction Sales and Services	2 for retail and 1 for storage area		
Convention and Meeting Facilities		1	1 per seat if not associated with lodging facilities; .5 per seat otherwise
Eating and Drinking Establishments			
Convenience	10	1	
Full Service	10	1	
Financial Services	3	1	
Funeral and Internment Services			
Cemeteries		1	
Undertaking		1	1 per 3 seats
Gasoline Sales and Service Stations		1	3 per service bay (service bay not credited as required space)
Helicopter Services			
Heliport		1	5 per helicopter space
Helistop		1	5 per helicopter space
Liquor Manufacturing*			*Or as specified by use permit
Off-Premise Sales/Consumption	3	1	Minimum of 2 spaces
On-Premise Sales/Consumption	5	1	For any public tasting room, a minimum of 5 permanent spaces
Liquor Sales			
Off-Premises	4	1	
On-Premises	10	1	

Commercial Use Types (Section 110.304.25)	Spaces Required
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DRAFT: July 12, 2016

	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Lodging Services			
Bed and Breakfast Inns		1	1 per room
Hostels		1	.25 per bed
Hotels and Motels		1	1 per room
Vacation Time Shares			1.6 for 1 bedroom units, 2.1 for 2 bedroom and larger units; 1 of which must be in an enclosed garage or carport
Medical Marijuana Establishment			
Medical Marijuana Cultivation Facility		1	
Facility for the Production of Edible or Infused Marijuana Products		1	
Independent Testing Laboratory		1	
Medical Marijuana Dispensary	3	1	
Medical Services	5	1	
Nursery Sales			
Retail	3	1	
Wholesale	3	1	
Personal Services	4		
Personal Storage		1	1 loading space per unit, internal access drives may be used
Professional Services	4	1	
Recycle Center			
Full Service Recycle Center	3	1	
Remote Collection Facility			3 spaces per collective device
Residential Hazardous Substance Recycle Center	3	1	
Repair Services, Consumer	2.5	1	
Retail Sales			
Comparison Shopping Centers	3	1	
Convenience	5	1	
Specialty Stores	3	1	
Secondhand Sales	2.5	1	
Transportation Services		1	
Winery	3*	1	*Or as specified by use permit; Minimum of 2 spaces; For any public tasting room, a minimum of 5 permanent spaces

Winery with Special Events			As specified by Use Permit
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SECTION 4. 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 the 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. 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.

DRAFT: July 12, 2016

Passage and Effective Date

This ordinance was proposed on _____ by Commissioner
_____.

This ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

Kitty Jung, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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

Summary: In response to legislation passed by the 2015 Legislature (AB 4) that authorized the establishment of wineries in Washoe County, create a new use titled "Winery" that would allow wineries to be established in certain residential zoning districts subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and rural residential zoning districts subject to approval of an Administrative Permit; and establish parking standards for the Liquor Manufacturing and Winery use types.

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the

DRAFT: August 24, 2016

Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Board of County Commissioners desires to promote economic development relating to wineries, a newly authorized use in Washoe County enabled by the 2015 Legislature; and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 16-01 on February 2, 2016; the amendments and this ordinance were drafted by the District Attorney; the Planning Commission held a duly noticed public hearing for DCA 16-001 on March 1, 2016, and August 2, 2016, and adopted Resolution Number 16-13 recommending adoption of this ordinance; and,
- C. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- D. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, and therefore is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 110.302.05.3 is hereby amended to read as follows:

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	P	P	P	P	P	P	A	P	P	--	--	--					
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S ₂	A	A	A	A	--	--	--	--	--					
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

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

SECTION 2. Section 110.304.25 is hereby amended to read as follows:

Section 110.304.25 Commercial Use Types. Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types. All permanent commercial uses are required to operate from a commercial structure.

- (aa) Professional Services. Professional services use type refers to establishments which provide professional services to individuals or businesses, but excludes offices servicing walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, real estate offices, insurance offices and architectural firms.
- (bb) Recycle Center. Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles and cans. Recycle centers do not include recycle facilities existing as a part of a refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycle center use types:
 - (1) Full Service Recycle Center. Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass household recyclables and may include processing or sorting of the recyclables.
 - (2) Remote Collection Facility. Remote collection facility refers to a center for the acceptance, by redemption or purchase, of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.
 - (3) Residential Hazardous Substance Recycle Center. Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.
- (cc) Repair Services, Consumer. Repair services, consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.
- (dd) Retail Sales. Retail sales use type refers to retail sales of commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:
 - (1) Convenience. Convenience refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners and self-service laundromats.
 - (2) Specialty Stores. Specialty stores refers to establishments which provide a variety of retail or personal services needs for residents in the larger community area. Typical uses include supermarkets, super drugs stores, clothing boutiques, antiques, bookstores, furniture stores and auto parts.
 - (3) Comparison Shopping Centers. Comparison shopping centers refers to retail establishments that provide a wide variety of retail and personal services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.
- (ee) Secondhand Sales. Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time, but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.

- (ff) Transportation Services. Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.
- (gg) Winery. The Winery use type refers to a facility comprising the building(s) or space used to make wine as an alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar. A winery includes crushing of fruit, fermenting, bottling, blending, bulk and bottle storage, aging, shipping and receiving of wine making materials, laboratory equipment, associated maintenance equipment, and administrative office functions related to the operation of the winery. A winery may or may not have a vineyard associated with it and may include a public tasting room and the sale of merchandise related directly to the winery. A winery may only sell at retail by the bottle or serve by the glass, on its premises, wine produced, blended, or aged on site by the winery subject to any limitations set forth in NRS 597.240.

A winery may be established as a stand-alone principal use type or in combination with residential or other authorized use types. The growing of grapes for use in a winery use type or in wine making is classified as Crop Production, a separate Agricultural Use Type. Wine making in the urban, commercial or industrial regulatory zones, or in conjunction with the manufacture of other types of intoxicating liquor, is classified as Liquor Manufacturing, a separate Commercial Use Type. Any allowed winery use type requires the issuance of the appropriate Washoe County business and liquor licenses pursuant to Chapters 25 and 30 of this Code. The business license application process for an allowed winery shall include the noticing of all adjacent property owners within 500 feet of the subject parcel, homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division which have an interest in the subject parcel, and any properties that share a privately maintained access road to the subject parcel. Review and approval of a business license application to establish a winery shall include, at a minimum, review by the Washoe County Health District, the fire department of jurisdiction, and any General Improvement District with jurisdiction.

Winery with Special Events. Except in the Suburban Residential regulatory zone, a winery approved through an Administrative Permit may include, as part of the Administrative Permit application, provisions for conducting recurring special events as ancillary uses to the principal Winery use. "Special event" means an assembly of less than 100 persons on any one day of the event. Such recurring special events may include, but are not limited to, weddings, tours, promotional events, entertainment (indoor or outdoor), wine and food pairings, and craft fairs. Recurring special events proposed in conjunction with a Winery use must be included in the Administrative Permit application authorizing the Winery use. New or amended proposals for special events shall require either an amendment to the existing Administrative Permit (i.e. Amendment of Conditions) or a separate application for a Temporary Special Event Business License pursuant to Chapter 25 of this Code through the Business License division.

SECTION 3. Section 110.410.10.3 is hereby amended to read as follows:

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Marinas		As specified by use permit	
Outdoor Entertainment		As specified by use permit	
Outdoor Sports and Recreation		As specified by use permit	
Outdoor Sports Club		As specified by use permit	
Unlimited Gaming Facilities	8	1	
Construction Sales and Services	2 for retail and 1 for storage area		
Convention and Meeting Facilities		1	1 per seat if not associated with lodging facilities; .5 per seat otherwise
Eating and Drinking Establishments			
Convenience	10	1	
Full Service	10	1	
Financial Services	3	1	
Funeral and Internment Services			
Cemeteries		1	
Undertaking		1	1 per 3 seats
Gasoline Sales and Service Stations		1	3 per service bay (service bay not credited as required space)
Helicopter Services			
Heliport		1	5 per helicopter space
Helistop		1	5 per helicopter space
Liquor Manufacturing*			*Or as specified by use permit
Off-Premise Sales/Consumption	3	1	Minimum of 2 spaces
On-Premise Sales/Consumption	5	1	For any public tasting room, a minimum of 5 permanent spaces
Liquor Sales			
Off-Premises	4	1	
On-Premises	10	1	

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Medical Marijuana Establishment			
Medical Marijuana Cultivation Facility		1	
Facility for the Production of Edible or Infused Marijuana Products		1	
Independent Testing Laboratory		1	
Medical Marijuana Dispensary	3	1	
Medical Services	5	1	
Nursery Sales			
Retail	3	1	
Wholesale	3	1	
Personal Services	4		
Personal Storage		1	1 loading space per unit, internal access drives may be used
Professional Services	4	1	
Recycle Center			
Full Service Recycle Center	3	1	
Remote Collection Facility			3 spaces per collective device
Residential Hazardous Substance Recycle Center	3	1	
Repair Services, Consumer	2.5	1	
Retail Sales			
Comparison Shopping Centers	3	1	
Convenience	5	1	
Specialty Stores	3	1	
Secondhand Sales	2.5	1	
Transportation Services		1	
Winery	3*	1	*Or as specified by use permit; Minimum of 2 spaces; For any public tasting room, a minimum of 5 permanent spaces
Winery with Special Events			As specified by Use Permit

SECTION 4. 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 the 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. 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.

DRAFT: August 24, 2016

Passage and Effective Date

Proposed on.....(month).....(day).....(year)

Proposed by Commissioner

Passed(month).....(day).....(year)

Vote

Ayes Commissioners.....

Nays Commissioners.....

Absent Commissioners.....

Attest:

.....
Nancy Parent, County Clerk

.....
Kitty K. Jung, Chair
Washoe County Commission

This ordinance shall be in force and effect from and after the
..... day of the month of of the year

Assembly Bill No. 4—Assemblyman Hickey

CHAPTER.....

AN ACT relating to wineries; revising provisions relating to the operation of a winery in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a winery which is located in a county whose population is 100,000 or less (currently all counties other than Clark and Washoe Counties) and is federally bonded may: (1) import wine or juice from a bonded winery in another state for fermentation, mixing with other wine or aging in this State; (2) sell at retail or serve by the glass on its premises and at one other location any wine produced, blended or aged by the winery if the wine sold at that other location does not exceed a certain amount; and (3) serve any alcoholic beverage by the glass on its premises. (NRS 597.240) This bill deletes the restriction concerning the population of the county in which such a winery is located, and authorizes a winery located in any county in this State to import wine or juice for the purpose of producing, bottling, blending and aging wine. This bill imposes certain requirements concerning the percentage of wine produced, blended or aged by certain wineries that must be from fruit grown in this State. This bill also imposes certain restrictions governing the sale by a winery of wine produced by the winery and other alcoholic beverages. Additionally, this bill authorizes the State Board of Agriculture to adopt regulations relating to certain requirements established by the Federal Government for the labeling of bottles of wine.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in subsection 2 ,
~~and NRS 597.240,~~ a person engaged in business as a supplier or
engaged in the business of manufacturing, blending or bottling
alcoholic beverages within or without this State shall not:

(a) Engage in the business of importing, wholesaling or retailing
alcoholic beverages; or

(b) Operate or otherwise locate his or her business on the
premises or property of another person engaged in the business of
importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing,
wholesaling or retailing alcoholic beverages from owning less than
2 percent of the outstanding ownership equity in any organization
which manufactures, blends or bottles alcoholic beverages.



(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to NRS 597.235.

(f) Prohibit a person from operating a winery pursuant to NRS 597.240.

Sec. 2. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery ~~located in a county whose population is 100,000 or less, if it~~ that is federally bonded ~~and~~ and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that has been issued a winemaker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a ~~bonded~~ winery that is located in another state ~~and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau~~, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

~~(b)~~ 2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

~~(e)~~ (b) Serve by the glass, on its premises, any alcoholic beverage.

~~2.~~ 3. A winery that is issued a winemaker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its



premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. *The owner or operator of a winery shall not:*

(a) *Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.*

(b) *Produce, blend or age wine at any location other than on the premises of the winery.*

5. *The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.*

6. For the purposes of this section, an instructional wine-making facility is not a winery. ~~This section does not prohibit a person from operating an instructional wine-making facility in any county.~~

Sec. 3. Section 2 of this act is hereby amended to read as follows:

597.240 1. A winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that has been issued a winemaker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) ~~Sell~~ *Within the limits prescribed by subsection 3, sell* at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

3. A winery that is issued a winemaker's license pursuant to NRS 369.200 : ~~on or after October 1, 2015:~~



(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises ~~+~~ *and, if applicable, at one other location*, wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises ~~+~~ *and, if applicable, at one other location*, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 4. 1. This section and sections 1 and 2 of this act become effective on October 1, 2015.

2. Section 3 of this act becomes effective on October 1, 2025.





Planning Commission Staff Report

Meeting Date: August 2, 2016

Subject: Development Code Amendment Case Number DCA16-001

Applicant: Planning and Development Division

Agenda Item Number: 8A

Summary: To amend Washoe County Code, Chapter 110, Development Code, at Articles 302, *Allowed Uses*, Article 304, *Use Classification System*, and Article 410, *Parking and Loading* to accommodate wineries as enacted by the State Legislature.

Recommendation: Recommend approval and authorize the Chair to sign the attached resolution

Prepared by: Chad Giesinger, Senior Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3626
E-Mail: cgiesinger@washoecounty.us

Washoe County
Commission District: All Commission Districts

Description

Development Code Amendment Case Number DCA16-001 – Hearing, discussion, and possible action to amend Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled “Winery” in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled “Winery” that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types; and to make other changes necessarily connected therewith and pertaining thereto.

Staff Report Contents

Development Code Amendments 2

Background on Proposed Amendments..... 3

Proposed Amendments..... 4

Findings 7

Public Notice 8

Recommendation..... 8

Motion..... 8

Appeal Process..... 9

Attachment Contents

Resolution..... Attachment A

Assembly Bill 4..... Attachment B

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 resolution of the Washoe County Board of County Commissioners or the Washoe County Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

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 Board of County Commissioners hears all amendments recommended for approval, and amendments recommended for denial 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. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background on Proposed Amendments

The 2015 Legislature passed Assembly Bill 4 (see Attachment B), 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 could 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.

Therefore, in the interest of economic development and full implementation of Assembly Bill 4, staff is proposing to amend the Development Code to create a new “winery” use type that would be allowed in certain residential zoning districts. Allowing wineries to be established in these zoning districts will greatly increase the potential for viable winery operations, where both grape production and processing facilities can be located on the same parcel, to locate in unincorporated Washoe County.

The proposed Code amendments will also enable wineries permitted through the approval of an Administrative Permit to host recurring special events in conjunction with winery operations. Such special events could include gatherings such as weddings, food and wine pairings, and/or occasional venues with live music. Enabling recurring special events through the Administrative Use permit process would allow public notice, public review before an appointed body (i.e. the Board of Adjustment), and appropriate conditions based on the size and scope of the special events proposed.

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 Legislature (Assembly Bill 4) authorizing the establishment of wineries in Washoe County, removing the former prohibition on wineries in the county;
2. Create a new use type titled “Winery” that would be allowed in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones;
3. Require the approval of a business license (with noticing of surrounding property owners and required review by appropriate public agencies) to establish a winery in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; and, require the approval of an Administrative Permit to establish a winery in the Medium Density Suburban and Low Density Suburban regulatory zones;
4. Allow recurring special events in conjunction with a winery use as part of an approved Administrative Permit in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; and,
5. Establish parking standards for the Liquor Manufacturing and Winery commercial use types.

This staff report outlines the specific changes proposed with the code amendments. The proposed amendments are attached as Exhibit A to the resolution (Attachment A) included with this staff report.

The proposed amendments were initiated by the Washoe County Planning Commission on February 2, 2016, under Resolution 16-01 and were assigned Development Code Case Number DCA16-001. The Planning Commission previously considered related amendments at their March 1, 2016 meeting but took no action due to opposition from a group of wine enthusiasts that voiced concerns about the requirement for a Special Use Permit to establish a winery within that version of the proposed code amendments. The Planning Commission requested that staff continue working with interested parties to reach consensus on the proposed amendments/regulatory framework and then bring the matter back the Planning Commission for reconsideration. The proposed amendments outlined in this staff report represent the results of those efforts.

Proposed Amendments

The following outlines the specific changes proposed within each ordinance section. ~~Strikeout text~~ represents deleted language and **bold text** represents new language.

1. Section 1, WCC Section 110.302.05.3 *Table of Uses, Commercial Use types*:
 - a. Add a new use type to the table of uses titled “Winery” that would be allowed through the approval of a business license (with noticing of surrounding property owners and required review by appropriate public agencies) in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; and, require the approval of an Administrative Permit to establish a winery in the Medium Density Suburban and Low Density Suburban regulatory zones; and, allow recurring special events in conjunction with a winery use as part of an approved Administrative Permit in the High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones, as highlighted below:

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Retail Sales																		
Convenience	--	--	--	S ₂	A	A	A	A	--	--	--	--	--					
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

2. Section 2, WCC Section 110.304.25, *Use Classification System, Commercial Use Types*:

- a. Add new subsection (gg), *Winery* to the commercial use type definitions, as defined below:

(gg) Winery. The Winery use type refers to a facility comprising the building(s) or space used to make wine as an alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar. A winery includes crushing of fruit, fermenting, bottling, blending, bulk and bottle storage, aging, shipping and receiving of wine making materials, laboratory equipment, associated maintenance equipment, and administrative office functions related to the operation of the winery. A winery may or may not have a vineyard associated with it and may include a public tasting room and the sale of merchandise related directly to the winery. A winery may only sell at retail by the bottle or serve by the glass, on its premises, wine produced, blended, or aged on site by the winery subject to any limitations set forth in NRS 597.240.

A winery may be established as a stand-alone principal use type or in combination with residential or other authorized use types. The growing of grapes for use in a winery use type or in wine making is classified as Crop Production, a separate Agricultural Use Type. Wine making in the urban, commercial or industrial regulatory zones, or in conjunction with the manufacture of other types of intoxicating liquor, is classified as Liquor Manufacturing, a separate Commercial Use Type. Any allowed winery use type requires the issuance of the appropriate Washoe County business and liquor licenses pursuant to Chapters 25 and 30 of this Code. The business license application process for an allowed winery shall include the noticing of all adjacent property owners within 500 feet of the subject parcel, homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division which have an interest in the subject parcel, and any properties that share a privately maintained access road to the subject parcel. Review and approval of a business license application to establish a winery shall include, at a minimum, review by the Washoe County Health District, the fire department of jurisdiction, and any General Improvement District with jurisdiction.

Winery with Special Events. Except in the Suburban Residential regulatory zones, a winery approved through an Administrative Permit may include, as part of the Administrative Permit application, provisions for conducting recurring special events as ancillary uses to the principal Winery use. "Special event" means an assembly of less than 100 persons on any one day of the event. Such recurring special events may include, but are not limited to, weddings, tours, promotional events, entertainment (indoor or outdoor), wine and food pairings, and craft fairs. Recurring special events proposed in conjunction with a Winery use must be included in the Administrative Permit application authorizing the Winery use. New or amended proposals for special events shall require either an amendment to the existing Administrative Permit (i.e. Amendment of Conditions) or a separate application for a Temporary Special Event Business License pursuant to Chapter 25 of this Code through the Business License division.

3. Section 3, WCC Section 110.410.10.3, *Parking and Loading, Off-Street Parking Space Requirements, Commercial Use Types:*

- a. Amend the table at the Liquor Sales use type to insert the Liquor Manufacturing use type for the purpose of establishing parking standards where none previously existed; and, insert a new use type titled “Winery” into the table to establish parking standards, as shown and highlighted below:

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Helicopter Services			
Heliport		1	5 per helicopter space
Helistop		1	5 per helicopter space
Liquor Manufacturing*			*Or as specified by use permit
Off-Premise Sales/Consumption	3	1	Minimum of 2 spaces
On-Premise Sales/Consumption	5	1	For any public tasting room, a minimum of 5 permanent spaces
Liquor Sales			
Off-Premises	4	1	
On-Premises	10	1	

Commercial Use Types (Section 110.304.25)	Spaces Required		
	Per 1,000 Square Feet Building Space	Per Employee During Peak Employment Shift	Other
Retail Sales			
Comparison Shopping Centers	3	1	
Convenience	5	1	
Specialty Stores	3	1	
Secondhand Sales	2.5	1	
Transportation Services		1	
Winery	3*	1	*Or as specified by use permit; Minimum of 2 spaces; For any public tasting room, a minimum of 5 permanent spaces
Winery with Special Events			As specified by Use Permit

Findings

WCC Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

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.

Staff comment: The Master Plan contains numerous policies promoting land uses that support a healthy and diversified economic base (for example, see Goal Six of the Land Use and Transportation Element). The proposed amendments would expand the potential for a new economic use in Washoe County that could help diversify and grow the economy of Northern Nevada. The proposed amendments would also establish development standards and an approval process that will ensure consistency with the Master Plan and compatibility with other allowed uses in similar regulatory zones.

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.

Staff comment: One of the purposes of the Development Code as expressed in Article 918 is to promote the economic and social advantages gained from an appropriately regulated use of land resources. The proposed amendments would enable a new use of land resources (as envisioned by the state legislature) and would regulate that use appropriately, thereby promoting economic and social advantages within Washoe County.

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.

Staff comment: The proposed amendments respond to changed conditions resulting from legislation (Assembly Bill 4) passed by the 2015 Legislature that authorized the establishment of wineries in Washoe County, which were previously prohibited by state law.

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.

Staff comment: The amendments will not affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan. The potential establishment of wineries in Washoe County will not result in a substantial change in projected population nor affect the ability to plan adequately for future populations while maintaining the sustainability of natural resources. The business license and Administrative Permit approval process will address operational conditions to ensure compatibility with the policies and action programs of the Conservation Element.

Public Notice

Staff held two public workshops to discuss the proposed amendments and receive public comment. The workshops were held on February 18, 2016, from 5:00 p.m. to 6:30 p.m. and on July 25, 2016 from 5:30 p.m. to 7:00 p.m. in the Community Services Department conference rooms. All active CAB members and citizens signed up on the County's e-mail notification list were notified of the public workshop by either mail or e-mail.

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of DCA16-001, to amend Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types.

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 DCA16-001, to amend Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types. 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.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to WCC Section 110.818.25 and WCC Section 110.912.20.

Staff Report and Action Order xc: Dave Solaro, Director, CSD
 Nate Edwards, Deputy District Attorney