



WASHOE COUNTY

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CM/ACM	<u>CS</u>
Finance	<u>DN</u>
DA	<u>NE</u>
Risk Mgt.	<u>N/A</u>
HR	<u>N/A</u>
Clerk	<u>CS</u>

STAFF REPORT BOARD MEETING DATE: October 11, 2016

DATE: September 21, 2016

TO: Board of County Commissioners

FROM: Dave Solaro, Architect, P.E., Director,
Community Services Department, 328-3624, dsolaro@washoecounty.us

THROUGH: Kevin Schiller, Assistant County Manager

SUBJECT: Discussion, possible further direction to staff, and possible action to introduce and conduct a first reading of an ordinance amending 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 over 1 acre in size 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 1 acre or less 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 foundations, tie-downs or other safety apparatuses already 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.

And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for November 15, 2016. (All Commission Districts.)

SUMMARY

Discussion and possible action to provide further direction to staff and/or introduce and conduct a first reading of an ordinance amending the Washoe County Development Code within Articles 306 and 902 to modify standards related to cargo containers used as detached accessory structures.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

AGENDA ITEM # 13

PREVIOUS ACTION

On September 6, 2016, the Washoe County Planning Commission voted unanimously to recommend approval of Development Code Amendment DCA16-005, subject to specific modifications identified in the Background section below.

On April 26, 2016, the Board of County Commissioners (Board) initiated an amendment to Washoe County Code (WCC) Chapter 110 (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.

On March 8, 2016, the Board gave policy direction to staff to amend the Washoe County Building Code and Development Code. Discussion centered around possibly waiving, modifying, or removing existing requirements for cargo containers used as detached accessory structures on properties with suburban and rural regulatory zones, as well as possibly allowing cargo containers to be placed on larger properties without a permit.

On October 27, 2015, the Board amended the Development Code for provisions related to cargo containers and gave direction to review Washoe County Code for cargo containers and permitting.

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

BACKGROUND

Amendments Presented to Planning Commission

Per the Board's direction, staff drafted an amendment to the Development Code updating standards for cargo containers used as detached accessory structures. The proposed changes focused on identifying how existing cargo container requirements could be waived, modified or removed, especially for larger properties. The overall intent was to update the standards while also easing placement, permitting and aesthetic requirements for larger parcels.

To accomplish this goal, thresholds were proposed for which standards would vary based on parcel size. In the draft language presented to the Planning Commission, this was accomplished through two methods:

1. Re-organize the existing Code section to establish two sets of standards:
 - One set would apply to all cargo containers (ex. following standard setbacks, not allowing stacked containers, no plumbing fixtures, etc.)
 - One set would apply additional aesthetic and placement standards to cargo containers on parcels smaller than 10 acres (requiring they be screened or painted a muted color, not being placed between a home and the street, etc.)
2. Establish the following permit thresholds:

- 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.

Additional changes were also proposed to the existing standards, as detailed in the staff report to the Planning Commission, dated August 23 (Attachment C).

Changes Requested by Planning Commission

On September 6, 2016, the Washoe County Planning Commission held a public hearing regarding the proposed changes, heard public testimony and voted unanimously to recommend approval of the draft, subject to the following modifications:

1. Require a placement permit only on parcels one acre or less in size;
2. Not require a placement permit for parcels larger than one acre in size, although standards applicable to all cargo containers would still need to be followed; and
3. Apply the additional aesthetic and placement standards only to cargo containers on parcels sized one acre or less (proposed as Section 110.306.10(g)(2) in Attachment B);

Attachment B details the language of the proposed amendments, including changes recommended by the Planning Commission.

FISCAL IMPACT

No fiscal impacts are anticipated.

RECOMMENDATION

It is recommended that the Board discuss the proposed amendments and determine whether further direction to staff is needed, especially in terms of the parcel size threshold for standards related to aesthetics, placement and permitting of cargo containers.

If the Board chooses to also introduce and conduct a first reading of the amendment, it is further recommended that the Board set the public hearing for second reading and possible adoption of the ordinance for November 15, 2016.

POSSIBLE MOTION

Should the Board wish to introduce and conduct a first reading of the amendment, a possible motion would be:

“Move to introduce Bill Number (insert bill number as provided by the County Clerk) and to set the public hearing and second reading of the Ordinance for possible adoption during the meeting of November 15, 2016.”

- Attachments:
- A. Planning Commission Resolution 16-14
 - B. Working copy of amendments, with Planning Commission changes
 - C. DCA16-005 Planning Commission staff report, dated August 23, 2016
 - D. DRAFT Minutes of the September 6, 2016 Planning Commission



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL, CONDITIONED UPON THE INCLUSION OF CERTAIN MODIFICATIONS REFERENCED BELOW, 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. The Washoe County Planning Commission recommended approval of the amendment with the following modifications: (1) require a placement permit on parcels one acre or less in size; (2) not require a placement permit for parcels larger than one acre in size, although those parcels must still follow regulations applicable to all cargo containers; and (3) cargo containers on parcels one acre or less in size must adhere to the additional regulations proposed as Section 110.306.10(g)(2) in Exhibit A-1; and

G. 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, with the modifications identified above:

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 WITH MODIFICATIONS 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.

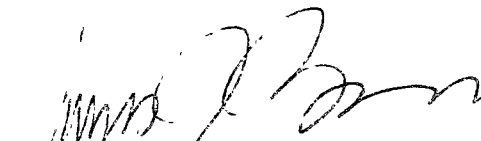
ADOPTED on September 6, 2016.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Carl R. Webb, Jr., AICP, Secretary



James Barnes, Chair

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 properties over 1 acre in size; applies existing screening and painting requirements to cargo containers on all parcels 1 acre or less in size; allows for several cargo containers to be placed side-by-side; specifies if a cargo container placement permit is 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 over 1 acre in size 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 1 acre or less 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 foundations, tie-downs or other safety apparatuses already 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 with modifications; 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) ~~(1)~~ Must meet all Washoe County placement standards for a detached accessory structure;
- (ii) ~~(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;~~
- (iii) **Shall not include plumbing fixtures;**
- (iv) **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;**
- (v) **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).

- (vi) Shall not be established as an Agricultural Building as a Main Use pursuant to Article 330, Domestic Pets and Livestock, of this Development Code;
 - (vii) 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: No permit needed, but still need to abide by applicable regulations.
 - (viii) Any electrical wiring shall require a building permit from the Building and Safety Division.
 - (ix) 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 height of eight feet, or existing solid vegetation having a minimum height of eight feet.
- (2) Cargo containers placed on parcels one acre or less in size must also adhere to the following regulations:
- (i) ~~(3) In the Suburban and Urban Regulatory Zones,~~ 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.~~
 - (ii) ~~(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;~~
 - (iii) ~~(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;~~
 - (iv) ~~(8) Shall not occupy any required off-street parking spaces for the site;~~
 - (v) ~~(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.;~~
- ~~(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.

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

Proposed by Commissioner _____.

Passed _____ (month) _____ (day), _____ (year).

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

Attest:

County Clerk

Chair of the Board

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



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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Initiation Staff Report to Board of County Commissioners, Dated March 30, 2016Exhibit B

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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 sub-section (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.

DRAFT: August 23, 2016

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) ~~(1)~~ 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, 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, except 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

STAFF REPORT BOARD MEETING DATE: April 26, 2016

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

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: Nichelle Carter
4790 Caughlin Pkwy #716 Reno NV 89519
Phone: 775.219.6632
Email: NRealtor1@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.
Judg this in existing placements.*

Contact Information (optional):

Name and Address: *J.C. BRADBURY*

Phone: *775-720-8906*

Email: *Jim Bobcat Work @ g-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](#)

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P.O. Box 11130, Reno, NV 89520.

**DCA16-005
EXHIBIT C**

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.

From: callosireno@charter.net
To: [Solaro, David](#); [Mullin, Kelly](#)
Subject: Article 306
Date: Tuesday, September 06, 2016 7:42:33 AM

Good Morning Dave and Kelly,

I would like to express my opinion on the discussion of treating cargo containers as real property. In the past I have had to rent portable sheds (TUFF Shed variety) for certain projects or storage needs, sometimes I've had them on the side of my residence for as long as 2 years. Temporary, portable, storage.

I then purchased 2 each sea cargo containers and used them for storage for the last 10 years. I recently moved, and relocated my containers to my new property. Totally portable and personal property.

I would like to see them left as Personal property, not real property.

September 1, 2016

TO: Washoe County Planning Commission

RE: Development Code Amendment Case Number DCA16-005

Commissioners,

My apologies for contacting you so late. I have been out of town for 4 months and only very recently learned of the cargo container code update.

Before approving the current draft of the cargo containers code amendment, I request that you consider and incorporate changes listed in this letter. The purpose of these requests is to provide more protection for the smaller, 1.2 acres or less, residential lots in unincorporated Washoe County. Cargo containers are industrial structures that can create negative impacts on surrounding properties. It is possible to reduce those negative impacts, such as decreased property value and visual impacts, in this current amendment process. There are at least three code sections needing work: aesthetic enhancement, permitting, and notification of adjacent property owners.

A "one size fits all" approach has not worked. Residential lots less than 1.2 acres require more protection than this code currently provides. Code changes to meet the needs of agricultural and large land tracts have been addressed in this amendment process, but the needs of the small 1.2 acres or less residential lots were not considered. A farmer has different needs than someone living in closer proximity with neighbors in a residential setting. Large land tracts require a loosening of the permitting process and aesthetic enhancement codes, while the small residential tracts require more protective regulation in the areas of permitting and aesthetic enhancement.

The current code and the amended draft require only one aesthetic enhancement when a cargo container is placed on a residential lot. This needs to be changed. At least two aesthetic enhancements must be required to screen a cargo container *of any size* placed on a residential lot less 1.2 acres if the goal of this code is to provide adequate screening protection. The draft (on page 3, section g (2) (ii) a,b,c) provides the same three aesthetic enhancement mitigation rules as the current cargo container Ordinance 1567. Those enhancements include painting the cargo container or fence screening or landscape screening. A property owner is required to do only one of these three things. One enhancement is not enough to adequately screen a cargo container, especially one that is 20 feet in length or longer.

Painting a container does little to reduce the impact this structure will have on surrounding homes, regardless of the container's size. Requiring two aesthetic enhancements might result in the cargo container being painted and screened with either a fence or landscaping to provide more complete coverage. Should fencing and landscaping be chosen, those two options could also provide adequate screening. Landscaping coupled with a second enhancement can also be a good option provided the home owner maintains the plants and replaces them should they die. A combination of at least two of these aesthetic enhancements must be employed to provide adequate screening. Cargo containers are for industrial use and when they are used in a residential setting, they require more shielding. Many properties in the unincorporated areas on lots 1.2 acres or less are within the \$400,000 to \$700,000 range and even higher. Properties in the lower ranges need the most protection as they might not have the protection of CC&Rs and those in the lowest range will not be able to afford legal recourse. **Therefore, it is up to this commission to provide as much protection as possible for ALL the property owners living on smaller residential lots in unincorporated Washoe County.**

Permitting and notification requirements for large land tracts and small residential lots are different. Eliminating permits for properties 10 acres or larger can be appropriate. **Eliminating permits for**

lots 1.2 acres or less is **not appropriate** regardless of a cargo container's size. Currently, permitting is required for cargo containers greater than 200 sq.ft. Permitting must be extended to containers less than 200 sq.ft. in size with an over-the-counter permit. Cargo containers are designed for industrial use, not residential aesthetics and even the smaller ones can have negative visual impacts and effects on property values creating a need to notify adjacent property owners.

Imagine a truck pulls up at your neighbor's home and a 40 foot cargo container is being placed on that lot. This is the first time you know anything about the project, which could definitely affect your homes property value. What do you do? Residential neighborhoods need protection from this, regardless of the container's size. If the property has CC&RS there are remedies for the property owner or his home owners association to pursue. Friction between neighbors can easily ensue. Had a Washoe Co. code been in place requiring notification, the need to walk down this path could be eliminated or at least shortened. (It needs to be stated that Washoe Co. does not enforce CC&Rs. That would require an army of attorneys and this is definitely cost prohibitive.)

My understanding is that over-the-county permits could be required for containers 20 feet or less without subjecting an applicant to the same permit standards required for larger square footage containers (anything over 200 sq.ft.). At the time this over-the-counter permit is given, an applicant would also be required to sign off on notification of adjacent property owners - that is, he has already informed them of his intentions to place a cargo container and its size on his own property. Notification can be handled in several ways from certified mail to just walking over with a witness to inform the neighbor that a cargo container will be placed next to that neighbor's lot. Notification of adjacent property owners must also extend to cargo containers larger than 200 sq.ft.

Incorporation of these proposed changes to the cargo container update provides the following protections:

1. By requiring at least two of the three aesthetic enhancements listed in section g (2) (ii) cargo container screening is enhanced and visual impact on surrounding properties reduced, along with negative impact to property values of adjacent lots.
2. Permitting of cargo containers, regardless of size, on lots less than 1.2 acres holds the applicant to the standards set forth in the code amendment. Permitting for containers over 200 sq.ft. will differ from the over-the-counter permits for containers less than 200 sq.ft.
3. Notification of adjacent property owners alerts them to investigate the project. Should CC&Rs be involved, a property owner can see if placement of the cargo container is allowable or is it in violation of the CC&RS. This could save the applicant from making an investment in a container he would not be allowed to place on his property. The adjacent property owner can investigate the affect this project will have on his property and, if necessary, choose a remedy to pursue - mediation or legal.

Thank you for considering these additions to the cargo code update. I am available for comment at _____ and would appreciate hearing from you.

Katherine Bowling
5475 Wildwood Dr.
Reno, NV 89511

From: [Solaro, David](#)
To: [Mullin, Kelly](#)
Subject: FW: Cargo Containers
Date: Tuesday, September 06, 2016 3:23:22 PM
Importance: High

FYI

David M. Solaro, Arch., P.E.

Director | Washoe County Community Services | dsolaro@washoecounty.us | o 775.328.3624 | 1001 E. Ninth St., Bldg. A, Reno, NV 89520



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From: Robert Parker [<mailto:parker.galena@gmail.com>]
Sent: Tuesday, September 06, 2016 3:21 PM
To: Chvilicek, Sarah
Cc: Solaro, David
Subject: Cargo Containers
Importance: High

Hi Sarah,

Just noted the code amendment that would allow people living in residential areas on smaller lots to put cargo containers on their property. I cannot image why that would be allowed. It seems to me that most of us in the south end of town live in areas where the lots are from 2.5 acres down to about a third of an acre, with a large majority larger than 1 acre. Perhaps some modification could be made in the proposed code change to protect people who own homes in such residential areas from the visual and physical encroachment that would obtain if your neighbors decided to install a cargo container on their property. Maybe require a full permit up to Low Density Rural lot size?

And believe, me someone will do that. Here in Galena, we have a new resident, from New Jersey, who wants to know how he can get the County to "get rid of the deer and bears because they are hazardous". Kid you not. He should have bought a condo downtown.

Happy fall!

Bob Parker
Galena Forest, Nevada
parker.galena@gmail.com

From: Tone, Sarah
To: Mullin, Kelly
Subject: Fwd: Washoe County Planning Commission Reviews Cargo Container Standards
Date: Monday, September 05, 2016 9:18:30 AM

Good morning Kelly,
Some feedback for Planning Commission.

Sincerely,

Sarah

Sent from my iPhone

Begin forwarded message:

From: Sylvia Fascio <syl.livesonranch@gmail.com>
Date: September 5, 2016 at 9:02:47 AM PDT
To: <stone@washoecounty.us>
Subject: Re: Washoe County Planning Commission Reviews Cargo Container Standards

Cargo containers have historically been private property! Tax payer has been attacked from all angles, from County to BLM!.. I live on a ranch north of Gerlach, have a number of containers for various small equips storage out of the weather and cannot withstand any more tax abuse! I say this is but a stab at further never ending invasion into personal properties. NO TAX ON CARGO CONTAINERS!!

And why are County offices closed on Sept. 5, Fri.? Do all of you go to Burning Man? I present that County sudden interest in Gerlach, NV the past 3 or 4 years, following approx. 25 years of BM event, suggests that County has not enough to do in real life. The new 'entertainment tax', which will impact already struggling enterprise, should keep County busy counting dollars. Who has time at County to think up this nonsense!!!! NO TAX ON CARGO CONTAINERS!!

BURNING MAN is THE SOLE entity that keeps Gerlach from joining the myriad of other dried up and desperate communities. No doubt Gerlach & surrounding area collectively have more cargo containers than anywhere else in the State. BURNING MAN is a FINANCIAL FIND for Washoe County and the State of Nevada. County bloodletting of the tax payer must cease! NO TAX ON CARGO CONTAINERS!!

Sylvia Fascio, Gerlach, NV Tel: 775-557-2804 PO Box 269 Gerlach, NV 89412

On Fri, Sep 2, 2016 at 6:16 PM, Washoe County <email@sp43.com> wrote:



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Washoe County Planning Commission Reviews Cargo Container Standards

Opportunity to learn more and share your thoughts about cargo container regulations in unincorporated Washoe County [Read the full announcement](#)

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RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AMENDMENTS (DCA16-006) 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 ADD REGULATIONS GOVERNING THE ESTABLISHMENT OF AGRICULTURAL HOOP HOUSES AND HIGH TUNNELS, INCLUDING REQUIRING THEM TO MEET DETACHED ACCESSORY STRUCTURE PLACEMENT STANDARDS AND HEIGHT LIMITATIONS FOR THE APPLICABLE REGULATORY ZONE, BUT EXEMPTING THEM FROM GENERAL LOT COVERAGE LIMITATIONS; WITHIN ARTICLE 902, DEFINITIONS, AT SECTION 110.902.15, GENERAL DEFINITIONS TO ADD A DEFINITION FOR "HOOP HOUSE/HIGH TUNNEL": AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 16-15

WHEREAS

- A. Development Code Amendment Case Number DCA16-006 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 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 DCA16-006:
 - 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.

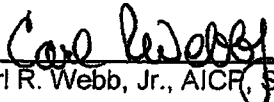
NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

1. The Washoe County Planning Commission does hereby recommend APPROVAL of DCA16-006, an amendment 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 add regulations governing the establishment of agricultural hoop houses and high tunnels, including requiring them to meet detached accessory structure placement standards and height limitations for the applicable regulatory zone, but exempting them from general lot coverage limitations; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to add a definition for "Hoop House/High Tunnel"; and other matters necessarily connected therewith and pertaining thereto, as 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.

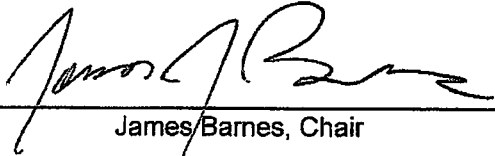
ADOPTED on September 6, 2016.

WASHOE COUNTY PLANNING COMMISSION

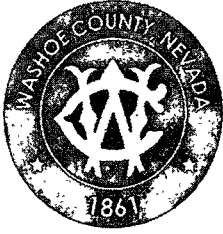
ATTEST:



Carl R. Webb, Jr., AICP, Secretary



James Barnes, Chair



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Francine Donshick
Phillip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, September 6, 2016
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, September 6, 2016, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

8. Public Hearings

D. 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.

- Prepared by: Kelly Mullin, Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications by Commissioners. Commissioner Chesney said that he made suggestions to the staff on the amendment. He talked with Commissioners Herman and Hartung prior to working with staff. He also received several phone calls and a couple of emails. He forwarded the emails to Kelly Mullin for her response. Commissioner Donshick disclosed that she was the acquaintance of someone who might speak on the issue that night, but they had not had any conversations.

DDA Edwards requested that Commissioner Donshick identify her acquaintance and explain how they knew each other. He asked if the connection would impair Commissioner Donshick's ability to be impartial on the case.

Commissioner Donshick stated that her acquaintance was Katherine Bowling. They were together on the Nuisance Ordinance Administration Committee a few years ago. It is not ongoing. She stated that her ability to be impartial would not be impaired.

Vice Chair Chvilicek disclosed that she received an email from Robert Parker. She did not respond to the email, and copies of the email were distributed to all members. Chair Barnes disclosed that he received an email from Beth Honebine. He did not read the entire email, but he believes that the email was sent to a large number of people, and he did not respond to it.

Chair Barnes opened the public hearing.

Kelly Mullin presented her staff report, dated August 23, 2016. She added that the Development Code Amendment was also spearheaded by Community Services Director David Solaro. Ms. Mullin presented the background and details of the proposed updates and announced that Mr. Solaro would be available later to address questions. Ms. Mullin also clarified that the County is not proposing a new tax on cargo containers. The Washoe County Assessor's Office created a memo for a further point of clarification. The memo was available to the public and addressed when a cargo container is considered personal property versus real property.

David Solaro, Director of Community Services Department, reiterated a couple of points brought up by Ms. Mullin. These are existing standards that apply in the current Washoe County Code. The Washoe County Commission requested a reduction in the burden of government on some of these regulations. Much feedback was received from the community on whether or not this should be done. The department was present that night to take feedback. Mr. Solaro requested feedback if something was totally missed and off the board. This was just the first step in the amendment process.

Chair Barnes opened public comment.

Joannah Schumacher believes that what the Commissioners are asking staff to do is not what is happening. She believes that one should not have to get a permit to put something on one's property. She does not have a cargo container or a hoop house on her property, but she believes that if it is her property, then she should be able to do so. She should not have to tell somebody about it or go through the red tape. She feels that she should not have to pay for that privilege. She is already buying the cargo container. She does not need to come and worship at the government trough and beg for permission to do something. She believes that was the direction that staff was to give the Planning Commission. It did not appear to Ms. Schumacher that this is what staff was providing. She feels that neighbors should be able to work out their own differences regarding cargo containers without interference. She believes

that we too often try to put government in between something that neighbors should handle on their own. If it does not work out, then that is what the court systems are for, rather than this body. She stated that Washoe County is not a homeowners' association. If she has enough room to put a cargo container on her property within her property lines, then she believes that should be the end of it. If she wants to put a car on her property, then she should be able to do that without interference. She does not believe that property owners should have to pay for it.

Katherine Snedigar introduced herself as a non-resident, non-person, unenfranchised natural woman, who lives in Washoe County. She said that the County Commissioners asked that this go back to staff and that one acre parcels were the only things to be regulated. She considered that questionable. She said there was nothing about ten acres and all of the other stuff that they have wasted tax payer money on putting together. She stated: "You haven't been told the truth by these people." Vaughn Hartung brought up the one acre. She believes that the reason they were there that night was because of a false reading in the beginning of the Development Code. She paraphrased 100.05, where it says that if it is not enumerated in this code, you are prohibited from doing it. She said that hoop houses are not enumerated in the code and the County has chosen to regulate. She said: "They can't do anything unless they come and ask us for permission. We are your bosses. We tell you how we want to live on our property. And you come back how the globalists want us to live on our properties. You don't get to do that." She stated that she does not have land use rights; she has a bundle of rights. She stated that she can do anything she wants on her property and put anything she wants on her property, as long as it is not a health, safety, or welfare problem for the public at large. Ms. Snedigar stated that she is not a legal fiction; she is a natural woman. She said, "Everything you people do up here is for legal fictions." She said that someone cannot come on her private property for her personal use and tell her to paint a container. She stated that she does not have to screen a container or make it aesthetically pleasing. She does not care how many realtors drive through or how many complaints are made anonymously. Ms. Snedigar said that Mr. Solaro acknowledged that those who make anonymous complaints cannot be called back in order to tell them if they were in compliance or not, because they did not leave their name or number. She stated that there should be no complaint if there is no signed statement. She said that it cannot happen in a courtroom, and it cannot happen when they are being told that they are in violation. She stated that the County is not the proxy for the complainant. The proxy comes forward themselves, and they work with the County and with the alleged offender. She asked what would happen if she does not make it aesthetically pleasing. She said that she does not have to buy a permit. So nothing would happen. She said that there is nothing in the law or in the revised statutes that allows control of containers. Ms. Snedigar recommended that the request be denied and suggested no restrictions on containers at all since Las Vegas got sued by Walmart on that in 2005. She stated that Reno does not have any regulations, because they got sued too. Considering that Clark County lost a lawsuit and the City of Reno lost a lawsuit, she believes that Washoe County can be a part of the lawsuit if they choose to go forward with this.

Garth T. Elliott, a 45-year resident of Washoe County, said that he represented 163 acres of Sun Valley, the property owners of 160 different pieces of property, plus the BMX tract that was added to the community. He stated that Washoe County has overstepped their bounds and "crept into our lives in a most insidious of all ways." He has been following this for a couple of years. Once there was a fellow during the County Commission meeting who said that he put a cargo container on his property, and he was into it \$2,000 before he even bought the cargo container just complying with what Washoe County wanted at that time. Mr. Elliott said that we have come a way since then, but we are not there yet. He said that most people do not have a garage in Sun Valley. There are very low income people. They can put all of their life's treasures outside in the backyard and throw a big blue tarp over it. That does not work because

of rain, and it is unsightly. He sees dealing with storage containers as either a great thing or a horrible thing. In Sun Valley, there is not the option of everybody with carports and garages. He sees the options of going as cheap as possible with a tarp or a storage container. He believes that the standards being offered are definitely not fitting the community. He does believe that it needs to be kept as presentable as possible, but believes that is the role of neighbors. He explained how neighbors should talk about differences instead of going to the County and asking Code Enforcement to intervene. He made a request to: "Stay out of our lives as much as possible. Go back to square one on this. Don't make another sign code." He asked for a decrease in the color, screening, and permit requirements. He called this a slippery slope and asked where it would go next. He asked if dog houses would be next.

Vicky Maltman has lived in Sun Valley for over 20 years. When she purchased her property on a little over a third of an acre, they bought a cargo container before she knew anything about regulations and before 1996. She has a real problem with this and stated that her cargo container has never bothered anybody. She chose to get it, because it was easier for her husband and her to place things inside of there. Looking at some of the other homes in the Sun Valley area, she would prefer to see a cargo container sitting at their front door, instead of the junk that is out in the yard. She has taken pictures of containers after one of the Commissioners said that she had no containers in her district. Ms. Maltman is in that district and said this is not true. Ms. Maltman said that she is the only one that she was able to find with a container in a fenced area, away from a road. There is not a pass way through there because it is empty church property next to her. She stated: "You want to constantly pick our pockets." She worked for the government. She was a police officer. She worked for cities and federal. She said that she understands that you have to show people that you are doing your job in order to keep your job, but this is going a little bit too far. She is on under an acre, and when they did this on August third, it was less than one acre or one acre and more; there was no ten-acre thing. She believes that doing this is like saying, "You're a woman, you can't have a cargo container, but if you're a man, you can." She said that rules have to be equal and even for everyone across the board. She thinks it needs to be eliminated altogether. It is personal property. She does not see the difference with five ten-by-ten storage units in the yard.

Carole Fineberg lives in Washoe County. She stated that the main rule in real estate law for what classifies as personal versus real property is if it is attached or not. She said that the cargo container issue does not pertain to her personally, but she is strenuously opposed to any proposal to charge anything for cargo containers, tool sheds, hoop houses, play houses, dog houses, or doll houses. They are all unattached, and therefore should be classified as personal property and not taxed. She believes that while it is being called a permit, it is a tax. She referred to this as government overreach at its finest. She referenced the fiscal impact in the staff report, which says that it is not expected to increase costs. She believes that it will not increase costs to the County, but it will to the taxpayers, whom the County serves. She strenuously objected to this.

A. Jane Lyon lives in Washoe County. She finds this an excessive waste of time, energy, and tax money. She believes that people who have property should be allowed to do with it what they want. She agreed with the gentleman who suggested if there is a problem with a neighbor, then you handle it that way, rather than coming to a County Commission to make rules.

Chair Barnes requested that there be no applause when speakers make a comment.

DDA Edwards requested that Chair Barnes call a quick recess in order for DDA Edwards to confer with Chair Barnes on the applause rule.

A brief recess was held.

Chair Barnes called the meeting back to order. He clarified his previous statement. He stated that applause would be allowed as long as it did not become disruptive.

Adrian Dyette, a Washoe County resident, said that he does have containers. He uses them for his tractor and as storage. He has a lot of neighbors who cannot afford to build a garage. They have a choice to put it under a blue tarp or put it in a container. He agreed with Vaughn that it should be one acre or less. Mr. Dyette said there should be no restrictions whatsoever on hoop houses and personal property.

Thomas Bruce said that he has a problem with there being anything. He would like to see everything repealed. He thinks that there may be some limit on the minimum size space on which you can put a shipping container. He particularly has a problem with being part of what used to be the Spanish Springs Valley Ranches property owners' association, which pursued for many years and maintained its own roads of about 12.3 miles and had almost entirely ten-and-up acre parcels. They got SAD32 approved, and the 12.3 miles of roads were paved. However, all of those ten-acre parcels along the roadways lost property. In his case, he now has about 9.96 acres. The rest of it went to the County for the roadway of Valle Verde. He believes that this is personal property and is defined as personal property by the federal government. For taxes, for the IRS, you can own it, you can lease it. It is personal property. He thinks that trying to do this with personal property is a huge mistake. He thinks it should be repealed, but if it cannot be repealed, then it should be minimized to the absolute bare minimum.

Nanette S. Fink-Eaton expressed how important she thought it was that everyone who came before her essentially stated what she was going to say, but in different words. She requested that our elected officials rescind this policy that absolutely regulates property owners. She declared innate rights in personal liberties as property owners to be able to store their belongings in the fashion that they deem right. She said that those who use connex boxes or storage sheds are doing their neighbors a favor and beautifying their area. Rather than having their belongings thrown throughout their yards, they are able to put them away nicely in a connex box. She feels that this regulation by the County is an overstepping of rights and is stepping over what the law was intended to be. She believes that the County is supposed to help, to allow safety, to keep security, and to grant what is known to be healthy. She thinks it is healthy to store belongings in a proper place. She addressed Ms. Mullin's and Mr. Solaro's identification of the containers as detached accessory structures. She said that its very title indicates that it is personal property. It is detached, just like parking her car on the property. Affixed would allow it to be called real property. Storage sheds or connex boxes are personal property. If a mobile home or a manufactured home is converted to real property by affixing it to the ground via an eight-point foundation or a full-perimeter cement foundation, then you have real property and you tax it accordingly. This is not the case. They are personal properties. She believes that they have a right to quiet enjoyment as property owners, and she would like to preserve that. She asked them to rescind, repeal, or abolish anything to do with regulation on these storage sheds.

James Benthin encouraged everybody on the Commission to enable property owners to utilize their property as easily as possible. He opposes any new restrictions on cargo containers, and he would support the removal of restrictions. He said that even permits cost the property owner time and money to analyze and comply. He suggested checking to see what the City of Reno does concerning cargo containers and their regulations before going out on a limb and promoting and installing new regulations.

Gary Schmidt spoke on behalf of the Washoe County Republican Assembly, of which he is vice president. He has been a resident of Planet Earth for 73 years, resident of Washoe County for 46 years. The Washoe County Republican Assembly categorically opposes any new restrictions on cargo containers anywhere within Washoe County, and they support removal of any existing restrictions on cargo containers in Washoe County. They are personal property and should not be subject to land use regulations. He asked those present from the Washoe County Republican Assembly to stand. He asked anyone else who opposed restrictions on cargo containers to stand. He said that there were some 30 members of the Washoe County Republican Assembly that he spoke for who were not present. He thinks they were approaching 100 or so people. He made a public records request of Mr. Webb for copies of every complaint in the last 36 months concerning cargo containers. He said that NRS 239 does not require public records requests to be in writing. He added that under provisions of the NRS, he was requesting that his comments that night be placed in the minutes of the meeting in detail, including his public records request. He said that close to 100 people stood, and certainly 100 if the 30 for whom he was speaking were added. He wanted to see how many complaints there have been on cargo containers in the last three years. He stated, "If it ain't broke, don't fix it." He contended that the cargo container regulations are broken. "You have some. You need to remove them all." He added that he is a property owner, a former resident of Gerlach, Nevada. They just restarted the CABs up there. He is a regular attendee of the Gerlach General Improvement District meetings. He does not believe that this matter has been properly presented or vetted in Gerlach. He believes that if the people were advised of what was happening, there would probably be about 50 people from Gerlach, and there are only about 150 people who live there.

Mr. Webb stated that as part of Mr. Schmidt's public records request, he should provide the secretary with his name, valid mailing address, and his phone number so he can be contacted when his public records are available. Chair Barnes confirmed that Mr. Schmidt heard the request of Mr. Webb.

Katherine Bowling stated that one thing that had not been considered by these speakers, that there are neighborhoods in Washoe County where improper placement of these containers can affect a person's property value. When a property value is affected then a line has been crossed. The codes that are appropriate for large areas, large land tracks, have been addressed in this code amendment process. I think those people need a loosened permitting process; however, those of us on the smaller lots 1 acre, 1.2 acres in size, we need them enhanced. There should be at least two aesthetic enhancements, because one just does not hide these containers. Now, I know in my neighborhood, I discovered there was one. If I don't see it, it don't be it. If it doesn't affect anybody's property value, and nobody wants to go to court, great – let it stay. But, if the neighbor refuses to properly address the enhancement and it's out there causing eye-sore, and degrading your property, then that's when these codes are very, very helpful. Clearly, Sun Valley has a different set of needs than other areas in Washoe County, and fortunately, these codes are open-ended enough to accommodate these folks, but then I look at this, the permitting needs to include a notification clause. Because imagine, you're at home and a truck pulls up at your neighbor's home with a forty foot cargo container to be placed on that lot, and this is the first time you know anything about the project which could definitely affect your home's property value, and definitely affect the aesthetic qualities of what you've come to value in that neighborhood. You can't put a price on that. But when a realtor says your home's value has gone down a whole bunch, so what do you do? Residential neighborhoods need protection from this occurring, regardless of the container size. Whether its 10 feet long or a 53 foot long super container, everybody needs protection. Now maybe it isn't appropriate for you to go any further, and maybe you're happy that your neighbors get a

cargo container and that's great because that's appropriate in that neighborhood. But there are other neighborhoods where it's not appropriate and that's why these codes need to be beefed up a little bit, more enhancements. Permitting should require notification of the surrounding, adjacent property owners so that they do have the opportunity to come over and try to mediate and negotiate before seeking refuge in their CC&Rs, if they have those CC&Rs and go to court.

Janis Foltz stated she is here to voice her concerns about when a sea/land cargo container as long as 53 feet or as small as 10 feet can be placed next to her residential lot without her knowledge until it arrives. The needs of lots larger than five acres have been addressed by this cargo container code update; however, the smaller one acre lots or less have very little or no protection provided in this code. Notification of adjacent property owners has not been addressed in this code update. Ms. Foltz stated she would like to offer a solution. The solution to this would involve notification of adjacent property owners when a container is going to be placed next to their lot. Notification can be easily achieved by making it part of the permitting process for cargo containers of all sizes. Right now there are codes in place requiring any container over 200 square feet to obtain a permit. A requirement for notification to adjacent property owners must be added to this permitting process. It would be simple for the County to create a form letter giving exact dimensions of the container and the property location where it is to be placed. This letter can then be sent to all adjacent property owners. Smaller containers less than 200 square feet are currently not required to have a permit. That needs to change. Containers as long as 25 feet by 8 feet wide are 200 square feet. A container 20 feet long by 8 feet wide is 160. Neither of these containers require a permit because they are 200 square feet or less. Yet each presents a significant visual impact to surrounding properties. Adjacent property owners need to know the potential impacts these industrial structures can present. All cargo containers less than 200 square feet must be required to obtain an over the counter permit. This permit will require notification of the adjacent property owner. Any objections can be voiced and mediated ahead of time. Also CC&Rs, when applicable, can be addressed. A small fee for that permit would be charged to cover the time and cost necessary to send those form letters. Doesn't the homeowner who will be impacted by these industrial structures at least deserve the courtesy of being notified by the County before a permit is issued? These are industrial structures with no redeeming aesthetic value. Visual impact often translates into lower property values. Currently, screening measures in this code update are woefully inadequate with only one aesthetic enhancement required. It is up to this Commission to protect the interests of all unincorporated Washoe County residents on small lots, and I'm talking about small lots here – the whole time.

Tim Stoffel stated he supports what was stated earlier by Katherine Snedigar and Carole Fineberg about our basic rights to have personal property. Mr. Stoffel stated that he understands some of the issues, but he also understands that government can be used more and more, we seem to be managing everything to death in this County, and we have a right as property owners to use of our property in a reasonable and appropriate manner that does not harm others. We should be able to have our personal property, we should be able to have our vehicles, we should be able to have our animals and other things without any intervention by the County and it just seems to be changing worse and worse these days. They talk about, let's restrict this to 10 acres, let's restrict this to one acre. If any property has a rural designation regardless of its size, it should be exempt from this. Mr. Stoffel indicated he would like to see everything exempt ultimately. These structures often come with dents and dings and stuff, this is why they're surplus. If we want people to have perfect containers, that's never going to happen, and then to have a restriction on that and then deciding is it bad enough or good enough now you are getting inspectors involved and this becomes another big legal quagmire. If I want to set my cargo container on a couple of concrete pavers to spread the weight out on the land so it doesn't sink in, does that now make it an attached structure? It shouldn't, because

it can be picked up and moved away even though it is sitting on pavers. We have to make sure that a number of people living in upscale neighborhoods, who probably wouldn't have these structures to begin with, don't use the administrative power of the County as a hammer to hammer all of us who are not living in upscale neighborhoods, and who simply have excess stuff to store that's of value to us and other people as well. It's really important that we do not regulate this any more than it has absolutely, positively has to be. I'm in favor of reducing the existing regulations for those of us who live out a little ways, who really don't have a lot of neighbors. In fact, one of my neighbors has cargo containers, the other neighbor builds structures out of them. We don't need any more regulations.

Juanita Cox, requested that her comments be added to the record, if possible, every word of her statement. Ms. Cox addressed the Commission as a living woman, and stated she is not here as a person, and stated that she is not there to represent any of her corporations tonight. Ms. Cox stated she is unfranchised, she stated that she owns multiple Washoe County properties, she owns three personal property containers, she owns four cars, one tractor, and a bobcat, clarifying it was a machine, not an animal. Those cars and equipment are all different colors. They are my personal property and I did not get my government's permission for those colors. I did not get my government's permission when I bought those vehicles. They are my personal property. This is always overreach by government and it always seems to come from Washoe County. To address the lady's statement, and I have been up here a number of times before government agencies. If you do not like what your neighbor is doing, talk to them. If you do not like what your neighbor has, talk to them. If you have a disagreement, you go to the neighbor. If you continue to have a disagreement, you go to a lawyer. Lawyers are for disputes. It is not for a government to jump in and settle things by these kinds of ordinances. Washoe County is not a homeowner's association. If people want a homeowner's association, they should buy within a homeowner's association, so they get everything they want. If they want colors, move to somewhere they appreciate the colors. If not, leave your neighbors alone. It's their kingdom, and as Ms. Snedigar said, the laws are in these United States, if it's not a health, safety or welfare issue, then the government can't touch it. Please remove these wrongful, restrictive ordinances.

Darin Nelson, stated he was the owner of Modern Storage, LLC, that sells Conex containers, or storage containers and has owned his business since 2006. Mr. Nelson stated he has hundreds of customers in this area. The first thing he wanted to share is that almost all customers who come to him are looking for a solution, and the solution is to clean up their property and put stuff that doesn't have a place into a place. For the most part, almost all of them take the time to consider their environment and their neighbors and they take these things and set them in an appropriate place. There are always a few people who don't, and there are always a few situations that are not adequate. That's unfortunate that the vast majority ends up having to come to meetings like this because there a few who are not willing to be good neighbors or who don't have a conscience about what they are doing to their neighborhood. So, I didn't want to come up and make a big statement about anything other than the facts about the containers, so you would have more of an understanding about what they are as a structure. These customers when they purchase these pay sales tax; so they are already getting taxed when they purchase the containers. They are super strong. When you take a storage container, a twenty-footer, you can put almost 60,000 pounds in it, and a forty-footer slightly over 60,000 pounds. They're designed to stack on the four corners and you can stack them seven high, fully loaded. That means the bottom container has the capability of holding 420,000 pounds, just on the four corners. They are rodent proof. If you have a garage or a shed, most people know that they're going to get rodents. A lot of people buy these because they want the opportunity to keep rodents out. They are water proof and dust proof. It's one of the best storage solutions that a person can buy. They are secure. I've heard people suggest they are

worried about them tipping over. I clocked the wind at my house, where I had a container facing sideways against the wind, at 112 miles per hour. They are not going to tip over. There are some units that are made of fiberglass that are actually not the Conex containers. I've seen some of those have problems if they are in a very windy area, only if they are empty, though. A loaded container, in my..., and I've been in business since 2006, I've never seen a loaded container tip over, and I've never seen an empty steel container tipped over. I just wanted to share with everyone, the Conex container, if they are placed properly and have consideration of the neighbors, most of my customers are trying to do the best thing and provide a solution to their storage problems.

Chair Barnes made a final call for public comment, and being none, closed the public comment period.

Chair Barnes called for Commission questions for staff and members of the public. Chair Barnes asked if there were any questions from the Commissioners. Commissioner Chesney directed a question to Mr. Solaro, Director of the Community Services Department. Was the direction from the County Commission to regulate just one acre parcels and less? Mr. Solaro answered that the question came up during his presentation to the Board on some policy questions regarding cargo containers and specifically what they were looking for. The comment was in reference to permitting only. Mr. Solaro stated that he made it very clear in the presentation to the Board that the existing regulations that were currently in the code should remain. Commissioner Hartung responded to staff with policy direction essentially stating that we should not have permitting on containers an acre or above; he said they definitely need to go through the permitting process for an acre and smaller. So what staff has done is that we have taken that information and information gathered looking at best practices throughout the United States. At the workshop, staff presented an administrative permit for parcels one acre and larger, and a full permit for those smaller than one acre. That discussion ensued and that's when we came back with a 10 acre size with no regulations at all, lessening that regulation, no screening on 10 acres or above, an administrative permit for those parcels 10 acres to one acre, and a full blown permit for one acre and less. That's where that came from.

Chair Barnes called for further Commission questions. Hearing none, Chair Barnes closed the public hearing, and called to the Commission for discussion.

Commissioner Chesney stated that this has been a hot item for a year. We go back to March when we went to the County Commission asked it to be revisited. This regulation has been in place for a long time; this is a revision. I still don't see why we have to have a regulation. Why are we regulating personal property? There's no answer to it. Just have a regulation, to have a regulation? I thought at one time I could support some parts of this update, but I can no longer support it. Chair Barnes asked for further discussion. Commission Chvilicek stated when Ms. Mullin made her presentation, there were levels, an acre or less, the 10 acre threshold or larger... I'm asking for clarification on the question before us. In terms of a motion, are we being asked to look at levels? An acre or less, an acre or greater, greater than one acre to 10 acres, and then 10.1 acres and above? Mr. Solaro responded, there are regulations currently in involved in cargo containers for parcels within the unincorporated parts of Washoe County that require placement on the parcel with set-backs, out of flood plains, no electricity or plumbing. There is also a section regarding screening. It's either screened by a fence, or with vegetation, or painted a muted color. Part of the process, the input from the community was, they wanted to remove all regulations. And while that's fine on some larger parcels, staff is really concerned about what is the right threshold where Washoe County regulations should govern those types of things - aesthetic items. We provide a great quality of life in this area, so the question becomes, if we get rid of this, what does that do to quality of life? Will we hear from others that

say, we absolutely don't want industrial type containers, industrial uses in our residential neighborhoods. That's one of the things the Development Code regulates. The question before you is, is what we are proposing appropriate for cargo containers used as storage? Is there a threshold? Maybe it's one acre, maybe it's five acres. Staff felt it was 10 acres. We are bringing that to you to say, 10 acres and above, it shouldn't have plumbing fixtures, should not be stacked, shall be separated from other structures, shall not be established as an agricultural building as the main use, and shall obtain a permit for a few certain items based on size, and the question is, is that size 10 acres and above, 5 acres and above, a half an acre and above? And there is a whole other list of things that would apply to those smaller residential parcels.

Mr. Webb clarified for the Commission that following the Code, item (1) contains the regulations that would apply to all cargo containers, and the last part of item (1), item (vii), is the permitting. Today, we are talking about a placement permit that is being proposed by staff, based on direction from the County Commission and input from public workshops, which is the three thresholds: 1 acre or less – a standard placement permit is required, just like it is today; 1 acre to 10 acres require an over the counter permit. Mr. Webb recommended not using the term administrative permit, due to it having a different meaning in regard to planning vernacular and clarified that over the counter permit is the correct term. 10 acres or larger does not require a permit. Mr. Webb stated that in all cases, there is a requirement to follow the regulations in subparagraph (1). In regard to subparagraph (2), parcels on less than 10 acres have additional regulations. Mr. Webb informed the Commission that the draft code has several strike-throughs, rearranged sections and additions. Mr. Webb outlined the four basic options the Commission has concerning the code amendments proposed by staff today:

The Commission can deny it out right - it's not moving forward; the Commission can request staff to make tweaks to the draft, and bring it back to the Planning Commission for consideration; the Commission can recommend approval with modifications that are proposed today, with recommendation to the County Commission that the Planning Commission recommends approval with modifications; or the Commission can recommend approval and move it forward to the Board of County Commissioners.

Commissioner Donshick asked Mr. Solaro to clarify other considerations, such as grandfathering existing cargo containers, legal nonconformance and the provisions of Article 904 of the Development Code. Mr. Solaro deferred to Mr. Webb, who gave a brief history on cargo containers pertaining to development code.

Prior to 1997, cargo containers and other similar containers were not allowed in the County, because there was no provision to allow it. In 1997, an interpretation was put into place that allowed a variety of storage containers such as rail cars and semi-truck trailers, and those containers had to meet seven or eight standards, which included a building permit and if appropriate, tie-downs. In approximately 2003-2004, the regulations were placed into Development Code, Article 306, and that was the first codified regulation, outside of the interpretation regulations. There have been changes over the past 2-3 years for these cargo containers. Specific to nonconformance, you need to look at the rules in place at the time. Mr. Webb gave an example of a speaker who spoke about 1996. If a person came up and said they had a cargo container placed in 1996, you would have had to have met the provisions that were in place in that interpretation in 1997 – anything up until 2003-2004. If you have a container in place since 2004-2005, you would be subject to those regulations in place at that time. They could be more restrictive and indeed they will be more restrictive than those being considered today, if they move forward and are adopted. Non-conformance means that as long as the structure is not altered, you can stay in place with the regulations that were in place at the time the container was placed; be that more restrictive or less restrictive than what you are

considering today or what may be considered in the future. After about a year, then you have to come into conformance with the Code, or if you decide to enlarge it, which doesn't really work with a storage container, but if you get a new container you have to meet the new regulations in place at the time. Commissioner Donshick asked for further clarification on the one year timeline and coming into conformance and asked if existing containers would be grandfathered and they would not have to come up to the new code? Mr. Webb replied, as long as they met the current provision of code. Mr. Webb used Commissioner Chesney as an example, stating that Commissioner Chesney went through the process to obtain placement permits for the containers on his property. He has met the Code. If the code changes, more restrictive, less restrictive, then his permits - what he has done stays in place. He is "grandfathered." If he wants to enlarge the storage container - expand it somehow - by more than 10% then he would have to come into conformance with the rule in place at the time he did that. A year from now or two years from now. But as long as he leaves it like it is, doesn't change it or doesn't move it, he leaves it where it is - he doesn't need to do anything. If he takes the cargo container away, and doesn't bring it back for a year and a month, that's more than a year, then he needs to meet the rules that are in place at the time he brings it back on - whatever they may be.

Commissioner Horan remarked that the items that come before us are usually intended to address a problem. I'm not sure what problem we are solving today. And clearly I don't see where one size fits all in any event, given the wide sphere of Washoe County, so I'm not sure we are solving anything by moving on this today.

Chair Barnes called for further comment, there being none he called for a motion. Deputy District Attorney Edwards interjected before a motion is put on the floor, and commented that there was some discussion about possibility of kicking it out and making some more changes to it, and that is a possibility, but he wanted to caution the Planning Commission of the 180 day time limit on consideration of a proposed development code amendment, under the development code. 180 days from the date of initiation of the amendment, that was in April. If you do push it out, you are only buying about a month because it is right up against the 180 day deadline. If there is no action within the 180 day deadline by the Planning Commission then that counts as a recommendation of approval of what is before the Planning Commission. So, my caution to the Planning Commission would be to, as best you can, work toward making a recommendation one way or the other. That would be my advice to the Planning Commission.

Commissioner Chvilicek asked DDA Edwards if the Planning Commission was in a position this evening to abolish this code. DDA Edwards replied that the Commission was not in a position tonight to eliminate the existing ordinance. He stated the Commission can take a position the proposed amendments to the existing ordinance and that can include changes based on the input received tonight, for example, the 1 acre/10 acre differentiation. The agenda indicates that 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. Those are the options are available tonight.

Commissioner Chesney asked what would be the result of a recommendation to deny. DDA Edwards responded that ends the matter as far as the ordinance goes, unless the County Commission down the road decides to initiate another amendment.

Mr. Webb clarified that a denial was appealable to the Board of County Commissioners. Commissioner Chesney asked for further clarification about a denial and revision to the existing code, to which Mr. Webb responded, the current code is in place today - there is no change to that. A recommendation to deny, simply denies this amendment and the current code remains in place. The County Commission can take independent action to initiate another amendment, the Planning Commission can take independent action to make other amendments to this

section of the code. Mr. Webb stated that would be a separate process, starting with initiation. DDA Edwards read the pertinent section of the Development Code: In the event the Planning Commission denies a development code amendment application, that action is final unless appealed to the Board of County Commissioners.

Upon no further discussion, Chair Barnes called for a motion. Commissioner Chesney made a motion to deny this in its entirety and pass it to the County Commission. Commissioner Horan seconded the motion. Chair Barnes called for discussion on the motion, and Mr. Webb asked the motion to be repeated. Commissioner Chesney restated his motion to deny the revision in its entirety and pass it to the County Commission. DDA Edwards clarified that under the motion, the denial would be final, unless someone appealed it to the County Commission. Mr. Webb clarified that means denial stops; it doesn't go forward to the County Commission, unless it is appealed by somebody else. Chair Barnes asked for Commissioner Chesney's understanding of the information. Commissioner Chesney withdrew his motion. Chair Barnes asked if there was a motion. Commissioner Horan made a motion to deny agenda Item #8D, in its entirety; Commissioner Chesney seconded the motion. Chair Barnes called for discussion on the motion. Commissioner Chvilicek asked for confirmation that the motion to deny the development code amendment, would revert to the current code, and that's where it sits, with the more restrictive regulations, meaning the screening and painting, etc. Everything would stand in place, like it is today, on this document, without the strike-throughs.

Chair Barnes called for further discussion on the motion, being none, Chair Barnes called for a vote. All in favor of the motion? Aye by Barnes and Horan. Chair Barnes asked if there should be a roll-call vote on this item. DDA Edwards recommended a rollcall.

Commissioner Chesney, Aye in favor
Commissioner Horan, Aye in favor of the motion
Commissioner Chvilicek, Not in favor
Commissioner Donshick, Not in favor
Commissioner Prough, Absent
Chair Barnes also voted against the motion.

The motion failed. Chair Barnes opened the floor for another motion.

Commissioner Chvilicek moved that the development code amendment, be amended to what County Commissioner Hartung said, that the permits stay in place for an acre or less, and no permits for anything greater than an acre. Commissioner Donshick seconded.

Chair Barnes called for discussion on the motion. Commissioner Horan asked if that meant existing regulations on an acre or less are not changed. Mr. Webb referred the Commission to page 3 of 5, of Exhibit A-1, subparagraph (vi), a. b. c., and asked if his understanding of Commissioner Chvilicek motion was correct: (vi) a. remains in place; (vi) b. goes away; and (vi) c. would read, parcels 1 acre or more.

Commissioner Chvilicek affirmed this was correct. Mr. Webb further asked if the rest of the amendment remains as is, as you read it with those exceptions. Commissioner Horan asked for restatement. Mr. Webb restated: Subparagraph (g) (1) (vi), subsection a. would remain in place; subsection b. would be removed; and subsection c. would be reworded to say, parcels 1 acre or more, no permit required but would still need to abide by applicable regulations.

Mr. Solaro affirmed his understanding of the changes requested to subsection (1). Mr. Solaro asked for clarification regarding subsection (2), which is, cargo containers placed on parcels

less than 10 acres in size must also adhere to the following regulations... Mr. Solaro asked for clarification from the Commission, as whether they want items (2) (i) through (2) (vii) to pertain to 1 acre or less. Commissioner Chvilicek answered, yes.

Commissioner Chvilicek stated, for clarity, it was intended in her motion to remove all permitting requirements on parcels over one acre, except the applicable regulations as appropriate.

Commissioner Chesney asked for clarification, One acre and less, all permitting applies. Above one acre to infinity – nothing applies. Mr. Webb reminded Commissioner Chesney that the provisions of subsection (1) would apply to all cargo containers. The way it's currently being proposed is that parcels on one acre or more, no permit needed, but still need to abide by applicable regulations of subparagraph (1), because they apply to all cargo containers. Commissioner Chvilicek asked, because this body cannot repeal this code? Mr. Webb replied, the body could also make recommendations for amendments, which is what you are doing.

Chair Barnes called for further discussion on the motion, seeing none, Chair Barnes called for a vote on the motion.

Commissioner Chesney, Aye
Commissioner Horan, Aye
Commissioner Chvilicek, Aye
Commissioner Donshick, Aye
Commissioner Prough, Absent
Chair Barnes also voted Aye,
The following motion passed unanimously.

Approved with Modifications (require placement permit on parcels one acre or less in size, no permit for parcels larger than an acre in size but must follow regulations applicable to all cargo containers; cargo containers on parcels one acre or less in size must adhere to additional regulations), Recommended for BCC Adoption (vote of 5 for approval, one absent)

DDA Edwards noted for the record on the hearing that this does not pass the amendments, this recommends their approval to the to the Board of County Commissioners who get the final say, on whether the County Code, which the Development Code is part of, will be amended. This item will proceed to the County Commission and be acted on by them at a first reading and a public hearing and possible adoption. Mr. Webb noted for the public present that the process will be two meetings, the first meeting will occur and no earlier than two weeks later will be the public hearing and possible adoption.

The attached document was submitted to the **Washoe
County Board of Commissioners** during the meeting

held on October 11, 2016

by CSD

for Agenda Item No. 13

and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.

September 22, 2016

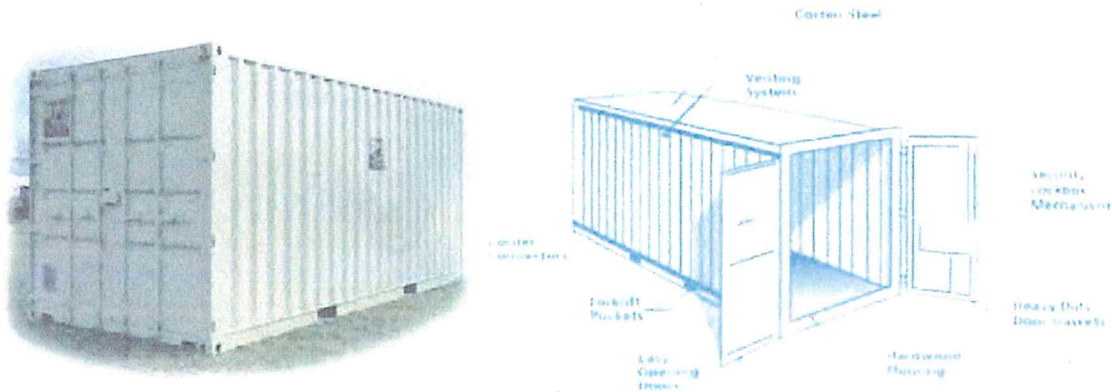
Re: Shipping Containers Use for Long-term Storage

To whom it may concern:

I understand that a Callahan Ranch resident is planning on utilizing a shipping container (Conex) for domestic storage purposes. I have concerns about the use of these containers in residential areas based on my experience in using them for storage in the mining industry. I have worked as an engineer at several mine operations worldwide. We used shipping containers for storage quite often as they were readily available. My concerns involve health and safety issues associated with the design and integrity of these structures, and include:

- Ventilation
- Ingress/egress and door design
- Long-term maintenance if installed without a foundation
- Flat roofing and precipitation collection
- Lack of design for maintenance as a residential storage unit

Allow me to expand on these concerns. Below I have attached a photo of a typical shipping container along with a schematic that shows the container structural details. Note that older containers may NOT have security lock boxes or venting systems. The containers I used (mostly SEALAND) did not have ventilation systems that were designed with human (or animal) habitation in mind. The ventilation ports are simply for humidity control, NOT to allow sufficient air exchange for life support. If a structure is to be utilized for long-term storage and occasional human occupancy, then care should be taken to incorporate adequate ventilation or otherwise ensures that the doors remain secured open. Robust ventilation is an even greater concern if the intended storage materials include hazardous and/or flammable substances. Additionally, these containers get incredibly hot in the sun and temperatures can easily reach in excess of 140 degrees F on a hot summer day in Nevada; thus requiring more robust ventilation.



-BCC 10-11-16 #13
CSD-

Shipping container doors are constructed from heavy-duty steel and can be very difficult to open and close, particularly if they are older and rusted. Additionally, most containers are equipped with a sliding bar lock that can be jammed into place if the door is slammed. If this occurs and someone happens to be inside the container they can be locked in. This is easily modified, but there should be a requirement for safety lock modifications on ALL shipping containers if they are to be sold for private use. If the container is not placed on a level foundation, the likelihood that the doors will not work properly increases, and door propping mechanisms must be applied to ensure safety. It is all too easy to imagine unsupervised children getting locked into a container.

If the container is placed on the ground without a proper foundation and stormwater drainage it is subject to freeze-thaw cycles, rust, vermin invasion, and general disintegration. These structures are incredibly heavy (2,000 to 4,000 pounds). Once placed, it is unlikely that the residential owner will ever move them for maintenance purposes. A properly designed and constructed foundation would allow for adequate maintenance and help prevent neighborhood nuisances. Additionally, the flat surface of the container "roof" does not allow for proper stormwater/precipitation drainage. Accumulated water degrades the structural integrity of the container and provides habitat for breeding insects.

When used in an industrial setting, these containers are subject to US Occupational Health and Safety Administration (OSHA) standards and regulations, including hazardous material storage and confined space entry. If a neighborhood resident is planning on utilizing a shipping container for domestic storage, OSHA health and safety regulations should also apply, particularly if the container isn't re-adapted to address the issues that I have outlined above.

Based on my experiences in using modified shipping containers for storage, laboratory and office use in industrial settings, I would NOT recommend them as appropriate structures for storage/habitation options in a residential setting.

Kris Hemlein

From: cieszko@charter.net [mailto:cieszko@charter.net]

Sent: Monday, October 10, 2016 3:29 PM

To: Solaro, David

Subject: Cargo containers

October 10, 2016

Dear Washoe County Commissioner,

I would like to voice my opinion on the Cargo Container Code Update. I am **not** in favor of allowing permanent placement of shipping cargo containers on residential lots for storage. These containers will lower property values and are not welcome in neighborhoods with CC&R's or neighborhoods with home owners associations.

These are just cheap alternatives. I do not feel these are appropriate for all areas of Washoe County.

I ask you keep cargo container regulations on any residential property. If absolutely necessary then prohibit them from being permanently placed on residential subdivision lots less than 1.5 acres.

Respectfully,

Tod and Lynn Cieszko

5555 Goldenrod Dr.

Reno, NV

The attached document was submitted to the **Washoe
County Board of Commissioners** during the meeting

held on 10-11-16

by Dave Solaro

for Agenda Item No. 13

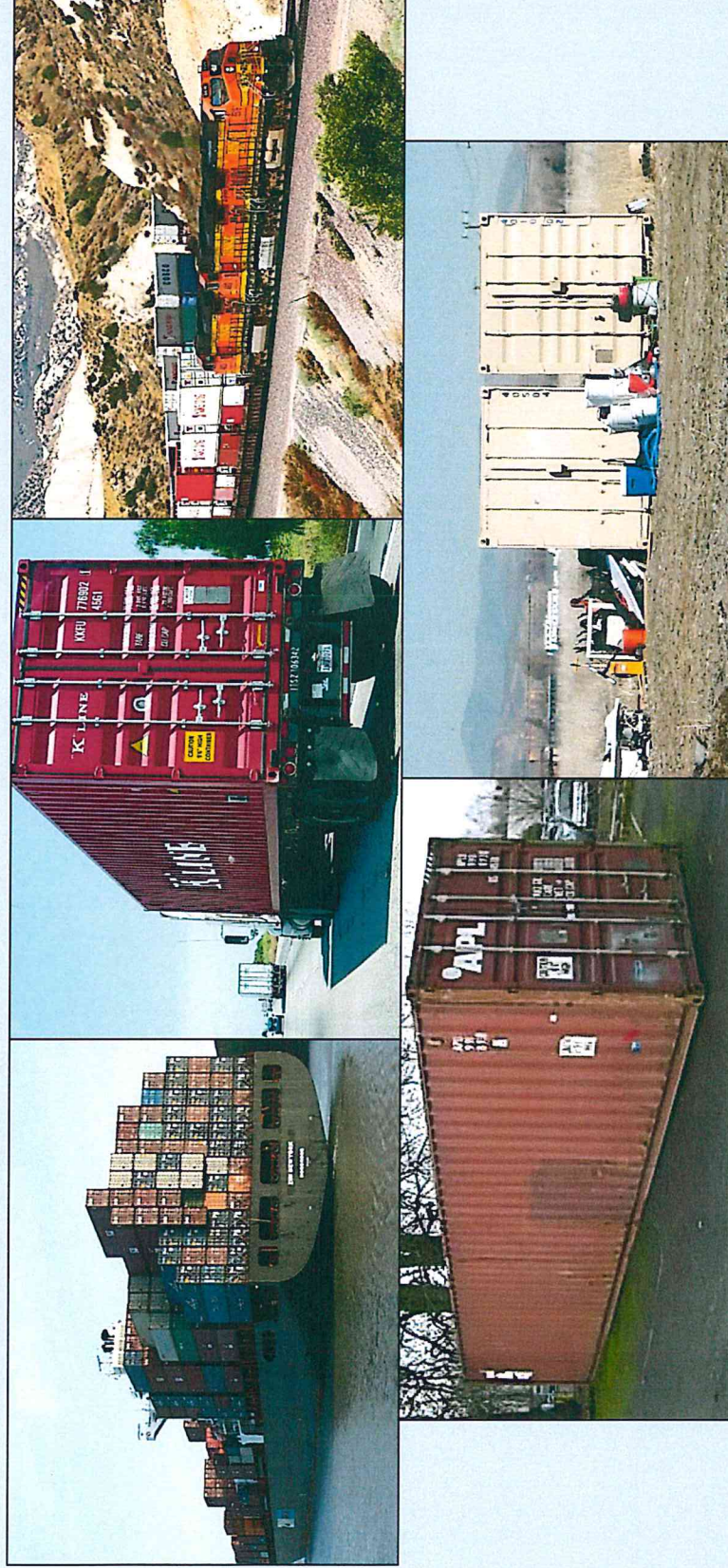
and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.



Development Code Amendment DCA16-005

CARGO CONTAINERS



Washoe County Commission
October 11, 2016



Misinformation on Taxes

- **County is NOT proposing a new tax on cargo containers**
- **Amendment is only focused on standards to place cargo containers on property**

For questions about property taxes, contact:

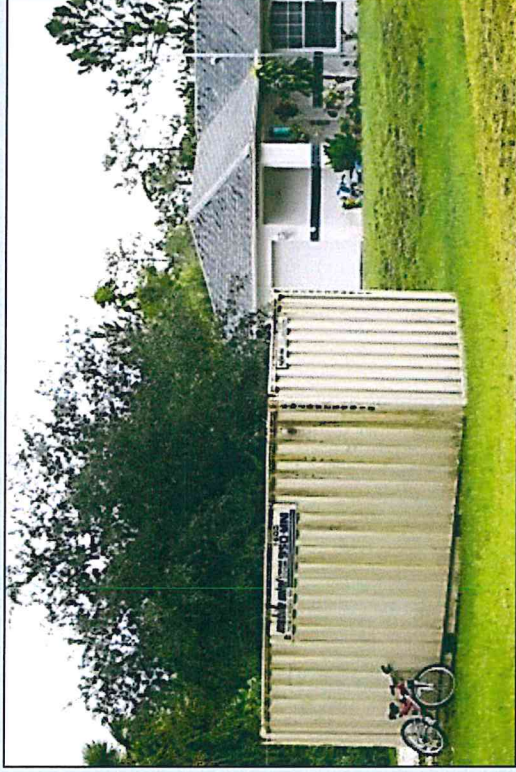
WASHOE COUNTY ASSESSOR'S OFFICE

(775) 328-2200



What structures are affected?

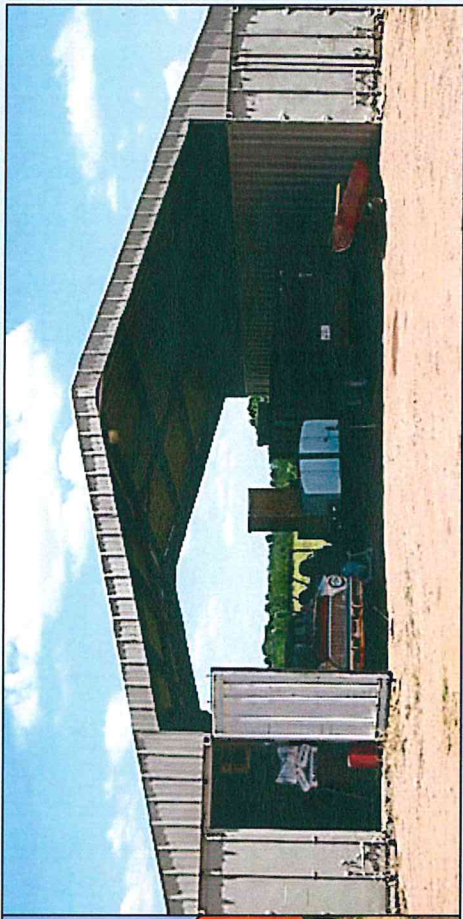
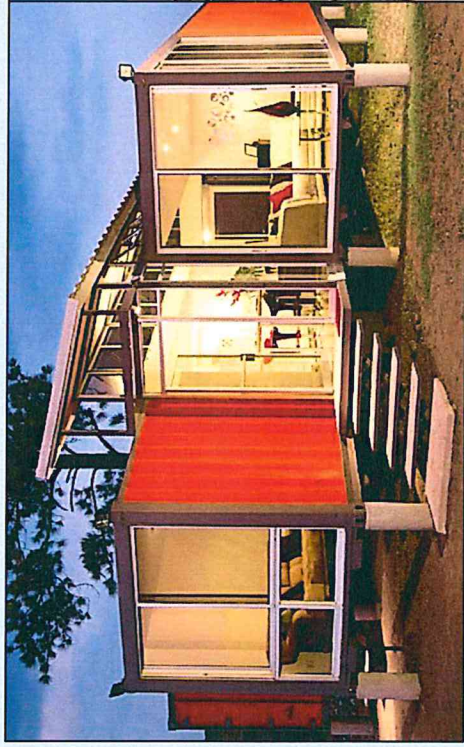
- **Cargo containers used as detached accessory structures**





What structures are not affected?

- **Cargo container requirements don't apply to:**
 - Cargo containers used for home construction
 - Cargo containers modified in any fashion





Background

- **March 2016: BCC direction to investigate:**
 - Modifying or removing existing cargo container regulations
 - Potentially allowing placement without a permit on larger properties
 - Clarifying existing definition
- **April 2016: BCC initiated amendment**



Background

- **August 2016: Public Workshop**
 - 20+ attendees
 - Several changes to initial draft based on workshop comments
- **September 2016: Planning Commission**
 - Significant public comment and discussion
 - Recommended approval with modifications
 - Changed 10-acre threshold to 1-acre for permitting, placement and aesthetic standards

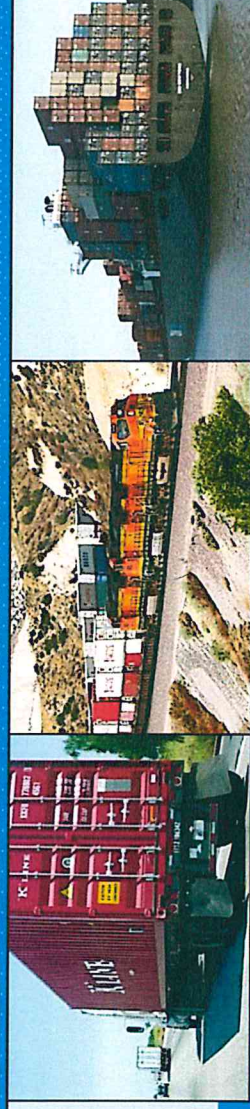


Proposed Changes

Article 902, Definitions

- **Add definition for “cargo container”**

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.





Proposed Changes

Article 306, Accessory Uses and Structures

- Update types of containers subject to cargo container regulations
- Remove size limitations in current code
- Update minimum separation requirements
 - Groupings of up to 4 now possible





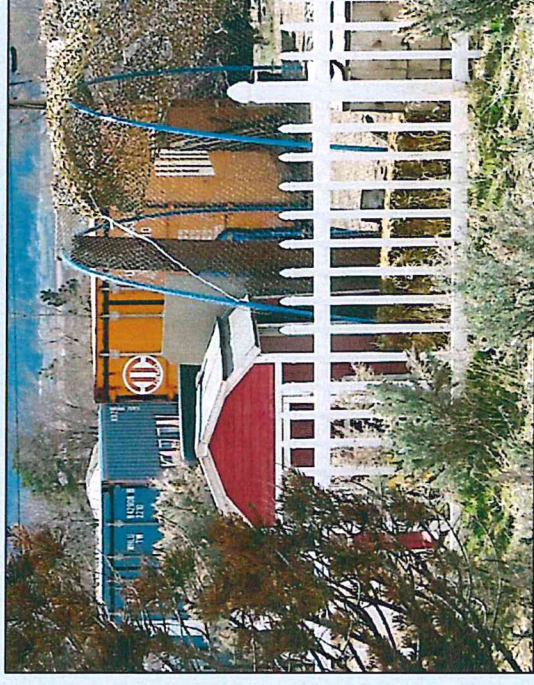
Proposed Changes

- **Establish permit thresholds (with changes by PC):**
 - 1 acre or less: Standard placement permit
 - Over 1 acre: No permit needed; standards still apply
- **Initial proposal had 3 thresholds:**
 - 1 acre or less: Standard placement permit
 - >1 acre and < 10 acres: Over-the-counter permit issued with written acknowledgement of rules
 - 10+ acres: No permit needed; standards still apply



Proposed Changes

- **Re-organize into 2 main sections**
 - 1st: standards for all cargo containers
 - 2nd: additional standards for parcels 1 acre or less
 - Results in some placement and aesthetic regulations no longer applicable to parcels over 1 acre





Proposed Changes

- **On all properties 1 acre or less – screen, fence or paint a muted color**
- **Eliminate requirement to place containers 75’ from all roadways on corner/through lots**
- **Other minor changes**





1-Acre Threshold

- **Reduced aesthetic, placement and permitting requirements for parcels 1 acre or less**
- **Initial threshold proposed at 10 acres**
- **Board asked to consider:**
 - Is this threshold appropriate?
 - Should more/fewer regulations apply to all parcels?



Possible Motion

“Move to introduce Bill Number *(insert bill number as provided by the County Clerk)* and to set the public hearing and second reading of the Ordinance for possible adoption during the meeting of November 15, 2016.”



QUESTIONS?

