



WASHOE COUNTY

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CM/ACM	<u>KS</u>
Finance	<u>✓</u>
DA	<u>NG</u>
Risk Mgt.	<u>N/A</u>
Comptroller	<u>CH</u>
Clerk	<u>N/A</u>

STAFF REPORT BOARD MEETING DATE: November 15, 2016

DATE: October 26, 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: Hearing and possible action to conduct a second reading and adopt 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 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.

(Bill No. 1771)

(All Commission Districts.)

SUMMARY

Hearing and possible action to conduct a second reading and adopt an ordinance amending the Washoe County Development Code within Articles 306 and 902 to establish a definition, standards and exceptions for agricultural hoop houses and high tunnels.

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

PREVIOUS ACTION

The Washoe County Board of Commissioners (Board) introduced and held a first reading of this amendment on October 11, 2016.

On September 6, 2016, the Washoe County Planning Commission unanimously recommended approval of Development Code Amendment Case No. DCA16-006 by Resolution Number 16-15 (Attachment A).

On April 26, 2016, the Board initiated amendments to the Development Code and Building Code to define and create exceptions to the requirements for permitting agricultural hoop houses and high tunnels, 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 regarding amending the Washoe County Building Code and Development Code to address agricultural hoop houses and high tunnels. This discussion focused on providing a definition for such enclosures and potentially exempting them from requiring a building permit or needing to meet structural requirements of the Building Code.

BACKGROUND

Agricultural hoop houses and high tunnels are used to protect crops from the elements and extend the growing season in our region. Per a request from the Board in 2015, hoop houses are exempted from requiring a building permit. However, they are currently still required to meet minimum life safety requirements for wind, snow and seismic loading. This amendment will define hoop houses and high tunnels so that they can subsequently be exempted from certain standards. An amendment to the Washoe County Building Code is being developed, and based on the action associated with this Development Code amendment, will allow for hoop houses and high tunnels to be exempted from building permits and structural requirements.

The proposed Development Code amendment will provide for the following changes:

- Section 110.902.15, *General Definitions* – add a definition for “hoop house/high tunnel” that was created with feedback from local experts in the use of hoop houses and high tunnels.
- Section 110.306.10, *Detached Accessory Structures* – create a new sub-section identifying that agricultural hoop houses and high tunnels are exempt from lot coverage limitations, are subject to the same placement standards as detached accessory structures, and are limited in height by the applicable regulatory zone.

The language of the proposed amendments is provided in Attachment B.

Washoe County Code Section 110.818.35 requires the Board affirm, modify or reject the findings made by the Planning Commission when adopting an ordinance for a Development Code amendment. The Board may also add any other findings of fact they deem relevant as part of their adoption. The four findings made by the Planning Commission during their recommendation for approval of this amendment are included within Resolution 16-15 (Attachment A). Those findings of fact are included below:

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
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.
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.

FISCAL IMPACT

No fiscal impacts are anticipated.

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt 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 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.

It is further recommended that the Board affirm the four findings of fact that the Washoe County Planning Commission made on September 6, 2016 as recorded within Resolution Number 16-15 (Attachment A).

POSSIBLE MOTION

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

“Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk) and affirm the four findings of fact that the Washoe County Planning Commission made on September 6, 2016, as recorded within Resolution 16-15 and attached to the staff report for this item.”

- Attachments: A. Planning Commission Resolution 16-15
B. Working copy, DCA16-006 (WCC Chapter 110 amendments)



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.

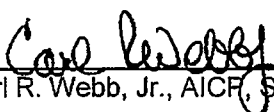
NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

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.

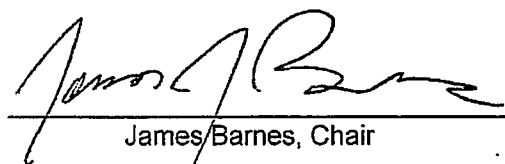
ADOPTED on September 6, 2016.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Carl R. Webb, Jr., AICF, 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: *Amends the Development Code by defining "Hoop House/High Tunnel," regulating their use, requiring them to meet detached accessory structure placement standards and height limitations, and exempting them from general lot coverage limitations.*

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 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.

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 DCA16-006 on September 6, 2016, and adopted Resolution Number 16-15 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 is hereby amended to add subsection (j):

(j) Hoop Houses and High Tunnels. Hoop houses and high tunnels, as defined in Section 110.902.15, General Definitions, may be established subject to the following regulations:

- (1) Must meet all Washoe County placement standards for a detached accessory structure;**
- (2) Are exempt from the lot coverage limitations established in Section 110.306.10(a); and**
- (3) The height of a hoop house or high tunnel at its tallest point shall not exceed the allowable height for the regulatory zone within which it is located.**

SECTION 2. Section 110.902.15 is hereby amended to add a definition for "Hoop House/High Tunnel" as follows:

Hoop House/High Tunnel. "Hoop House" or "High Tunnel" means an enclosure that is used to cover and protect crops from sun, wind, excessive rainfall, or cold, to extend the growing season in an environmentally safe manner and having a life span of approximately 5 years. The coverings for these enclosures utilize flexible, not rigid materials.

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.

DRAFT: September 21, 2016

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 _____.