



Planning Commission Staff Report

Meeting Date: September 6, 2016

Subject: Development Code Amendment Case Number DCA16-005

Applicant: Planning and Development Division

Agenda Item Number: 8D

Summary: To amend Washoe County Code, Chapter 110, Articles 306 and 902 to modify regulations for the use of cargo containers as a detached accessory structure.

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

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Washoe County
Commission District: All Commission Districts

Description

Development Code Amendment Case Number DCA16-005 – Hearing, discussion, and possible action to amend Washoe County Code Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures* to update the definition of cargo containers by adding other terms by which they are commonly described and noting their original purpose as a storage and shipping vessel, to exempt cargo containers on properties sized 10 acres or larger from several existing placement and aesthetic regulations, to remove cargo container size limitations, to apply existing cargo container fencing/screening/painting requirements to all parcels under 10 acres in size, to allow for minor damage on cargo containers, to eliminate additional cargo container placement constraints on corner and through lots, to require minimum separation between cargo containers and other types of structures, to allow for multiple cargo containers to be placed side-by-side in certain circumstances, to specify if or what type of placement permit is needed for a cargo container based on parcel size, and to eliminate language addressing cargo container requirements governed by Washoe County Code Chapter 100; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to add a definition for “Cargo Container”; and other matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial.

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Development Code Amendments

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

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development Code amendments are generally initiated by resolution of the Washoe County Commission or the 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 Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background

On March 8, 2016, the Washoe County Board of Commissioners (Board) held discussion and gave policy direction to staff as to whether the Washoe County Building Code (WCC Chapter 100) and Development Code (WCC Chapter 110) should be amended. The discussion centered on the possibility of waiving, modifying, or removing existing requirements and regulations specific to cargo containers used as detached accessory structures for storage on properties with suburban and rural regulatory zones, as well as clarifying the definition of a cargo container and possibly allowing cargo containers to be placed on larger properties without a permit.

On April 26, 2016, the Board initiated an amendment to the Development Code to create definitions and exceptions to the requirements for permitting cargo containers used as detached accessory structures for storage and directed staff to incorporate policy direction provided by the Board at their March 8, 2016 meeting. These amendments were initiated pursuant to WCC Section 2.030.

The proposed amendments are attached as Exhibit A-1 to the resolution (Exhibit A). The updates focus on modifying regulations for the placement of cargo containers on properties with suburban and rural regulatory zones, including easing aesthetic and permitting requirements on larger properties.

Proposed Amendments

The proposed amendments modify Development Code regulations within Article 306, *Accessory Uses and Structures* and Article 902, *Definitions* and include the changes identified below. Significant changes were made to the initial draft ordinance in response to public feedback received – those areas are noted where applicable.

Article 306, Accessory Uses and Structures - Section 110.306.10(g)

- Updates the types of containers subject to the cargo container regulations.
- Re-organizes the sub-section on cargo containers to establish two clear sets of regulations: one that applies to all cargo containers; and one that applies to cargo containers on parcels smaller than 10 acres in size.
- Removes the current cargo container size limitations to accommodate longer “super-containers” that meet the updated definition of a cargo container.

Note: This update is a result of public feedback and is in recognition that the refined definition renders a size limitation unnecessary.

- Modifies overall regulations for parcels that are 10 acres or larger by eliminating several of the previously applicable regulations related to cargo container placement and exterior appearance. Also eliminates the requirement for a cargo container placement permit for parcels over 10 acres.

Note: The 10-acre threshold and related changes are a compromise borne from feedback by public workshop attendees who requested that no cargo container regulations apply to larger properties. This portion also reflects general policy direction from the Board.

- Updates the requirement for minimum separation between cargo containers and other structures to be applicable to all cargo containers (not just those located within 100 feet of a property line).

- Allows for cargo containers to be placed immediately adjacent to each other in small groupings of no more than 4 containers as long as such groupings are at least 20-feet from other structures (to include other individual or grouped cargo containers).

Note: The distance requirements for this update are safety-related and based on a recommendation from the Truckee Meadows Fire Protection District's Fire Marshal.

- Establishes permit thresholds as follows:
 - Parcels sized 10 acres or more: No permit needed, but still need to abide by applicable regulations.
 - Parcels over 1 acre and less than 10 acres: over-the-counter permit issued upon written acknowledgement of applicable regulations.
 - Parcels 1 acre or less: Standard cargo container placement permit reviewed by applicable agencies.
- Updates requirements so that cargo containers on any parcel less than 10 acres in size are located within a fenced area, screened by existing solid vegetation, or painted a solid, muted color.
- Clarifies that cargo containers must be free from "severe" damage and eliminates the prohibition on exposed bare metal.

Note: This update is a result of public feedback and is intended to recognize that cargo containers are often re-purposed items that may have incurred minor damage while in use as shipping vessels.

- Eliminates the current requirement for cargo containers to be placed at least 75 feet from all roadways on lots with more than one street frontage.
- Eliminates language addressing requirements of the Building and Safety Division, as that is governed by WCC Chapter 100.
- Other minor updates that address typographical errors or inconsistencies in the current code language.

Article 902, Definitions

- Adds a definition for "cargo container."

Other Considerations

Grandfathering Existing Cargo Containers (Legal Nonconformance)

Several questions have arisen regarding how existing cargo containers are to be treated in light of the proposed code changes. Since the proposed amendments largely ease current regulations, this is not anticipated to be a significant issue. However, any existing cargo containers that were legally established at the time of placement but do not comply with new regulations will be subject to Article 904, *Nonconformance* and the limitations and requirements established therein.

Related Updates to Washoe County Building Code

Related updates for cargo containers have also been initiated for Washoe County's Building Code (WCC Chapter 100). These include exempting cargo containers on parcels 10 acres or larger from a building permit, and initiating an administrative permit for parcels over one acre and smaller than 10 acres in size. It is currently anticipated that amendments to the

Development Code and the Building Code will be heard by the Washoe County Board of Commissioners on the same date.

The 10-Acre Threshold

As proposed, the amendments will significantly reduce aesthetic, placement and permitting requirements for cargo containers on all parcels sized 10 acres or larger. This change reflects general Board direction, but is also in direct response to feedback received from participants in the public workshop on this topic. The majority of workshop attendees sought to eliminate cargo container regulations entirely on larger properties. However, staff believes it is necessary for some basic regulations to apply to all property sizes, such as those related to setbacks, structure separation, stacking of cargo containers, plumbing, restrictions as an Agricultural Building as a main use, and permitting requirements for electrical wiring.

As part of its overall review of these amendments, the Planning Commission is asked to consider whether the proposed parcel size threshold is appropriate, and whether more or fewer regulations should apply to parcels of all sizes.

Public Workshop and Notice of Hearing

Staff arranged for a public workshop and open house to discuss the proposed amendments and to receive public comment. The workshop was held on August 3, 2016 from 4:30 p.m. to 6 p.m. All active Citizen Advisory Board members and citizens signed up for the County's District email notification list were invited to the workshop and open house via email on July 27, 2016. Several members of the public attended to inquire about the proposed changes. The list below summarizes questions and comments received at the workshop and through other methods:

- Several workshop attendees expressed a preference for the entire cargo container ordinance to be repealed.
- Similarly, some argued for eliminating any regulations for non-permanent structures or structures defined as personal property by the Washoe County Assessor.
- Many argued for no cargo container regulations on large properties.
- It was stated that some regulations would be acceptable as long as the focus is on public safety.
- A request was made to allow for some damage, rust and bare metal on cargo containers.
- A request was made to eliminate any requirement related to separating cargo containers from other structures.
- An opinion was expressed that cargo containers should be able to be painted any color desired by the owner.
- Comments were made that existing containers should be grandfathered in.
- A request was made for the Board of County Commissioners' public hearing time to be later in the day.
- A comment was made that current code size limitations will not allow for larger "super-containers" to be used.
- An email was received stating that cargo containers should not be allowed at all on residential property smaller than 10 acres.
- An email was received asking how existing illegal containers in the County will be addressed and what the enforcement plan will be.

Two written comment sheets were provided by workshop attendees, and comments were received via email from three members of the public. Those have been attached to this staff report as Exhibit C. It should be noted that prior to the workshop, some misinformation had been distributed about the County proposing to increase taxes on cargo containers. To clarify, this

amendment focuses on modifying cargo container regulations, and does not relate to taxing such containers.

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the Reno Gazette-Journal 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 proof of notification can be provided if requested.

Findings

Washoe County Code 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 establishes policies governing uses on properties in Washoe County, which are then regulated through the Development Code. These specific amendments are in alignment with appropriate Master Plan policies and will modify regulations addressing the placement of cargo containers on properties in the County.

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: The proposed amendments focus largely on easing aesthetic and permitting requirements for cargo containers on larger properties. In instances where a full cargo container placement permit is not required to place the cargo container, the property owner will still be responsible for ensuring it meets applicable regulations and does not violate health and safety requirements (ex. placing it over a leach field, in an access easement, in a drainage channel, etc.). Requiring all cargo containers to meet setback requirements also helps ensure that the purpose of the Development Code is maintained as enumerated in WCC Section 110.918.10, especially in terms of subsection (c), which calls for the provision of light and air for all buildings.

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 allows for a more desirable utilization of land within the regulatory zones.

Staff comment: The Board of County Commissioners provided policy direction to staff to ease regulations and permitting requirements for cargo containers in Washoe County. The proposed amendments reflect this direction, as well as much of the feedback that was received during the public workshop.

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 relate to the use, aesthetics, placement and permitting of cargo containers and do not adversely affect the policies and action programs of the Conservation or Population Elements of the Washoe County Master Plan.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of DCA16-005, to amend Washoe County Chapter 110 (Development Code) within Articles 306 and 902. The following motion is provided for your consideration:

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of DCA16-005, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306 and 902 as identified in Exhibit A-1. I further move to authorize the Chair to sign the resolution contained in Exhibit 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 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 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.

Appeal Process

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

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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AMENDMENTS (DCA16-005) TO THE WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 306, ACCESSORY USES AND STRUCTURES, AT SECTION 110.306.10, DETACHED ACCESSORY STRUCTURES, TO UPDATE THE DEFINITION OF CARGO CONTAINERS BY ADDING OTHER TERMS BY WHICH THEY ARE COMMONLY DESCRIBED AND NOTING THEIR ORIGINAL PURPOSE AS A STORAGE AND SHIPPING VESSEL, TO EXEMPT CARGO CONTAINERS ON PROPERTIES SIZED 10 ACRES OR LARGER FROM SEVERAL EXISTING PLACEMENT AND AESTHETIC REGULATIONS, TO REMOVE CARGO CONTAINER SIZE LIMITATIONS, TO APPLY EXISTING CARGO CONTAINER FENCING/ SCREENING/ PAINTING REQUIREMENTS TO ALL PARCELS UNDER 10 ACRES IN SIZE, TO ALLOW FOR MINOR DAMAGE ON CARGO CONTAINERS, TO ELIMINATE ADDITIONAL CARGO CONTAINER PLACEMENT CONSTRAINTS ON CORNER AND THROUGH LOTS, TO REQUIRE MINIMUM SEPARATION BETWEEN CARGO CONTAINERS AND OTHER TYPES OF STRUCTURES, TO ALLOW FOR MULTIPLE CARGO CONTAINERS TO BE PLACED SIDE-BY-SIDE IN CERTAIN CIRCUMSTANCES, TO SPECIFY IF OR WHAT TYPE OF PLACEMENT PERMIT IS NEEDED FOR A CARGO CONTAINER BASED ON PARCEL SIZE, AND TO ELIMINATE LANGUAGE ADDRESSING CARGO CONTAINER REQUIREMENTS GOVERNED BY WASHOE COUNTY CODE CHAPTER 100; WITHIN ARTICLE 902, DEFINITIONS AT SECTION 110.902.15, GENERAL DEFINITIONS TO ADD A DEFINITION FOR “CARGO CONTAINER”; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 16-14

WHEREAS

- A. Development Code Amendment Case Number DCA16-005 was initiated by the Washoe County Board of Commissioners on April 26, 2016 pursuant to WCC Section 2.030; and
- B. The proposed Development Code amendment came before the Washoe County Planning Commission for a duly noticed public hearing on September 6, 2016; and
- C. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- D. A public workshop was held August 3, 2016 in order to seek feedback from the public regarding the proposed Development Code amendment; and
- E. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code amendment; and

F. 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 DCA16-005:

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 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.

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 DCA16-005, an amendment to the Washoe County Code at Chapter 110 (Development Code) within Articles 306 and 902, as described above and set forth in Exhibit A-1; and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of Commissioners within 60 days of this resolution's adoption date.

ADOPTED on September 6, 2016.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr., AICP, Secretary

James Barnes, Chair

DRAFT: August 23, 2016

DCA16-005

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: Updates the definition of cargo containers; provides more flexibility on the placement and appearance of cargo containers on larger properties; applies existing screening and painting requirements to all parcels under 10 acres in size; allows for several cargo containers to be placed side-by-side; specifies the type of cargo container placement permit needed based on parcel size; and other related matters.

BILL NO. _____

ORDINANCE NO. _____

TITLE:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures* to update the definition of cargo containers by adding other terms by which they are commonly described and noting their original purpose as a storage and shipping vessel, to exempt cargo containers on properties sized 10 acres or larger from several existing placement and aesthetic regulations, to remove cargo container size limitations, to apply existing cargo container fencing/screening/painting requirements to all parcels under 10 acres in size, to allow for minor damage on cargo containers, to eliminate additional cargo container placement constraints on corner and through lots, to require minimum separation between cargo containers and other types of structures, to allow for multiple cargo containers to be placed side-by-side in certain circumstances, to specify if or what type of placement permit is needed for a cargo container based on parcel size, and to eliminate language addressing cargo container requirements governed by Washoe County Code Chapter 100; within Article 902, Definitions at Section 110.902.15, General Definitions to add a definition for "Cargo Container"; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS :

- A. Pursuant to Washoe County Code (WCC) 2.030, the Washoe County Commission initiated the proposed amendments to WCC Chapter 110, Development Code, on April 26, 2016; the amendments and this ordinance were drafted in conjunction with the District Attorney; the Planning Commission held a duly noticed public hearing for DCA16-005 on September 6, 2016, and adopted Resolution Number 16-14 recommending adoption of this ordinance; and
- B. 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
- C. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, and is therefore 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 110.306.10(g) is hereby amended to read as follows:

- (g) Cargo Containers, to include Intermodal Containers, Sea-land Containers, ISO Containers, and Conex Boxes-Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use. Cargo containers **originally** designed and constructed as a standardized, reusable **storage and shipping** vessel to be loaded on a truck, rail car or ship may be established as a detached accessory structure for the sole purpose of storage ~~with the following restrictions:~~ **subject to the provisions below.**

(1) All cargo containers must adhere to the following regulations:

- (i) ~~(4)~~ Must meet all Washoe County placement standards for a detached accessory structure;
- (ii) **Shall not include plumbing fixtures;**
- (iii) **Shall not be stacked; except in the Commercial and Industrial land use designations, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure;**
- (iv) **Shall be separated from any other structure or storage shed by a minimum of ten feet, with the following exception:**
 - a. **Cargo containers may be placed side-by-side, with no separation between the individual containers, up to a maximum grouping of four containers where more than one cargo container is allowed on a property. Any such grouping of containers shall be a minimum of 20 feet from any other structure, storage shed, or other cargo container(s).**

- (v) Shall not be established as an Agricultural Building as a Main Use pursuant to Article 330, Domestic Pets and Livestock, of this Development Code;
 - (vi) Shall obtain an appropriate permit from the Building and Safety Division if the cargo container is over the allowable exempted square footage as established in Article 105, Permits, of WCC Chapter 100, and if required based on the following thresholds:
 - a. Parcels one acre or less in size: Standard cargo container placement permit, reviewed by all applicable agencies.
 - b. Parcels over one acre and less than ten acres in size: Over-the-counter permit issued with the owner/applicant providing written acknowledgement of applicable regulations.
 - c. Parcels ten acres or more: No permit needed, but still need to abide by applicable regulations.
 - (vii) Any electrical wiring shall require a building permit from the Building and Safety Division.
- (2) Cargo containers placed on parcels less than ten acres in size must also adhere to the following regulations:
- (i) ~~(2)~~ Only one cargo container shall be allowed on a parcel of land having less than five acres in size. **Parcels of five acres or larger are not limited to a specific number of containers;** ~~and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;~~
 - (ii) ~~(3)~~ In the Suburban and Urban Regulatory Zones, ~~t~~The cargo container shall be:
 - a. ~~(i)~~ Located within an area fenced by either a six foot high slatted chain link fence, wooden fence or other durable and opaque fencing, or
 - b. ~~(ii)~~ Located within an area screened by existing solid vegetation having a minimum height of six feet. If existing landscaping is used as screening, it shall be indicated on the building plans and photos shall be submitted as evidence; or
 - c. ~~(iii)~~ Painted one, solid, muted color that blends with the surrounding vegetation, or structures or topography.
 - (iii) ~~(4)~~ All cargo containers shall be free from **severe** damage, shall not be structurally altered, **and** shall be free from severe rust, ~~and shall not have exposed bare metal;~~
 - ~~(5)~~ Shall not include plumbing fixtures;
 - ~~(6)~~ Shall not be stacked; ~~except in the Commercial and Industrial land use designations, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure;~~
 - (iv) ~~(7)~~ Shall not display off-premise advertising, company logos, names, or other markings painted on, or otherwise attached to, the exterior of the cargo container;
 - (v) ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;
 - (vi) ~~(9)~~ Shall not be placed between a residence and the adjoining street or road right-of-way that provides primary access to the residence;
 - a. ~~(i)~~ On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and Development Division shall have the authority to determine the primary access to the residence.
 - ~~(10)~~ When placed on a parcel fronted by two or more street or road right-of ways, shall be placed at least one 75 feet from all street or road right-of ways, ~~excepts as provided for in (9), above.~~

- ~~(i) The Director of the Planning and Development Division shall have the authority to allow a minor deviation in setbacks of up to 25 feet to the standards in (10) above, when the Director is presented with sufficient evidence that the proposed cargo container will be aesthetically enhanced to blend with the surrounding residences.~~
- ~~(ii) Aesthetic enhancements, as required in (i) above shall consist of one or more of the following: siding and/or painting to match the residence on the parcel; landscaping to obscure the cargo container from view from off-site; placement of the cargo container to obscure view from off-site; other techniques as proposed by the applicant and acceptable to the Director.~~
- ~~(iii) Approval of a minor deviation to setback standards in (10) above shall be by means of application for a Director's Modification of Standards.~~
- ~~(11) Shall be separated from any other structure, storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line.;~~
- ~~(vii) (12) A cargo container may be allowed in a Commercial or Industrial land use regulatory zone for storage purposes if there is a lawful, principal established use on the property where it is located, is located to the rear of any principal use, is not located adjacent to a street, does not impact required parking, and is located behind a slatted chain link fence, wooden fence or other acceptable fencing having a minimum height of eight feet, or existing solid vegetation having a minimum height of eight feet.~~
- ~~(13) Shall obtain an appropriate permit from the Building and Safety Division if the cargo container is over the allowable exempted square footage as established in Article 105, Permits, of Chapter 100 of this Code; and~~
- ~~(14) The Building and Safety Division may additionally require foundations, tie-downs or other safety apparatus to assure compliance with wind load and other safety standards. Any electrical wiring shall require a building permit from the Building and Safety Division.~~
- ~~(15) Shall not be established as an Agricultural Building as a Main Use pursuant to Article 330, Domestic Pets and Livestock, of this Development Code.~~

SECTION 2. Section 110.902.15 is hereby amended to add a definition for "Cargo Container" as follows:

Cargo Container. "Cargo Container" means an Intermodal Container, Sea-land Container, ISO Container, or Conex Box that is not designed for independent or "In-tow Trailer" highway use, and that was originally designed and constructed as a standardized, reusable storage and shipping vessel to be loaded on a truck, rail car or ship.

SECTION 3. 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.

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 from and after the _____ day of the month of _____ of the year _____ as set forth in NRS 244.100.

Kitty K. Jung, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk



WASHOE COUNTY

"Dedicated To Excellence in Public Service"
www.washoecounty.us

EXHIBIT B

CM/ACM KS
Finance DW
DA ✓
Risk Mgt. N/A
Comptroller CH
Clerk CS

STAFF REPORT BOARD MEETING DATE: April 26, 2016

DATE: March 30, 2016

TO: Board of County Commissioners

FROM: Dave Solaro, Arch., P.E., Director
Community Services Department, 328-3600, dsolaro@washoecounty.us

THROUGH: Nancy Parent, Washoe County Clerk on behalf of the Community Services Department

SUBJECT: Discussion and possible action to do the following: (1) initiate amendments to Washoe County Code Chapter 100 (Washoe County Building Code), cargo containers and agricultural hoop houses, by adding new definitions and by specifying that the Building Code does not apply to certain cargo containers used for storage on residential properties and agricultural hoop houses, as well as any other amendments necessarily connected therewith and pertaining thereto; (2) initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code), cargo containers and agricultural hoop houses, by adding new definitions and by specifying where certain cargo containers used for storage on residential properties and agricultural hoop houses are allowed without permits, as well as any other amendments necessarily connected therewith and pertaining thereto; (3) incorporate policy direction related to these amendments that was provided by the Washoe County Board of Commissioners on March 8, 2016; and (4) direct the County Clerk to submit the request to appropriate county personnel and the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040. (All Commission Districts.)

SUMMARY

The Community Services Department, through the County Clerk, requests (pursuant to Washoe County Code 2.030) to initiate proceedings to amend Washoe County Code Chapter 100 (Washoe County Building Code) and Chapter 110 (Washoe County Development Code) by creating definitions and exceptions to the requirements for permitting cargo containers used for storage on residential properties and agricultural hoop houses.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

AGENDA ITEM #

13

DCA16-005
EXHIBIT B

PREVIOUS ACTION

On March 8, 2016, the Board of County Commissioners (Board) held discussion and gave policy direction to staff as to whether Washoe County Code Chapter 100 (Washoe County Building Code) and Washoe County Code Chapter 110 (Washoe County Development Code) should be amended to waive or remove existing requirements specific to cargo containers used for storage on residential properties and agricultural hoop houses, including the following: clarifying the definition of a cargo container, adding a specific definition of an agricultural hoop house structure, possibly allowing cargo containers without a permit for installation or use, and possibly exempting agricultural hoop house structures from the requirements of the building code.

On October 27, 2015, the Board amended Washoe County Code (WCC) Chapter 110 for certain provisions related to Cargo Containers and gave direction to review WCC for Cargo Containers and permitting.

On February 10, 2015, the Board approved more than two hours of staff time to initiate a review of Chapter 110 related to cargo containers and temporary uses.

BACKGROUND

Pursuant to Washoe County Code (WCC) section 2.030, amendments to the Washoe County Code must be initiated by a request from the head of a department of the County to the County Clerk. Upon receiving the request, the County Clerk, under WCC 2.040, places the request on an agenda for consideration by the Board who would consider the request (and may hear testimony from the proposer or any other person regarding the proposed changes), and by a majority vote of the members present at the meeting, may approve the request with any changes the Board desires. If approved, the Board would then direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, and, under WCC 2.050, when the District Attorney has completed the proposed ordinance the County Clerk would put the proposed ordinance on the agenda for the next regularly scheduled meeting of the Board in accordance with the adoption procedures set out in NRS 244.100.

As indicated in the attached letter, the Community Services Department has requested an amendment to the Washoe County Code Chapter 100 (Washoe County Building Code) and Chapter 110 (Washoe County Development Code) by creating definitions and exceptions to the requirements of the code for permitting cargo containers used for storage on residential properties and agricultural hoop houses.

FISCAL IMPACT

The proposed code changes are not expected to increase costs. This ordinance is exempt from the Business Impact Statement pursuant to NRS 237.060 (2)(c).

RECOMMENDATION

It is recommended that the Board of County Commissioners approve a request to initiate proceedings to amend Washoe County Code Chapter 100 (Washoe County Building Code), by creating definitions and exceptions to the requirements in the building code for

permitting cargo containers used for storage on residential properties and agricultural hoop houses; to amend Washoe County Code Chapter 110 (Washoe County Development Code) to create definitions and exceptions to the requirements for permitting cargo containers used for storage on residential properties and agricultural hoop houses; to incorporate policy direction provided by the Washoe County Board of Commissioners on March 8, 2016; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve a request to initiate proceedings to amend Washoe County Code Chapter 100 (Washoe County Building Code), by creating definitions and exceptions to the requirements in the building code for permitting cargo containers used for storage on residential properties and agricultural hoop houses; to amend Washoe County Code Chapter 110 (Washoe County Development Code) to create definitions and exceptions to the requirements for permitting cargo containers used for storage on residential properties and agricultural hoop houses; to incorporate policy direction provided by the Washoe County Board of Commissioners on March 8, 2016; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040."



Washoe County COMMUNITY SERVICES DEPARTMENT

April 26, 2016

Nancy Parent
Washoe County Clerk
P.O. Box 11130
Reno, NV 89520

RE: Request to initiate proceedings to amend the Washoe County Code (Chapter 100- Washoe County Building Code, and Chapter 110 – Washoe County Development Code)

Dear Ms. Parent,

In accordance with WCC 2.030, I request that you initiate proceedings to amend Washoe County Code Chapter 100 (Washoe County Building Code) and Chapter 110 (Washoe County Development Code) by creating definitions and exceptions to the requirements of the code for permitting cargo containers used for storage on residential properties and agricultural hoop houses.

Included is a proposed staff report requesting that the Board of County Commissioners approve the request and instruct you to direct the District Attorney to prepare a code amendment.

Respectfully,

A handwritten signature in black ink, appearing to read "David M. Solaro".

David M. Solaro
Director

PUBLIC WORKSHOP

Development Code Amendment Case No. DCA16-005 (Cargo Containers) and
Case No. DCA16-006 (Hoop Houses/High Tunnels)

COMMENT SHEET

Please provide below ANY comments you may have. Your comments are a valuable source of information and are greatly appreciated. If necessary, feel free to take comment sheets home with you. Should a comment occur to you later, simply mail or email the sheet using the information provided below.

Topic: Cargo Containers Hoop Houses/High Tunnels

Comments: I am completely opposed to the existing and the proposed amendments to any form of regulations on the use of Cargo Containers & hoop houses. Both of these buildings are Personal Property and should not be regulated.

I am completely in favor of the Board of Commissioners having a "Policy Discussion" "to Regulate in any way" Cargo Containers within Washoe County therein repealing any existing or any future regulations on Cargo Containers & hoop houses.

Contact Information (optional):

Name and Address: Nanette Eaton
4790 Caughlin Pkwy #716 Reno NV 89519
Phone: 7752196632
Email: NVRealEstate1@msn.com

Deliver in Person:
Washoe County Planning and Development
1001 E. Ninth Street, Reno
Bldg. A, Second Floor, far end of hall
Attn: Kelly Mullin

Deliver by Mail:
Washoe County Planning and Development
Attn: Kelly Mullin
Post Office Box 11130
Reno, NV 89520-0027

Deliver by eMail: kmullin@washoecounty.us

PUBLIC WORKSHOP

Development Code Amendment Case No. DCA16-005 (Cargo Containers) and
Case No. DCA16-006 (Hoop Houses/High Tunnels)

COMMENT SHEET

Please provide below ANY comments you may have. Your comments are a valuable source of information and are greatly appreciated. If necessary, feel free to take comment sheets home with you. Should a comment occur to you later, simply mail or email the sheet using the information provided below.

Topic: Cargo Containers

Hoop Houses/High Tunnels

Comments: _____

*Hoop Houses - owner is responsible for their
Hoop House Construction and any damage
it causes to neighbors.*

*Cargo Containers - Personal Property For Storage,
Set back from Property lines for Safety
and reasonable distance from Bldgs for
Fire Safety.
Apply Regs. from this date Forward.
Grandfather in existing placements.*

Contact Information (optional):

Name and Address: _____

J.C. BRADBERRY

Phone: _____

775-720-8906.

Email: _____

Jim BobCATWORK@9-mail.com.

Deliver in Person:

Washoe County Planning and Development
1001 E. Ninth Street, Reno
Bldg. A, Second Floor, far end of hall
Attn: Kelly Mullin

Deliver by Mail:

Washoe County Planning and Development
Attn: Kelly Mullin
Post Office Box 11130
Reno, NV 89520-0027

Deliver by eMail: kmullin@washoecounty.us

From: sfdlee@aol.com
To: [Mullin, Kelly](#)
Subject: Re: Washoe County is seeking public input on cargo containers and hoop houses
Date: Friday, July 29, 2016 8:51:03 PM

I am opposed to these units being allowed residential areas with less than 10 ac. Of property . I think they are an eyesore and don't fit into residential areas of the county as storage presently in the county owners of these storage containers don't even remove the writing on the sides. I would of thought there would of already been a zoning ord restricting these containers in the county and the county has chose not to enforce the present laws Lee Leighton 9335 Ogden Trail dr. 7754251144

Sent from my iPad

On Jul 27, 2016, at 10:45 AM, Washoe County <email@sp43.com> wrote:



Having trouble viewing this email? [View in browser](#)

[washoe county header](#)



[Washoe County is seeking public input on cargo containers and hoop houses](#)

Community Services Department hosting workshop & open house
Wednesday, Aug. 3. [Read the full announcement](#)

[More announcements](#)

Share this email



We hope you find Washoe County's announcements to be valuable information. However, if you'd rather not receive these notices, you may opt out at any time. [Unsubscribe](#) from future emails. Our mailing address is: Washoe County
P.O. Box 11130, Reno, NV 89520.

From: [Bridget Ryan](#)
To: [Solaro, David](#)
Cc: [Mullin, Kelly](#); [David Parker](#)
Subject: Cargo containers
Date: Wednesday, July 27, 2016 3:34:30 PM

I just received a notice of meeting next wednesday regarding proposed regulations allowing for cargo containers on residential property in the county. I am unable to attend the meeting but want to express my opposition to this proposal.

Please advise what I need to do to get my opposition in the public comment.

Many thanks
Bridget Ryan
David Parker
4135 Latigo Drive
Reno, NV 89519

From: [Debbie](#)
To: [Mullin, Kelly](#)
Subject: Tax on cargo
Date: Tuesday, August 02, 2016 7:45:29 PM

Absolutely not. This is ridiculous. It's not a home or live able. Debbie Compton.