



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: July 9, 2019

DATE: June 7, 2019

TO: Board of County Commissioners

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

Kelly Mullin, AICP, Senior Planner
Community Services Department, 328-3608, kmullin@washoecounty.us

SUBJECT: Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code at Chapter 110 (Development Code), within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*, to revise the allowable quantity, location, size, aesthetics, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35 (h), *Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers*, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to establish a definition for “Cargo Container”; and other matters necessarily connected therewith and pertaining thereto. (All Commission Districts.)

SUMMARY

The Washoe County Board of Commissioners (Board) is asked to conduct a second reading and adopt an ordinance amending Development Code standards related to the placement of cargo containers used for storage. This is Development Code Amendment Case Number WDCA18-0005.

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

PREVIOUS ACTION

June 25, 2019 - The Board introduced and conducted a first reading of the currently proposed amendment.

May 7, 2019 – The Washoe County Planning Commission (PC) voted unanimously to recommend approval of Development Code Amendment WDCA18-0005 with two modifications. The first modification limited cargo containers to 200 square feet when placed on a property less than ½-acre in size; the second modification affects cargo containers associated with construction on a

AGENDA ITEM # _____

vacant property, extending the grace period from 6 months to 12 months if the container is placed prior to the building permit being issued.

November 27, 2018 – The Board provided policy direction and introduced an amendment to the Development Code related to cargo containers used for storage.

September 25, 2018 – The Board provided additional policy direction to staff and requested the item come back before the Board for initiation of amendments to the Development Code.

October 11, 2016 – The Board did not introduce an amendment to the Development Code and sent the item back to staff with direction.

September 6, 2016 – The PC voted unanimously to recommended approval of Development Code Amendment DCA16-005 with modifications.

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.

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.

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.

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

The intent of Washoe County codes is not only to insure the health, safety, and welfare of our citizens, but to also help define a sense of place to make our communities nice places to live. Along those lines we define densities for development, setbacks for visual appeal, themes for neighborhood development, and uses for properties. In part, these efforts are to preserve property values and the aesthetic nature of our built environment.

Regulating cargo containers in the Development Code was initially proposed and passed due to concerns brought forward by residents regarding the “commercial” nature of cargo containers being placed in neighborhoods for storage, and the concern that they do not fit into the neighborhood look and feel. Many staff and public hours have been expended defining appropriate conditions for the use of cargo containers as accessory structures appurtenant to a primary use. Current practice for the issuance of a permit is to verify that the placement and appearance of cargo containers meets code standards.

The Board’s fall 2018 policy direction for cargo containers resulted in the following guiding principles during the code update process:

- No permit will be required for cargo containers used for residential storage.

- The number of cargo containers on a parcel will be governed by parcel size.
- Existing cargo container regulations have resulted from valuable public input.
- A complaint-driven process will be used to enforce cargo container standards.

Following the Board's direction, the proposed draft language was updated and presented at a public workshop held February 27, 2019. A wide range of viewpoints were presented at the workshop, as well as in subsequent comment letters provided to staff. In general, the topic of cargo containers has proven to be controversial for Washoe County residents, with strong sentiment commonly expressed either for or against container placement on residential and rural properties. The currently proposed draft language attempts to incorporate Board direction and public input while also simplifying code standards for ease of use.

SUMMARY OF PROPOSED AMENDMENTS

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

- Provides more flexibility on the placement and appearance of cargo containers;
- Establishes clear limitations on the number of cargo containers allowed based on parcel size;
- Clarifies under what circumstances a cargo container may be used as a support structure;
- Eliminates separate standards for corner lots;
- Allows for limited groupings of cargo containers;
- Eliminates duplicate language for containers associated with commercial/industrial uses;
- Eliminates the requirement for a placement permit under most circumstances;
- Eliminates the prohibition on placement of containers between a home and primary access, except on properties less than 1.25-ac. in size; and,
- Completes other minor updates that address typographical errors or inconsistencies in the current code language.

Article 310, *Temporary Uses and Structures* – Section 110.310.35(h)

- Updates the point in the building permit process at which a cargo container may be placed upon a vacant piece of property to support construction; and,
- Establishes additional timeframes regarding when such a cargo container must be removed if no permit is issued.

Article 902, *Definitions*

- Adds a definition for “cargo container” and updates the types of containers subject to these standards.

FULL TEXT OF PROPOSED AMENDMENTS

- Regular text: no change in language
- ~~Strikeout text:~~ delete language
- **Bold text:** new language
- *Italicized text:* re-located language

Section 110.306.10(g) is recommended to be amended as follows:

- (g) ~~Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or “In-tow Trailer” Highway Use.~~ Cargo containers, **as defined within Article 902, *Definitions***, ~~designed and constructed as a standardized, reusable 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 of not more than 200 square feet of floor space shall be allowed on a parcel of land less than one-half acre in size; two cargo containers of any size shall be allowed on a parcel of land having less than between one half acre and five acres in size. Parcels larger than five acres are limited to one container (of any size) per acre or portion thereof.** and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;
~~(3)~~ In the Suburban and Urban Regulatory Zones, the cargo container shall be:
 - ~~(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
 - ~~(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
- (iii) The cargo container shall be painted one, solid, muted color that blends with the surrounding vegetation, or structures, or topography.
- (iv) ~~(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; **The Director of the Planning and Building Division shall have the authority to determine if these standards have been met.**
 - a. **A cargo container may potentially be used as structural support for other elements of a detached accessory structure as long as the container is not structurally altered; the overall design has been stamped by a qualified engineer; and a building permit is obtained for the overall structure.**
- (v) ~~(5)~~ Shall not include plumbing fixtures.;
- (vi) ~~(6)~~ Shall not be stacked; except in the Commercial and Industrial land use designations **regulatory zones with an established commercial or industrial use type**, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure.;
- (vii) ~~(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.;
- (viii) ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;
~~(9)~~ *[text re-located]*
~~(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.~~
- (ix) ~~(14) Shall be separated from any other structure, or storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line; 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). This does not allow for placement of cargo containers end-to-end.**
- ~~(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~~
- (x) **Cargo containers do not require a placement permit from the Planning and Building Division, except within Commercial or Industrial regulatory zones or as otherwise noted within this section.**
- (xi) ~~(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 or HVAC components shall require a building permit from the Planning and Building and Safety Division.~~
- (xii) ~~(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.;~~
- (2) Cargo containers placed on parcels one and one quarter acre or less in size must also adhere to the following regulations:**
- (i) ~~(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. *On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and Development Building Division shall have the authority to determine the primary access to the residence.*

Section 110.310.35(h) is recommended to be amended as follows:

- (h) **Temporary Contractor or Owner-Builder Materials or Equipment Cargo Containers.** Upon **payment of plan review fees for a principal structure supporting an allowed principal use**, issuance of a valid building permit from the Building and Safety Division, a contractor or owner-builder may place temporary cargo containers on a property to support the development **construction** of the project allowed by the permit. The temporary cargo container(s) must be located immediately adjacent to the site of the construction activity. All cargo containers shall be free from **severe** damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal. Such cargo containers shall be removed upon the expiration or revocation of the building permit. **If the building permit**

has not been issued within 12 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of the building permit at a later date will allow the cargo container(s) to be placed on the property again. Any cargo container remaining on-site after issuance of a final building inspection or Certificate of Occupancy shall conform to the standards within Section 110.306.10.

Section 110.902.15 is recommended to have the following definition added:

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.

GRANDFATHERING EXISTING CARGO CONTAINERS (LEGAL NONCONFORMANCE)

Questions have arisen regarding how existing cargo containers are to be treated in light of the proposed code changes. Staff recommends that the revised standards become the baseline moving forward. This means that any enforcement complaints received about cargo containers will be reviewed against the newly adopted standards. The exception would be if a placement permit had previously been issued for the cargo container that is the subject of the complaint. In that case, if the existing cargo container was legally established at the time of placement, but does not comply with new regulations, it would be subject to Article 904, *Nonconformance* and the limitations and requirements established therein.

FISCAL IMPACT

Currently, a placement permit for a cargo container includes a \$172 site inspection fee. No other fees are associated with the permit. In 2018, 15 placement permits were issued for cargo containers. 7 were issued in 2017. Using 2017 and 2018 as benchmarks, the elimination of placement permits for cargo containers represents a potential loss of approximately \$1,204 – \$2,580 in permit fees annually in the Building and Safety Fund 560.

RECOMMENDATION

It is recommended that the Board conduct a second reading and adopt the ordinance provided as Attachment A and described within the subject of this staff report. It is further recommended the Board set the effective date as established by NRS, as well as affirm the four findings of fact the PC made on May 7, 2019, as recorded in Resolution 19-11 (Attachment B).

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), setting the effective date as established by Nevada Revised Statutes and affirming the four findings of fact the Washoe County Planning Commission made on May 7, 2019, as recorded within Resolution Number 19-11."

Attachments: A – Draft Ordinance
 B – Planning Commission Signed Resolution 19-11
 C – Planning Commission Staff Report for WDCA18-0005
 D – Excerpt of Draft Minutes of May 7, 2019 Planning Commission Meeting

DRAFT: May 24, 2019

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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

ITALICIZED TEXT: RE-LOCATED LANGUAGE

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

Summary: Revises the quantity, location, size, aesthetics, permitting and other standards associated with cargo containers; updates the timing for placement and removal of temporary cargo containers used to support new construction; establishes a definition for "cargo container"; 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 revise the allowable quantity, location, size, aesthetics, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, Temporary Uses and Structures, at Section 110.310.35 (h), Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, Definitions at Section 110.902.15, General Definitions to establish a definition for "Cargo Container"; and other matters necessarily connected therewith and pertaining thereto.

DRAFT: May 24, 2019

WHEREAS:

- A. This Commission desires to amend Articles 306, 310 and 902 of the Washoe County Development Code (Chapter 110) in order to update standards related to cargo containers and,
- B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 27, 2018; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA18-0005 on May 7, 2019, and adopted Resolution Number 19-11 recommending adoption of this ordinance with modifications incorporated herein; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.306.10(g) of the Washoe County Code is hereby amended as follows:

- (g) ~~Cargo Containers, to include Sea land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use.~~ Cargo containers, **as defined within Article 902, Definitions,** ~~designed and constructed as a standardized, reusable 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.;

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- (ii) ~~(2)~~ Only one **cargo container of not more than 200 square feet of floor space shall be allowed on a parcel of land less than one-half acre in size; two cargo containers of any size shall be allowed on a parcel of land having less than between one half acre and five acres in size. Parcels larger than five acres are limited to one container (of any size) per acre or portion thereof., and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;
 - ~~(3) In the Suburban and Urban Regulatory Zones, the cargo container shall be:~~
 - ~~(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~~
 - ~~(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.~~**
- (iii) The cargo container shall be painted one, solid, muted color that blends with the surrounding vegetation, ~~or~~ structures, or topography.
- (iv) ~~(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; **The Director of the Planning and Building Division shall have the authority to determine if these standards have been met.**
 - a. **A cargo container may potentially be used as structural support for other elements of a detached accessory structure as long as the container is not structurally altered; the overall design has been stamped by a qualified engineer; and a building permit is obtained for the overall structure.**
- (v) ~~(5)~~ Shall not include plumbing fixtures.;
- (vi) ~~(6)~~ Shall not be stacked; except in the Commercial and Industrial ~~land use designations~~ **regulatory zones with an established commercial or industrial use type**, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure.;
- (vii) ~~(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.;
- (viii) ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;
 - ~~(9)~~ *[text re-located]*
 - ~~(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~~

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~~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.~~

(ix) ~~(11) Shall be separated from any other structure; or storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line; 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). This does not allow for placement of cargo containers end-to-end.**

~~(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~~

(x) **Cargo containers do not require a placement permit from the Planning and Building Division, except within Commercial or Industrial regulatory zones or as otherwise noted within this section.**

(xi) ~~(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 or HVAC components shall require a building permit from the Planning and Building and Safety Division.~~

(xii) ~~(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.;~~

(2) **Cargo containers placed on parcels one and one quarter acre or less in size must also adhere to the following regulations:**

(i) ~~(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. *On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and ~~Development~~ **Building** Division shall have the authority to determine the primary access to the residence.*

DRAFT: May 24, 2019

SECTION 2. Section 110.310.35(h) is hereby amended as follows:

- (h) ~~Temporary Contractor or Owner-builder~~ **Builder Materials or Equipment Cargo Containers.** Upon **payment of plan review fees for a principal structure supporting an allowed principal use,** ~~issuance of a valid building permit from the Building and Safety Division,~~ a contractor or owner-builder may place temporary cargo containers on a property to support the ~~development~~ **construction** of the project allowed by the permit. The temporary cargo container(s) must be located immediately adjacent to the site of the construction activity. All cargo containers shall be free from **severe** damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal. Such cargo containers shall be removed upon the expiration or revocation of the building permit. **If the building permit has not been issued within 12 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of the building permit at a later date will allow the cargo container(s) to be placed on the property again. Any cargo container remaining on-site after issuance of a final building inspection or Certificate of Occupancy shall conform to the standards within Section 110.306.10.**

SECTION 3. Section 110.90215 is hereby amended to add a definition of "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 4. General Terms.

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

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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 the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT

DRAFT: May 24, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes:

Nays:

Absent:

Vaughn Hartung, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 306, ACCESSORY USES AND STRUCTURES, AT SECTION 110.306.10, DETACHED ACCESSORY STRUCTURES, TO REVISE THE ALLOWABLE QUANTITY, LOCATION, AESTHETIC, PERMITTING AND OTHER STANDARDS ASSOCIATED WITH THE PLACEMENT OF CARGO CONTAINERS AS DETACHED ACCESSORY STRUCTURES USED FOR STORAGE; WITHIN ARTICLE 310, TEMPORARY USES AND STRUCTURES, AT SECTION 110.310.35 (H), TEMPORARY CONTRACTOR OR OWNER-BUILDER MATERIALS OR EQUIPMENT CARGO CONTAINERS, TO UPDATE THE POINT IN THE PERMITTING PROCESS AT WHICH A CARGO CONTAINER MAY BE PLACED UPON A VACANT PIECE OF PROPERTY TO SUPPORT CONSTRUCTION, AND TO ESTABLISH ADDITIONAL TIMEFRAMES REGARDING WHEN SUCH A CARGO CONTAINER MUST BE REMOVED; WITHIN ARTICLE 902, DEFINITIONS AT SECTION 110.902.15, GENERAL DEFINITIONS TO ESTABLISH A DEFINITION FOR "CARGO CONTAINER"; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 19-11

WHEREAS

- A. Washoe County Code Section 110.818.05 states that amendments to Washoe County Code Chapter 110 (Development Code) may be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. Pursuant to Washoe County Code Section 2.030, the Washoe County Board of Commissioners initiated amendments to Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 and 902, on November 27, 2018 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA18-0005, came before the Washoe County Planning Commission for a duly noticed public hearing on May 7, 2019; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, 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 WDCA18-0005:
 - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;

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2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

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 May 7, 2019.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Trevor Lloyd, Secretary



Sarah Chvilicek, Chair

DRAFT: May 13, 2019

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

ITALICIZED TEXT: RE-LOCATED LANGUAGE

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

Summary: Revises the quantity, location, aesthetic, permitting and other standards associated with cargo containers; updates the timing for placement and removal of temporary cargo containers used to support new construction; establishes a definition for "cargo container"; 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 revise the allowable quantity, location, aesthetic, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, Temporary Uses and Structures, at Section 110.310.35 (h), Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, Definitions at Section 110.902.15, General Definitions to establish a definition for "Cargo Container"; and other matters necessarily connected therewith and pertaining thereto.

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WHEREAS:

- A. This Commission desires to amend Articles 306, 310 and 902 of the Washoe County Development Code (Chapter 110) in order to update standards related to cargo containers and,
- B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 27, 2018; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA18-0005 on May 7, 2019, and adopted Resolution Number 19-11 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.306.10(g) of the Washoe County Code is hereby amended as follows:

- (g) ~~Cargo Containers, to include Sea land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In tow Trailer" Highway Use.~~ Cargo containers, **as defined within Article 902, Definitions,** ~~designed and constructed as a standardized, reusable 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.;

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- (ii) ~~(2)~~ Only one **cargo container of not more than 200 square feet of floor space shall be allowed on a parcel of land less than one-half acre in size; two cargo containers of any size shall be allowed on a parcel of land having less than between one half acre and five acres in size. Parcels larger than five acres are limited to one container (of any size) per acre or portion thereof., and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;
 - ~~(3) In the Suburban and Urban Regulatory Zones, the cargo container shall be:~~
 - ~~(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~~
 - ~~(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.~~**
- (iii) The cargo container shall be painted one, solid, muted color that blends with the surrounding vegetation, ~~or~~ structures, or topography.
- (iv) ~~(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; **The Director of the Planning and Building Division shall have the authority to determine if these standards have been met.**
 - a. **A cargo container may potentially be used as structural support for other elements of a detached accessory structure as long as the container is not structurally altered; the overall design has been stamped by a qualified engineer; and a building permit is obtained for the overall structure.**
- (v) ~~(5)~~ Shall not include plumbing fixtures.;
- (vi) ~~(6)~~ Shall not be stacked; except in the Commercial and Industrial ~~land use designations~~ **regulatory zones with an established commercial or industrial use type**, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure.;
- (vii) ~~(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.;
- (viii) ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;
 - ~~(9)~~ *[text re-located]*
 - ~~(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~~

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~~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.~~

(ix) ~~(11) Shall be separated from any other structure, or storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line; 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). This does not allow for placement of cargo containers end-to-end.**

~~(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~~

(x) **Cargo containers do not require a placement permit from the Planning and Building Division, except within Commercial or Industrial regulatory zones or as otherwise noted within this section.**

(xi) ~~(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 or HVAC components shall require a building permit from the Planning and Building and Safety Division.~~

(xii) ~~(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.;~~

(2) **Cargo containers placed on parcels one and one quarter acre or less in size must also adhere to the following regulations:**

(i) ~~(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. *On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and ~~Development~~ **Building** Division shall have the authority to determine the primary access to the residence.*

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SECTION 2. Section 110.310.35(h) is hereby amended as follows:

- (h) Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers. Upon **payment of plan review fees for a principal structure supporting an allowed principal use**, issuance of a valid building permit from the Building and Safety Division, a contractor or owner-builder may place temporary cargo containers on a property to support the ~~development~~ **construction** of the project allowed by the permit. The temporary cargo container(s) must be located immediately adjacent to the site of the construction activity. All cargo containers shall be free from **severe** damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal. Such cargo containers shall be removed upon the expiration or revocation of the building permit. **If the building permit has not been issued within 12 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of the building permit at a later date will allow the cargo container(s) to be placed on the property again. Any cargo container remaining on-site after issuance of a final building inspection or Certificate of Occupancy shall conform to the standards within Section 110.306.10.**

SECTION 3. Section 110.90215 is hereby amended to add a definition of "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 4. General Terms.

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

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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 the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT

DRAFT: May 13, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes:

Nays:

Absent:

Vaughn Hartung, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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: May 7, 2019

Agenda Item: 8B

DEVELOPMENT CODE AMENDMENT CASE: WDCA18-0005 (Cargo Containers)

BRIEF SUMMARY OF REQUEST: To amend Washoe County Development Code Articles 306, 310 and 902 to modify standards for the placement of cargo containers.

PREPARED BY: Dave Solaro, Arch., P.E., Assistant County Manager
775.328.3624, dsolaro@washoecounty.us

Kelly Mullin, AICP, Senior Planner
775.328.3608, kmullin@washoecounty.us

DESCRIPTION

For possible action, hearing, and discussion 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 revise the allowable quantity, location, aesthetic, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35 (h), *Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers*, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to establish 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. Any material modifications that exceed the scope of the amendments being considered at this hearing, however, may require continuation of the hearing for possible action at a future meeting.

POSSIBLE 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 WDCA18-0005, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 and 902 as identified in Exhibit A. 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).

(Motion with Findings on Page 9)

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Initiation Staff Report for Nov. 27, 2018 County Commission MeetingExhibit B

Minutes from Nov. 27, 2018 County Commission Meeting Exhibit C

Public Comment Letters..... Exhibit D

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, Planning Commission (PC), or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the PC. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the PC considers the proposed amendment in a public hearing. The PC may recommend approval, approval with modifications or denial of the proposed amendment. The PC 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

The intent of Washoe County codes is not only to insure the health, safety, and welfare of our citizens, but to also help define a sense of place to make our communities nice places to live. Along those lines we define densities for development, setbacks for visual appeal, themes for neighborhood development, and uses for properties. In part, these efforts are to preserve property values and the aesthetic nature of our built environment.

Regulating cargo containers in the Development Code was initially proposed and passed due to concerns brought forward by residents regarding the “commercial” nature of cargo containers being brought into neighborhoods for storage, and the concern that they do not fit into the neighborhood look and feel. Many staff and public hours have been expended defining appropriate conditions for the use of cargo containers as accessory structures appurtenant to a primary use. Current practice for the issuance of a permit is to verify that the placement and appearance of cargo containers meets code standards.

Most recently, the Washoe County Board of Commissioners (Board) provided policy direction to staff at their meetings on September 25, 2018 and November 27, 2018 (see Exhibit C), with the code amendment initiated at the latter meeting. The guiding principles resulting from that direction focused on:

- No permit will be required for cargo containers used for residential storage.
- The number of cargo containers on a parcel will be governed by parcel size.
- Existing cargo container regulations have resulted from valuable public input.
- A complaint-driven process will be used to enforce cargo container standards.

Following the Board’s direction, staff updated the proposed draft language and presented it at a public workshop held February 27, 2019. A wide range of viewpoints were presented at the workshop, as well as in subsequent comment letters provided to staff. In general, the topic of cargo containers has proven to be controversial for Washoe County residents, with strong sentiment commonly expressed either for or against container placement on residential and rural properties. The currently proposed draft language attempts to incorporate Board direction and public input while also simplifying Code standards for ease of use.

The proposed amendments are detailed below and also provided as an exhibit to the resolution (Exhibit A).

Summary of Proposed Amendments

The proposed amendments will modify Development Code regulations within Article 306, *Accessory Uses and Structures*, Article 310, *Temporary Uses and Structures*, and Article 902, *Definitions* as follows.

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

- Provides more flexibility on the placement and appearance of cargo containers;
- Establishes clear limitations on the number of cargo containers allowed based on parcel size;
- Clarifies under what circumstances a cargo container may be used as a support structure;
- Eliminates separate standards for corner lots;
- Allows for limited groupings of cargo containers;
- Eliminates duplicate language for containers associated with commercial/industrial uses;
- Eliminates the requirement for a placement permit under most circumstances;

- Eliminates the prohibition on placement of containers between a home and primary access, except on properties less than 1.25-ac. in size; and,
- Completes other minor updates that address typographical errors or inconsistencies in the current code language.

Article 310, Temporary Uses and Structures – Section 110.310.35(h)

- Updates the point in the building permit process at which a cargo container may be placed upon a vacant piece of property to support construction; and,
- Establishes additional timeframes regarding when such a cargo container must be removed if no permit is issued.

Article 902, Definitions

- Adds a definition for “cargo container” and updates the types of containers subject to these standards.

Full Text of Proposed Amendments

- Regular text: no change in language
- ~~Strikeout text:~~ delete language
- **Bold text:** new language
- *Italicized text:* re-located language

Section 110.306.10(g) is recommended to be amended as follows:

(g) ~~Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or “In-tow Trailer” Highway Use. Cargo containers, as defined within Article 902, Definitions, designed and constructed as a standardized, reusable 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 less than one-half acre in size; two cargo containers shall be allowed on a parcel of land having less than between one half acre and five acres in size. Parcels larger than five acres are limited to one container per acre or portion thereof, and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;~~
~~(3) In the Suburban and Urban Regulatory Zones, the cargo container shall be:~~
 - (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~~
 - (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~~
- (iii) The cargo container shall be painted one, solid, muted color that blends with the surrounding vegetation, ~~or~~ structures, or topography.
- (iv) ~~(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~~; **The Director of the Planning and Building Division shall have the authority to determine if these standards have been met.**

a. **A cargo container may potentially be used as structural support for other elements of a detached accessory structure as long as the container is not structurally altered; the overall design has been stamped by a qualified engineer; and a building permit is obtained for the overall structure.**

(v) ~~(5)~~ Shall not include plumbing fixtures.;

(vi) ~~(6)~~ Shall not be stacked; except in the Commercial and Industrial land use designations **regulatory zones with an established commercial or industrial use type**, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure.;

(vii) ~~(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.;

(viii) ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;

~~(9)~~ *[text re-located]*

~~(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.~~

(ix) ~~(14)~~ Shall be separated from any other structure, **or storage shed or other cargo containers** by a minimum of ten feet, ~~when located within 100 feet of any property line~~; **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). This does not allow for placement of cargo containers end-to-end.**

~~(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~~

(x) **Cargo containers do not require a placement permit from the Planning and Building Division, except within Commercial or Industrial regulatory zones or as otherwise noted within this section.**

(xi) ~~(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 or HVAC components shall require a building permit from the Planning and Building and Safety Division.~~

(xii) ~~(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.;~~

(2) Cargo containers placed on parcels one and one quarter acre or less in size must also adhere to the following regulations:

(i) ~~(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. On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and Development Building Division shall have the authority to determine the primary access to the residence.

Section 110.310.35(h) is recommended to be amended as follows:

(h) Temporary Contractor or Owner-Builder Materials or Equipment Cargo Containers. Upon **payment of plan review fees for a principal structure supporting an allowed principal use**, issuance of a valid building permit from the Building and Safety Division, a contractor or owner-builder may place temporary cargo containers on a property to support the development **construction** of the project allowed by the permit. The temporary cargo container(s) must be located immediately adjacent to the site of the construction activity. All cargo containers shall be free from **severe** damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal. Such cargo containers shall be removed upon the expiration or revocation of the building permit. **If the building permit has not been issued within 6 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of the building permit at a later date will allow the cargo container(s) to be placed on the property again. Any cargo container remaining on-site after issuance of a final building inspection or Certificate of Occupancy shall conform to the standards within Section 110.306.10.**

Section 110.902.15 is recommended to have the following definition added:

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.

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. Staff's recommendation is that the revised standards will become the baseline moving forward. This means that any enforcement complaints received about cargo containers will be reviewed against the newly adopted standards. The exception would be if a placement permit had previously been issued for the cargo container that is the subject of the complaint. In that case, if the existing cargo container was legally established at the time of placement but does not comply with new regulations, it would be subject to Article 904, *Nonconformance* and the limitations and requirements established therein.

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 the evening of February 27, 2019. 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 February 20, 2019. Several members of the public attended to inquire about the proposed changes. Staff has also received 11 comment letters from the public (Exhibit D). The list below summarizes questions and comments received at the workshop and through other methods:

- Desire to see cargo containers as a source of affordable housing, subject to appropriate standards.
- Concern about cargo containers being used for habitable space without appropriate standards.
- Concern about current fencing requirements (ex. acceptable fencing including slatted chain link; 6-ft height of fence vs. 8-9-ft. height of container), with some voicing a preference for a neutral-painted cargo container in lieu of fencing requirements.
- Desire for cargo container standards to NOT be eased, due to aesthetic concerns.
- Desire for no cargo containers to be allowed in the Tahoe area, or to require a special use permit to place containers in that area.
- Homeowner Associations (HOAs) should establish standards for cargo containers, not the County.
- Concern that cargo containers are an eyesore and cause property devaluation to the surrounding area.
- Concern about cargo containers in residential areas; should be limited to industrial and rural areas.
- Concern that the "recycling" of cargo containers "is not worth the cost of the beauty of an area" and that several containers on a property can make it look like a "giant shipping yard."
- Disagreement with any intent to make it easier to place cargo containers.
- Confusion over why a barn would require a permit but a cargo container would not.
- Preference for no more than one cargo container on properties less than 5 acres.
- Belief that cargo containers should be able to be painted any color desired by the owner.
- Desire for existing containers to be grandfathered in; questions about enforcement of existing containers.
- Preference for those who do not wish to see cargo containers to plant trees; in lieu of property owner having to screen the container.

Pursuant to Washoe County Code Section 110.818.20, notice of the Planning Commission 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 to recommend approval of the request. 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, placement and permitting requirements for cargo containers. Although permits will no longer be required to place a cargo container on residential/rural properties, property owners 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.) – similar to other accessory structures. 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 allow 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 some of the feedback received from the public.

4. **No Adverse Affects.** The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Staff comment: The amendments 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 WDCA18-0005, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 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 WDCA18-0005, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 and 902 as identified in Exhibit A. 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 Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of 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 Sections 110.818.25 and 110.912.20.

xc: Nathan Edwards, Deputy District Attorney
Mojra Hauenstein, Planning and Building Division Director



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 306, ACCESSORY USES AND STRUCTURES, AT SECTION 110.306.10, DETACHED ACCESSORY STRUCTURES, TO REVISE THE ALLOWABLE QUANTITY, LOCATION, AESTHETIC, PERMITTING AND OTHER STANDARDS ASSOCIATED WITH THE PLACEMENT OF CARGO CONTAINERS AS DETACHED ACCESSORY STRUCTURES USED FOR STORAGE; WITHIN ARTICLE 310, TEMPORARY USES AND STRUCTURES, AT SECTION 110.310.35 (H), TEMPORARY CONTRACTOR OR OWNER-BUILDER MATERIALS OR EQUIPMENT CARGO CONTAINERS, TO UPDATE THE POINT IN THE PERMITTING PROCESS AT WHICH A CARGO CONTAINER MAY BE PLACED UPON A VACANT PIECE OF PROPERTY TO SUPPORT CONSTRUCTION, AND TO ESTABLISH ADDITIONAL TIMEFRAMES REGARDING WHEN SUCH A CARGO CONTAINER MUST BE REMOVED; WITHIN ARTICLE 902, DEFINITIONS AT SECTION 110.902.15, GENERAL DEFINITIONS TO ESTABLISH A DEFINITION FOR “CARGO CONTAINER”; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 19-11

WHEREAS

- A. Washoe County Code Section 110.818.05 states that amendments to Washoe County Code Chapter 110 (Development Code) may be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. Pursuant to Washoe County Code Section 2.030, the Washoe County Board of Commissioners initiated amendments to Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 and 902, on November 27, 2018 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA18-0005, came before the Washoe County Planning Commission for a duly noticed public hearing on May 7, 2019; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, 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 WDCA18-0005:
 - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;

Planning Commission Resolution 19-11
Meeting Date: May 7, 2019
Page 2

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

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 May 7, 2019.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Sarah Chvilicek, Chair

DRAFT: April 19, 2019

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

ITALICIZED TEXT: RE-LOCATED LANGUAGE

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

Summary: Revises the quantity, location, aesthetic, permitting and other standards associated with cargo containers; updates the timing for placement and removal of temporary cargo containers used to support new construction; establishes a definition for "cargo container"; 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 revise the allowable quantity, location, aesthetic, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, Temporary Uses and Structures, at Section 110.310.35 (h), Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, Definitions at Section 110.902.15, General Definitions to establish a definition for "Cargo Container"; and other matters necessarily connected therewith and pertaining thereto.

DRAFT: April 19, 2019

WHEREAS:

- A. This Commission desires to amend Articles 306, 310 and 902 of the Washoe County Development Code (Chapter 110) in order to update standards related to cargo containers and,
- B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 27, 2018; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA18-0005 on May 7, 2019, and adopted Resolution Number 19-11 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.306.10(g) of the Washoe County Code is hereby amended as follows:

- (g) ~~Cargo Containers, to include Sea land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In tow Trailer" Highway Use.~~ Cargo containers, **as defined within Article 902, Definitions,** ~~designed and constructed as a standardized, reusable 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.;

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- (ii) ~~(2)~~ Only one **cargo container shall be allowed on a parcel of land less than one-half acre in size; two cargo containers shall be allowed on a parcel of land having less than between one half acre and five acres in size. Parcels larger than five acres are limited to one container per acre or portion thereof.**, and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;
 - ~~(3)~~ In the Suburban and Urban Regulatory Zones, the cargo container shall be:
 - ~~(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
 - ~~(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
- (iii) The cargo container shall be painted one, solid, muted color that blends with the surrounding vegetation, or structures, or topography.
- (iv) ~~(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; **The Director of the Planning and Building Division shall have the authority to determine if these standards have been met.**
 - a. **A cargo container may potentially be used as structural support for other elements of a detached accessory structure as long as the container is not structurally altered; the overall design has been stamped by a qualified engineer; and a building permit is obtained for the overall structure.**
- (v) ~~(5)~~ Shall not include plumbing fixtures.;
- (vi) ~~(6)~~ Shall not be stacked; except in the Commercial and Industrial land use designations **regulatory zones with an established commercial or industrial use type**, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure.;
- (vii) ~~(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.;
- (viii) ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;
 - ~~(9)~~ *[text re-located]*
 - ~~(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;

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~~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.~~

(ix) ~~(11) Shall be separated from any other structure; or storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line; 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). This does not allow for placement of cargo containers end-to-end.**

~~(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~~

(x) **Cargo containers do not require a placement permit from the Planning and Building Division, except within Commercial or Industrial regulatory zones or as otherwise noted within this section.**

(xi) ~~(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 or HVAC components shall require a building permit from the Planning and Building and Safety Division.~~

(xii) ~~(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.;~~

(2) **Cargo containers placed on parcels one and one quarter acre or less in size must also adhere to the following regulations:**

(i) ~~(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. *On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and ~~Development~~ **Building** Division shall have the authority to determine the primary access to the residence.*

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SECTION 2. Section 110.310.35(h) is hereby amended as follows:

- (h) ~~Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers.~~
Upon **payment of plan review fees for a principal structure supporting an allowed principal use**, issuance of a valid building permit from the Building and Safety Division, a contractor or owner-builder may place temporary cargo containers on a property to support the ~~development~~ **construction** of the project allowed by the permit. The temporary cargo container(s) must be located immediately adjacent to the site of the construction activity. All cargo containers shall be free from **severe** damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal. Such cargo containers shall be removed upon the expiration or revocation of the building permit. **If the building permit has not been issued within 6 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of the building permit at a later date will allow the cargo container(s) to be placed on the property again. Any cargo container remaining on-site after issuance of a final building inspection or Certificate of Occupancy shall conform to the standards within Section 110.306.10.**

SECTION 3. Section 110.90215 is hereby amended to add a definition of "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 4. General Terms.

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

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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 the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT

DRAFT: April 19, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes:

Nays:

Absent:

Vaughn Hartung, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

STAFF REPORT

BOARD MEETING DATE: November 27, 2018

DATE: October 30, 2018
TO: Board of County Commissioners
FROM: Dave Solaro, Arch., P.E., Assistant County Manager
Community Services Department, 328-3600, dsolaro@washoecounty.us
THROUGH: John Slaughter, County Manager
SUBJECT: Discussion and possible action to initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code), cargo containers, by clarifying the definition of cargo containers, specifying where certain cargo containers used for storage on residential properties are allowed and how they can be placed, and delineating the number of cargo containers allowed on parcels based on the size and zoning of the parcel in question, as well as any other amendments necessarily connected therewith and pertaining thereto. (All Commission Districts.)

SUMMARY

This item is a result of policy direction received from the Board of County Commissioners (Board) given September 25, 2018 for Development Code amendments specifying where certain cargo containers used for storage on residential properties are allowed without permits.

Based on direction received from the Board, staff has provided the following items as guiding principles as we prepare public outreach necessary to update the development code if the Board decides to initiate code changes.

- No permit for cargo containers used for residential storage will be required.
- Numbers of cargo containers on a parcel will be governed by parcel size, one cargo container per acre or portion thereof.
- Cargo containers on 1.25 acre parcels or less have additional regulations including screening and painting a muted color.
- Existing cargo container regulations have had valuable public input.
- Utilize a complaint driven process for enforcement of cargo container codes.

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

PREVIOUS ACTION

On September 25, 2018, The Washoe County Commission provided policy direction to staff and requested the information come back before the Board for initiation of amendments to the Development Code.

AGENDA ITEM # _____

On October 11, 2016, The Washoe County Commission did not introduce an amendment to the Development Code and sent the item back to staff with direction.

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

On April 26, 2016, the 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

The intent of Washoe County codes is not only to insure the health, safety, and welfare of our citizens, but to also help define a sense of place to make our communities nice places to live. Along those lines we define densities for construction, setbacks for visual appeal, themes for neighborhood development, and uses for properties. This is all in an effort to preserve property values, and the aesthetic nature of our built environment.

Regulating cargo containers in the development code was initially proposed and passed due to concerns brought forward by residents regarding the “commercial” nature of cargo containers being brought into neighborhoods for storage, and the concern that they do not fit into the neighborhood look and feel. Many staff and public hours have been expended defining appropriate conditions for the use of cargo containers as accessory structures appurtenant to a primary use. Current practice for the issuance of a permit is to verify that the placement and treatment of cargo containers meets the requirements of the codes.

Per the Board’s direction staff proposes the following as potential changes to the development code:

Bold = new text

~~Strikethrough~~ = removal of existing text

Section 110.306.10(g) is recommended to be 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~~ **one** acres in size. **Parcels of one acre or larger are limited to one container per acre or portion thereof;** ~~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) **Do not need to obtain a permit from the Planning and Building Division, except within Commercial or Industrial regulatory zones.**
 - (viii) **Any electrical wiring shall require a building permit from the Planning and Building 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 and one quarter 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 screened utilizing a. or b. below:**
 - 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~~
- ~~(ii)~~ ~~e.~~ ~~(iii)~~ The cargo container shall be painted one, solid, muted color that blends with the surrounding vegetation, or structures, or topography.
- ~~(iii)~~ ~~(4)~~ All cargo containers shall be free from **severe** damage, shall not be structurally altered, **and** shall be free from severe rust, ~~and shall not have exposed bare metal;~~
- ~~(5)~~ Shall not include plumbing fixtures;
- ~~(6)~~ Shall not be stacked; except in the Commercial and Industrial land use designations, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure;
- ~~(iv)~~ ~~(7)~~ Shall not display off-premise advertising, company logos, names, or other markings painted on, or otherwise attached to, the exterior of the cargo container;
- ~~(v)~~ ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;
- ~~(vi)~~ ~~(9)~~ Shall not be placed between a residence and the adjoining street or road right-of-way that provides primary access to the residence;
 - a. ~~(i)~~ On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and Development Division shall have the authority to determine the primary access to the residence.
- ~~(10)~~ When placed on a parcel fronted by two or more street or road right-of-ways, shall be placed at least one 75 feet from all street or road right-of-ways, excepts as provided for in ~~(9)~~, above.
 - ~~(i)~~ The Director of the Planning and Development Division shall have the authority to allow a minor deviation in setbacks of up to 25 feet to the standards in ~~(10)~~ above, when the Director is presented with sufficient evidence that the proposed cargo container will be aesthetically enhanced to blend with the surrounding residences.
 - ~~(ii)~~ Aesthetic enhancements, as required in ~~(i)~~ above shall consist of one or more of the following: siding and/or painting to match the residence on the parcel; landscaping to obscure the cargo container from view from off site; placement of the cargo container to obscure view from off site; other techniques as proposed by the applicant and acceptable to the Director.
 - ~~(iii)~~ Approval of a minor deviation to setback standards in ~~(10)~~ above shall be by means of application for a Director's Modification of Standards.
- ~~(11)~~ Shall be separated from any other structure, storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line.;
- ~~(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 110.902.15 is recommended to be 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.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board of County Commissioners initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code), cargo containers, by clarifying the definition of cargo containers, specifying where certain cargo containers used for storage on residential properties are allowed and how they can be placed, and delineating the number of cargo containers allowed on parcels based on the size and zoning of the parcel in question, as well as any other amendments necessarily connected therewith and pertaining thereto.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be: “Move to initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code), cargo containers, by clarifying the definition of cargo containers, specifying where certain cargo containers used for storage on residential properties are allowed and how they can be placed, and delineating the number of cargo containers allowed on parcels based on the size and zoning of the parcel in question, as well as any other amendments necessarily connected therewith and pertaining thereto.”

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

NOVEMBER 27, 2018

PRESENT:

Marsha Berkgigler, Chair

Kitty Jung, Vice Chair

Bob Lucey, Commissioner

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

John Slaughter, County Manager

Paul Lipparelli, Assistant District Attorney

...

18-0879 **AGENDA ITEM 14** Discussion and possible action to initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code), cargo containers, by clarifying the definition of cargo containers, specifying where certain cargo containers used for storage on residential properties are allowed and how they can be placed, and delineating the number of cargo containers allowed on parcels based on the size and zoning of the parcel in question, as well as any other amendments necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

Assistant County Manager Dave Solaro recalled the Board had provided direction several times and this item was to re-initiate Code amendments based on that direction. He conducted a PowerPoint presentation, a copy of which was placed on file

NOVEMBER 27, 2018

with the Clerk, and reviewed slides with the following titles: Requested Direction to Complete; Board Vision; Type of Container; Aesthetic and Placement Standards; Board and Direction. He explained the definition of cargo container was written in such a way to distinguish it from a Tuff Shed storage building.

Commissioner Hartung stated according to the presentation any one-acre lot could house one cargo container. He noted he lived on an acre and a third while his neighbor lived on just one acre; he would be able to have two cargo containers while his neighbor could only have one even though she had horses. Mr. Solaro confirmed that was a correct interpretation of the proposed amendments. Commissioner Hartung stated his neighbor would have to screen her container while he would not, a point confirmed by Mr. Solaro.

When Mr. Solaro pointed out a line had to be drawn somewhere, Commissioner Hartung recalled he had suggested using the low-density suburban (LDS) designation where equestrian uses were allowed as that line. Commissioner Hartung said many residents in his area owned horses and used cargo containers as tack sheds.

Commissioner Hartung read from the staff report about painting the containers and stated there could not be any logos on the containers. Mr. Solaro replied that was correct. Commissioner Hartung said there was someone within view of the County complex using a PODS building as a storage unit. He asked whether the County would require people who were renting a PODS unit to paint it, which he felt PODS would not allow.

Mr. Solaro responded the definition of cargo containers would not pertain to a temporary storage unit that could be rented. He acknowledged people sometimes kept those units in their backyard for extended periods of time, but the purpose of this item was to identify those items for which the Board had provided direction. Commissioner Hartung felt this issue would come up.

Commissioner Hartung asked whether a resident would have to meet the same placement standards for putting a shed on their property as would be required for cargo containers as outlined in the staff report. Mr. Solaro answered technically that resident would still need to meet the same setback standards.

Commissioner Hartung stated many in his area had only arena fencing in their backyard and he had concerns about forcing someone to screen their containers. He asked how someone would comply with the regulations if the bulk of their corner lot faced a road. Mr. Solaro replied according to current Code that resident could not have a container within 75 feet of either of those streets; the proposed changes would allow that resident to utilize more of their land. Front-yard requirements would still need to be met.

Commissioner Lucey remarked the Board and staff had made significant progress on the item. He pointed out specific scenarios like the one suggested by Commissioner Hartung could be addressed with the complaint-driven nature of the

process. He felt code enforcement would be more effective since it would no longer be driven by a discretionary definition of the rules.

On the call for public comment, Mr. Garth Elliott was called but was not present to speak.

Ms. Katherine Snedigar felt people who had an issue with seeing containers on other people's properties should be responsible for blocking the view. She did not understand why people would report cargo container issues to code enforcement and felt the decision to paint containers muted colors should be enforced by homeowners associations. She alleged Commissioner Hartung wanted a cargo container for each half-acre. She wanted the Board to get involved only in health and safety issues.

Mr. Darin Nelson with Modern Storage, LLC, thanked the Board for the progress made on this issue. He stated logos on containers were becoming smaller and less offensive as the resale of the containers was becoming more prevalent. He suggested the Board not recognize anonymous complaints, claiming they could be made by County staff for their own purposes. He praised the Board for listening to the concerns.

Chair Berkbigler stated it was unfair to recognize unsubstantiated complaints. Mr. Solaro said staff was working on a request made by the Board to review best practices for handling complaints.

Commissioner Jung recommended her constituents who did not want to escalate neighborhood tension should tell her and she would report any complaints. She asked Mr. Solaro to review that portion of the Code. She did not like anonymous complaints and, even though she did not think staff was making them, she wanted to make sure nobody thought staff could be doing it. She requested anonymous complaints be eliminated, suggesting residents contact their Commissioners or neighborhood mediators.

Commissioner Jung asked when the new complaint protocol would take effect. Mr. Solaro said staff was working with the District Attorney's Office on it. She directed Mr. Solaro to contact members of the public who spoke at these meetings as soon as a date where anonymous complaints would no longer be considered was determined.

Chair Berkbigler thanked Mr. Solaro and said the amendments addressed many of her concerns.

Commissioner Hartung asked what the next steps were and indicated the example he provided could be solved by changing the criteria to zoning. He believed the next step was to return to the Board with something that could be codified. Mr. Solaro responded 1.25 acres was chosen because it was unusual enough to prevent the situation Commissioner Hartung described. He said using acreage instead of zoning type made it more understandable to the citizens.

Mr. Solaro asked for a recommendation for an acreage that could be utilized instead of 1.25 acres. Commissioner Hartung responded his neighborhood also featured half-acre parcels that were zoned LDS. He stated he could have a cargo container but a resident on a half-acre parcel would need a permit. Mr. Solaro corrected him that permits were no longer required and that resident could have a container.

Commissioner Hartung still wished zoning would be used as the criteria since it was unlikely there would ever be a half-acre parcel zoned as medium-density suburban. He reiterated the inequity in the example he provided earlier.

Commissioner Lucey asked whether there would be a process to rectify Commissioner Hartung's concerns regarding smaller parcels through the use of special use permits. Mr. Solaro said he did not want to explore that option. The recommendation was one container per acre or portion thereof, but he said the Board could provide different direction. He pointed out people in his neighborhood had multiple cargo containers but none of the other neighbors minded. He stressed there were certain areas where people did not want cargo containers at all, so staff was trying to make a policy to appease everyone. He thought it might be possible to create a process where a director's administrative permit could be exercised in special cases.

Assistant District Attorney Paul Lipparelli said the discussion was fine but if a consensus was not reached, Mr. Solaro could return with ordinance language that was not acceptable and the entire process would have to start over. He suggested now was the time to resolve the density issue so a bill could be submitted in an acceptable form.

Commissioner Hartung indicated he would be comfortable allowing two cargo containers on an acre parcel. This would solve issues in older equestrian neighborhoods.

Commissioner Herman said residents would have to abide by any applicable Covenants, Conditions & Restrictions, but she felt that should be the only place where cargo containers could be prohibited. She thought it had to be fair for people on half-acre lots in the same subdivision as residents with acre and a half lots.

There was a brief discussion about the specific language of the motion.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be approved as written in the staff report. Additionally, language would be added wherein two cargo containers would be allowed on a parcel of land less than one acre in size; parcels of one acre or larger would be limited to one container per acre or portion thereof.

From: [Jerald Ballance](#)
To: [Solaro, David](#); [Mullin, Kelly](#)
Subject: Can't attend your workshop on containers, but here are a few thoughts...
Date: Wednesday, February 20, 2019 6:22:00 PM

A brief tour of the web shows many examples where one, two or more containers have been transformed into housing units. Some are quite spacious while single container units can be in the "tiny house" category.

Real estate here has gone insane and many seniors cannot afford homes. many are just barely scraping by and worry constantly about the next rent increase. Indeed, where I live an octogenarian shot herself after it was announced that the rents were going up again (for the third time in three years). She may have killed herself for other reasons but the suicide happened right after the rent increase was announced.

In other towns, they encourage the construction of "granny flats" on residential lots. Of course most of these tiny houses are not occupied by relatives. They provide needed relief for housing demand and provide low-cost housing for a large segment of working class citizens and students. If handled properly, these containers could be used as economical granny flats that would be aesthetically pleasing while helping to solve our affordable housing problem.

I read in the staff report that your current focus seems to be containers just dumped onto a lot and presumably used as storage space. I strongly urge you to look at these containers as a possible source of affordable (albeit small) housing units and include in any proposal the modification of these containers as living quarters, with full time toilet connections and other utilities. You also have language that prohibits stacking. That needs to be modified since some of the container conversion designs rely on stacked units to provide adequate living space.

One example of an aesthetically pleasing and functional design comes via YouTube from Australia. They used three units arranged with the center container recessed from the others and covered with solar panels on top and pleasing paneling on the sides. The house was placed on the back lot of the in-laws' property and provides adequate living space for a husband and wife with a child on the way.

<https://www.youtube.com/watch?v=LTa9cqioRDY>

Here's another:

<https://www.youtube.com/watch?v=LHLzhynyPOw>

We could have nicely modeled containers serve as granny flats here in the Washoe area if staff and elected leaders could be a bit forward thinking and adopt the "best practices" of other communities. The key is to place standards into our codes now, and head off the inclination of people to modify and use these containers as housing without any aesthetic or structural standards. Handled properly, these homes made from containers will last for hundreds of years and are far more durable (especially in our climate) than their stick-build counterparts.

I fear that your current plans will result in people living in these containers without proper sanitation and without the container receiving proper modification to make them habitable.

Tyler
J. Tyler Ballance
775-737-4175

From: Washoe311 [mailto:noreply@qscend.com]

Sent: Monday, February 25, 2019 9:18 AM

To: Washoe311 <Washoe311@washoecounty.us>

Subject: A new Service Request has been created [Request ID #27232] (Cargo/Storage Containers) - Washoe County, NV

Washoe County, NV

A new service request has been filed.

Service Request Details

ID 27232

Date/Time 2/25/2019 9:18 AM

Type Cargo/Storage Containers

Origin Email

Comments Subject: Re: Washoe County is seeking public input on cargo containers

I read the proposal. It struck me as odd that there would be a requirement to install fences around containers. To my eye, a slat-filled chain-link fence is not any more attractive than a plain container, and installing a fence "just because" seems wasteful of resources and space / footprint. A fence is also a great way to snag and hold every possible tumbleweed that tries to pass by.

Instead, how about also allowing for containers to be painted with a mural scene, or even just a earth-tones ombre color scheme (not just a monolithic "calm" color block). That's what an invisibility cloak might do for us, if we could have one -- just let us "see" what might be beyond the container, if it were not there. Plus, allowing mural painting (in lieu of fences) spreads the "camo expense dollars" that will be spent into the artists' community in town, and that's a good thing, yes?

.....dave

Submitter Beaver, David
Washoe Valley, NV
beaver.david@gmail.com

February 23, 2019

Regarding the proposed changes to chapter 110, section 306.

I respectfully request that the County of Washoe review the standards set forth in this section regarding cargo containers.

For the past 10 years or so, I have had to look at the neighbors (405 Old Ophir Rd. Washoe Valley, NV 89704) semi-truck trailers being utilized as cargo containers. It is stated very clear that semi-truck trailers are not considered cargo containers. They are each approximately 40 ft. long, and still on their tires which makes them extremely tall. In the wind, the roof's flap and make noise. In addition, surrounding the semi-truck trailers is an amount of unsightly trash, such as old file cabinets, used tires, burn barrels, and an old mattress and this condition continues to grow. There is also an old partially burned abandoned vehicle that has been parked on this property for over 15 years and is now parked behind one of the semi-truck trailers. 90% of the above nuisances are being stored on the side of the semi-truck trailer hiding it from their view, but making it my view.

As I will be out of the country and unable to attend this meeting, I am sending my comments for you to consider and to share.

Thank you for your attention to this.

Susan Biegler

472 Old Ophir Rd.

Washoe Valley, NV 89704







From: orionbobo@yahoo.com
To: [Ventetuolo, Amy](#); [Solaro, David](#); [Mullin, Kelly](#)
Cc: [Patricia Bobo](#)
Subject: Proposed changes to Code standards on cargo containers
Date: Sunday, February 24, 2019 6:01:18 PM
Attachments: [BCC 11-27-18 - Staff Report for Cargo Containers.pdf](#)

Washoe County Management,

As residents of Washoe County, we do not want regulations changed to make it easier for cargo storage containers to be used on residential property. I think increasing the use of cargo storage containers will be aesthetically negative to our area. Thank you.

Orion & Patricia Bobo
1580 Brenda Way
Washoe Valley, NV 89704
775-232-9090

From: [Wayne Ford](#)
To: [Mullin, Kelly](#); [Young, Eric](#)
Subject: Amendments to cargo containers code Chapter 110.
Date: Thursday, February 21, 2019 8:21:21 AM

Kelly: My personal opinion for these to be on residential property in the Incline Area is NO. Yet I do understand that to do a code change it must be part of the total county. So I am proposing that for the portion of the County that is under TRPA review, that a note ,that a TRPA permit must be gotten before the County would allow for these to be on, what are mostly small parcels up here.

Most parcels up here would fall under (20) one and one quarter acre of less.

I would add one thing that Mr. Young may want to consider in the Community Plan/ Area Plan if someone wants to have this kind of storage on residential property, they must get a Special Use Permit. That would make sure neighbors and others are given a notice to what is proposed. In the Special Use part of the TRPA Code is that the use must fit the character of the area.

Wayne Ford

From: Washoe311 [mailto:noreply@qscend.com]
Sent: Monday, February 25, 2019 10:54 AM
To: Washoe311 <Washoe311@washoecounty.us>
Subject: A new Service Request has been created [Request ID #27247] (Cargo/Storage Containers) - Washoe County, NV

Washoe County, NV

A new service request has been filed.

Service Request Details

ID	27247
Date/Time	2/25/2019 10:54 AM
Type	Cargo/Storage Containers
Address	Reno
Origin	Email
Comments	Subject: Cargo Containers This correspondence is in lieu of my attendance due to a schedule conflict. Please distribute & count my comment/opinion as follows; The county should not limit a homeowners rights on their land. If an individual should not wish to live near a neighbor with a cargo container there are neighborhoods with HOAs to accommodate them. The rights of the general public should never be limited due to those few who are messy and have an abundance of such things that becomes an eye sore. Thank you, for you consideration in accepting my opinion on this matter. Shannon Greene
Submitter	Greene, Shannon Washoe County, NV sgreenenv@gmail.com

From: [Nancy Key](#)
To: [Solaro, David](#)
Subject: 2/2019 forum on containers in rural areas
Date: Wednesday, February 20, 2019 5:19:50 PM

I am unable to attend this meeting but I want to give some input. I live in Washoe Valley and these containers are already popping up on people's property. They are an eyesore and devalue the area. There are plenty of option. As for the guy out here that wants to build them don't change zoning for the few. Thank you.

Sent from my iPhone

From: [Lee Leighton](#)
To: [Mullin, Kelly](#)
Subject: Proposed Cargo Container Changes
Date: Wednesday, February 20, 2019 4:54:06 PM

Hi Karen , I recently received notice of proposed changes to the cargo container standard. The memo states the County Commission gave direction to staff to focus on easing regulations on the use of cargo containers on residential properties in the county. I have a couple questions regarding this proposal, when was this ordinance last up dated ? What caused the Commission to request this ordinance standard be lowered ? Karen I live in the Spanish Springs area that includes no Homeowners Association so this proposal will be an area that could be adversely affected by the proposed changes , how does the County plan on noticing areas such as where I live on the proposals ? Is there a member of the planning commission representing the Spanish Springs area ? Since many areas of Washoe County border the Cities of Reno an Sparks and the placement of these containers could be in full view of residential homes in both cities ,how are these areas being identified and noticed ? I'm sure you can tell I'm very concerned about the potential effects of the proposal being introduced. I could live with the old rules as it was reasonable based on the density and allowable containers, 5 ac should be the minimum lot size for more than one container as that is rural and fits better aesthetically into a rural area. Your response to my questions prior to the workshop would be appreciated as I would like to contact members os the Planning Commission prior to the meeting. Thank you, Lee Leighton, 9335 Ogden Tr. Dr. Sparks, Nv, 89441. 775-425-1144

Sent from my iPad

From: [GLORIA MARTIN](#)
To: [Mullin, Kelly](#)
Subject: cargo containers
Date: Wednesday, February 20, 2019 2:20:23 PM

Cargo containers in residential areas - no thank you! If a home needs storage build a shed or garage that fits into a residential neighborhood. Stick to industrial areas and rural areas - all with strict guidelines.

Gloria

From: Todoroff, Pete
Sent: Friday, February 22, 2019 8:34 AM
To: McQuone, Alice
Cc: Todoroff, Pete
Subject: Re: Washoe County is seeking public input on cargo containers

Good Morning Alice:

I must say that a Container in Incline Village or Crystal Bay would not be allowed in this area period. I do understand that in Reno where there are acres of land on Ranches it would be acceptable because they would be out of site from the Public. I do believe that the TRPA would not allow these Containers allowed in Incline Village or Crystal Bay.

I think that the TRPA needs to have the final approval for a Special Use Permit in the Incline Village and Crystal Bay Area.

Pete Todoroff Chairman of the Incline Village Crystal Bay CAB.

iMac 3.06
Pete Todoroff
ptodoroff1@sbcglobal.net

On Feb 20, 2019, at 2:19 PM, McQuone, Alice <AMcQuone@washoecounty.us> wrote:

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washoe county header



[Washoe County is seeking public input on cargo containers](#)
Community Services Department to host workshop [Read the full announcement](#)

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

We are new residents of this state, having moved here from the Midwest approximately one and a half years ago, to take part in its beautiful landscapes and vistas. About a half a year after moving to our residence in beautiful Washoe Valley near Washoe Valley State Park and Washoe Lake, one day the landowner directly across the street from us had five large shipping/cargo containers placed randomly on his property, in front of our home and a state park area. When we look out our front door and windows we have no choice but to see the extremely unsightly containers, of different paint colors and schemes, seemingly of different ages and some even without some of their sides. These eyesores have been sitting there ever since. The property now looks like a salvage yard. It doesn't have a residence on it and there seems to be no sign of that ever being accomplished in the near or distant future. As far as we know the owner has no intention of moving them around, away or anything else. He obviously doesn't care what his neighbors think about this. To us these containers look even much more ugly and displeasing than dumpsters. At least dumpsters are painted one color and have only one opening on the top. It is so saddening to see such a beautiful area of the county being defaced in such a way simply because a landowner could care less and the statutes and codes allow similar practices to be carried out. We find the above mentioned kind of behavior shameful and we do not approve of the concept of shipping/cargo containers being allowed in residential areas. Does this area allow dumpsters to be plopped down and remain on residential properties, too?

What is really flabbergasting to us as well is that one can plop a shipping/cargo container down in this county without so much as a permit, whereas one must have a permit to build a very aesthetically pleasing barn on their property. A barn, for example, must also blend in with its surroundings, landscape and/or environment, or other structures, as well as meet other strict requirements. What is wrong with this picture? Why can't shipping/cargo containers only be used for their intended purpose? Recycling is good for many reasons, but the "recycling" of containers for their placement on homeowners' lands is not worth the cost of the beauty of an area in our opinion. If this trend continues this area will soon appear to look just like a giant shipping yard and become known as "Dumpsterville." We are disgusted, and the thought of that is sickening.

We came to the public workshop meeting concerning cargo containers and we left the meeting feeling shocked and somewhat unwelcome here. We have the overall impression that the people in the county don't really care about the area. Not only did we disagree with the entire scenario, but it even turned out to be worse in our minds upon learning that an amendment was to be made that increased the number of allowable containers from one to two on an amount of land that is less than one acre in size.

These amendments are being made in the spirit of "easiness", (1) to make it easier for the creators to create the cargo container documentation, and by the overall impression of the wording put forth by the meeting's spokesperson, (2) that by creating such documentation it will make it "easier" for all concerned, having been made a general or all-encompassing document for all individuals who want to have containers on their properties. Apparently, other people don't matter very much and hardly any suggestions for the other side of the scenario were being offered or presented. We did hear one individual say to just "plant trees" because it was nobody's business as to what anyone places on their property. So, we should just plant trees to block out their eyesores if we want or need to, otherwise we can just live with it. What kind of an attitude is that? At what expense and for how long do we have to wait for the trees to grow tall and wide enough to do that? We left the meeting feeling like there is nothing that we can do about any of this because it appears that nobody in the county administration wants to help. It seems that this beautiful place we have recently moved to might not be so beautiful in the near future because of the growth and possible omnipresence of cargo containers in Washoe County.

Another concern of ours is that if we decide to sell our home at some point, whether it be in the near or distant future, will its property value have dropped to well below its value at the time of its purchase as a direct result of these cargo containers sitting directly in front of our home? Is there any fairness in this?

Stark, Katherine

Subject: Additional public comment (Item 8B - Cargo Containers)

From: Sharon Gustavson
Sent: Sunday, May 05, 2019 3:22 PM
To: Solaro, David; Mullin, Kelly
Cc: Hartung, Vaughn
Subject: Cargo Containers

Howdy folks! If you think you're going to force code restrictions on us about our cargo containers out here in Palomino Valley--agricultural zoning--you're out of your bloody minds! This is Ag Country Restored! We established that and it was codified in 2010. Our agricultural rights are sacrosanct and we're keeping our cargo containers, so get over it! You've been trying unsuccessfully to force this down our throats for at least 20 years, and it ain't gonna happen.

Thank you, Sharon T



WASHOE COUNTY PLANNING COMMISSION
&
CITY OF RENO PLANNING COMMISSION



Meeting Minutes

The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only), all other matters were heard by only the Washoe County Planning Commission

Tuesday, May 7, 2019 • 6:00 PM

**Washoe County Administration Complex, Commission Chambers,
1001 East Ninth Street, Reno, NV 89512**

Washoe County Planning Commissioners	
Sarah Chvilicek, Chair	
Larry Chesney, Vice Chair	Francine Donshick
James Barnes	Philip Horan
Thomas B. Bruce	Michael W. Lawson
Reno City Planning Commissioners	
Mark Johnson, Chair	
Britton Griffith, Vice Chair	Paul Olivas
Peter Gower	John Marshall
Ed Hawkins	Kevin Weiske

The Washoe County Planning Commission and Reno City Planning Commission met in a scheduled session on **Tuesday, May 7, 2019**, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

NOTE: The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only); all other matters were heard by only the Washoe County Planning Commission.

1. *Determination of Quorum

Chair Chvilicek called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

- Washoe County Commissioners present:
- Sarah Chvilicek, Chair
 - Larry Chesney, Vice Chair
 - James Barnes
 - Thomas B. Bruce
 - Francine Donshick

Philip Horan
Michael W. Lawson

Reno City Commissioners present: Mark Johnson, Chair
Britton Griffith, Vice Chair
Ed Hawkins
Paul Olivas
John Marshall
Kevin Weiske

Commissioners absent: Peter Gower (Reno City Planning Commissioner)

Staff present: Trevor Lloyd, Washoe County Secretary, Planning and Building
Chris Bronczyk, Washoe County Planner, Planning and Building
Kelly Mullin, AICP, Washoe County Senior Planner, Planning and Building
Dave Solaro, Washoe County Assistant County Manager
Julee Olander, Washoe County Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, Washoe County District Attorney's Office
Katy Stark, Washoe County Recording Secretary, Planning and Building
Donna Fagan, Washoe County Office Support Specialist, Planning and Building
Claudia Hanson, Planning Manager, Reno Community Development
Karl Hall, Reno City Attorney, Reno City Attorney's Office
Greg Salter, Deputy City Attorney, Reno City Attorney's Office

2. *Pledge of Allegiance

Commissioner Horan led the pledge to the flag.

3. *Ethics Law Announcement

Nathan Edwards, Deputy District Attorney, provided the ethics procedure for disclosures.

4. *Appeal Procedure

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Planning Commission.

5. *General Public Comment and Discussion Thereof

Lori Beach, Washoe County Resident/City of Reno Tax Payer, requested consideration for storage containers. She stated there are many residents who live in rural areas with acreage. She said she uses the storage container to store feed for her animals and provide storage for those who are being flooded. She read from the staff report regarding visual appeal.

Tammy Holt-Still, Swan Lake Recovery Committee, said there was a commissioner who was hosting an information table at a Northern Nevada Business breakfast. There were rumors that this commissioner made fun of the residents of Lemmon Valley and the effluent water at the school grounds. Lemmon Valley residents were the butt of their jokes. She said the Commissioners need to be professionals and represent business and residents.

Denise Ross spoke for Danny Cleous and herself. She shared that there is a lot of hurt in

Lemmon Valley. She asked the Commissioners to re-examine why they serve on the board. She addressed a commissioner about making fun of Lemmon Valley residents. She said Danny Cleous is losing everything. She asked for compassion and caring.

As there were no further requests to the call for public comment, Chair Chvilicek closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the May 7, 2019 meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Possible Action to Approve April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

...

The Reno City Planning Commission adjourned at 6:51 p.m.

The Washoe County Planning Commissioners took a brief recess and reconvened at 7:01 p.m.

B. Development Code Amendment Case Number WDCA18-0005 (Cargo Containers) –

For possible action, hearing, and discussion 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 revise the allowable quantity, location, aesthetic, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35 (h), *Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers*, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to establish 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. Any material modifications that exceed the scope of the amendments being considered at this hearing, however, may require continuation of the hearing for possible action at a future meeting.

- Prepared by: Dave Solaro, Arch., P.E., Assistant County Manager
Kelly Mullin, AICP, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3624 (Dave) and 775.328.3608 (Kelly)

- E-Mail: dsolaro@washoecounty.us and kmullin@washoecounty.us

Chair Chvilicek opened the public hearing.

Chair Chvilicek called for member disclosures. Commissioner Bruce said he attended a public meeting.

Kelly Mullin, Washoe County Senior Planner, and Dave Solaro, Assistant County Manager, provided a staff presentation.

Public Comment:

Lori Beach said she appreciated the presentation. She would like reconsideration of item xi, regarding livestock. Please allow for use of livestock. She appreciated the part about neutral painting of the cargo container required.

Denise Ross declined her public comment.

With no further public comment, Chair Chvilicek closed the public comment period.

Commissioner Bruce asked about the timeframe of six months expiration after paid permit. He suggested a 12 month time period. He inquired about cargo containers being placed side-by-side. He asked about placing them end-to-end. Ms. Mullin noted end-to-end placement of the cargo containers language was added. She said under subsection 9a, this does not allow for cargo containers to be placed end-to-end for the concern of creating a barrier or compound. Ms. Mullin addressed his question about the six month timeframe. Commissioner Bruce said he understands the limit, but he would be comfortable with 12 months instead of six months.

Vice Chair Chesney thanked Ms. Mullin and Mr. Solaro for their hard work. He said he is fine with the time limit of six or 12 months.

Chair Chvilicek referred to item xii within Exhibit A-1 and asked what would constitute an “agricultural building as a main use”. Ms. Mullin explained the term and clarified that the prohibition on cargo containers being used as an agricultural building as a main use is a carryover from the previous policy.

Commissioner Lawson commended the staff for their hard work. He said he is concerned with the language and asked if changes can be made or if the Commission can only consider the language as a whole, either voting for or against it. Ms. Mullin said there is opportunity to change language within the limits noted in the agenda description. DDA Edwards stated changes depend on the specific modifications. Commissioner Lawson said he doesn’t like the idea of a container on less than ½ acre, nor two containers on one acre. He said he would like to see at least one acre to have one container. Ms. Mullin noted the Board of County Commissioners (BCC) provided specific direction as to number of containers based on the sizes of parcels, but this Commission can also provide recommendations.

Commissioner Donshick said she was confused about the complaint process. Ms. Mullin said standards would need to be abided by. If there was a complaint, they would report to Code Enforcement, and Code Enforcement would go out and investigate to see if the standards weren’t being met. Commissioner Donshick asked how someone who wants to place a cargo container on their property can ensure they are in compliance. Ms. Mullin recommended that someone who wishes to place a cargo container or shed on their property check with staff

ahead of time to confirm placement and make sure they are in compliance with standards. Commissioner Donshick expressed concerns with parcel size and containers. She said she is concerned with allowing a 40-foot container on a ½ acre lot. Vice Chair Chesney said they need to meet the setback requirement, but doesn't think a 40-foot container on ½ acre lot would happen. Commissioner Donshick said we need to be clear. Ms. Mullin indicated on properties 1.25 acre or less, a cargo container cannot be placed between the main home and street.

Chair Chvilicek thanked staff for their hard work.

DDA Edwards advised if the Commission wants to allow cargo containers without a permit on smaller parcels, it could most likely affect older neighborhoods without CC&Rs, rather than newer subdivisions with CC&Rs. The Commission should consider whether that would result in possible unfair impacts on older, less affluent neighborhoods. He stated the current requirement for a placement permit acts as a deterrent to some degree, and eliminating the need for a permit may open that up as an issue.

Dave Solaro, Assistant County Manager, said he appreciated the discussion held by this Commission, by the Board of County Commissioners, and community input. He said that based on the discussion, smaller lots could be limited to a 20-foot length container. He said, currently, a container less than 200 square feet doesn't require a permit anyway, and that would not change with the amendment.

Vice Chair Chesney spoke about crafting a motion to reflect the Commission's discussion about adjusting the timeframe of the permit and parcel size.

Commissioner Bruce said after a motion is made, the following amendments can be made: Section 110.310.35 (h) 6 months is changed to 12 months.

Commissioner Lawson said Commissioner Bruce is on the right track with amendments. He agreed with changing the timeframe from six to 12 months in regards to building permits. He agreed with the suggestion by Dave Solaro regarding one cargo container not to exceed 200 square feet for smaller parcels and indicated this should also address the concerns voiced by DDA Edwards. He wanted clarification from Ms. Mullin about 40x10x9 from old code, and can it be included as definition of a cargo container. She said it was proposed to take it out. He asked if it can remain in order to define the cargo container. Commissioner Bruce said a standard container is 9.5 feet tall. There are two types of container: 8 feet and 9.5 feet tall. Ms. Mullin said there are several sizes of cargo containers. She stated she was uncomfortable with establishing a new maximum size without researching sizes.

Commissioner Horan supports amending the language with the limitations discussed by the Commission so far.

Mr. Lloyd said limitations need to be specific, such as under ½ acre of land cannot exceed a 200 square foot container size.

Chair Chvilicek referenced page 4 of 9 item (ii) that addresses sizes of lot. She said 'Only one cargo container of maximum size of 200 square feet.'

MOTION: Development Code Amendment Case Number WDCA18-0005: Vice Chair Chesney moved 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 WDCA18-0005, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 and 902 as identified in Exhibit A. Vice Chair

Chesney further moved 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 Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Commissioner Bruce moved to approve the motion with the following amendments – Section 110.306.10 (g) item ii, shall be amended to read **one cargo container of not more than 200 square feet of floor space shall be allowed on a parcel of land of less than ½ acre in size. Two cargo containers shall be allowed on a parcel of land ½ and 5 acres in size; parcels larger than 5 acres are limited one container per acre or portion thereof. And Section 110.310.35 (h) is amended to read if building permit has not been issued in 12 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of building permit at later date will allow the cargo container to be placed on the property again. Any cargo container remaining onsite after issuance of final building inspection or certificate of occupancy shall conform to the standards within Section 110.306.10.** Commissioner Lawson seconded the motion as amended. Vice Chair Chesney adopted the amendments by Commissioner Bruce. Commissioner Lawson also adopted the amendments stated by Commissioner Bruce that were adopted by Vice Chair Chesney. Ms. Mullin wanted clarification that there were no size limitations on containers for parcels of land ½ acres to 5 acres. Chair Chvilicek said the only size limitation is on containers for parcels of less than ½ acre. The motion carried unanimously.

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12. Adjournment – The meeting adjourned at 8:29 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on June 4, 2019.

Trevor Lloyd, Secretary to the Planning Commission