

Washoe County Planning Commission



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COMMUNITY  
SERVICES DEPARTMENT

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**WDCA23-0004**

**(Accessory dwelling unit, detached accessory structures, manufactured housing, and battery-charged fences)**

January 2, 2024

- Amendments cover four different topics:
  - Standards and permitting requirements for accessory dwelling units (ADU's)
  - Standards and permitting requirements for accessory structures
  - Standards for manufactured housing (response to State legislation)
  - Standards for battery-charged fences (response to State legislation)

# ADU's—Background

- Housing affordability and attainability are identified priorities in Washoe County
  - Envision Washoe 2040
  - 2023 Strategic Plan
- Amendments initiated by BCC on November 14, 2023



**78% increase in Median Home Value  
from 2010 to 2019**



**42% increase in Median Household  
Income from 2010 to 2019**

**FIGURE 6. WASHOE COUNTY MEDIAN HOUSEHOLD INCOME AND  
MEDIAN HOME VALUE**

*Source: US Census Data, 2010-2019 ACS 1-Year Estimates*

# ADU's—Background (2)



- Lower development cost of ADU's makes them more affordable (TMRSHA pg. 70)
- Diversifies housing types and living possibilities
  - Supports aging in place
  - Diversifies incomes in neighborhoods
  - Provides economic opportunities to homeowners
  - Supports multi-generational living
- Chapter 3 of Envision Washoe 2040



# ADU's—Proposed Amendments



- Changes not applicable in Tahoe Planning Area
- In summary, amendments
  - Change permitting process for detached ADU's where they are allowed in some cases
  - Match maximum sizes for attached and detached ADU's
  - Change maximum ADU size in MDS from 800 to 1,200
  - Create minor ADU

# ADU's—Permitting requirements



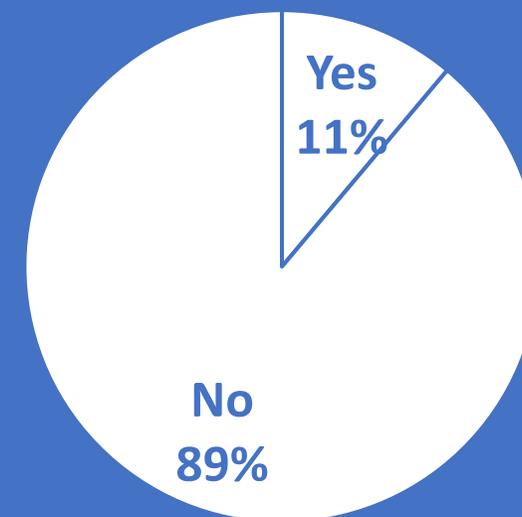
Table 110.302.05.1

**TABLE OF USES (Residential Use Types)**  
(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Family Residential																		
Duplex	--	--	--	P	P	P	P	P	A	--	S <sub>2</sub>	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S <sub>2</sub>	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S <sub>2</sub>	--	--	--	P	--	--	A
Single Family, Detached	A	A	A	A	A	A	A	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--	P	--	A	A
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
<del>Detached Accessory Dwelling</del>	<del>AR</del>	<del>AR</del>	<del>AR</del>	<del>AR</del>	<del>S<sub>2</sub></del>	--	--	--	--	--	--	--	--	--	--	--	A	A
<b>Detached Accessory Dwelling</b>	<b>A'</b>	<b>A'</b>	<b>A'</b>	<b>A'</b>	<b>AR</b>	--	--	--	--	--	--	--	--	--	--	--	<b>A'</b>	<b>A'</b>
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A

Key: -- = Not allowed; A = Allowed; AR = Administrative Review; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit; \* = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code, **' = Administrative Review required on parcels half an acre or smaller.**

## PUBLIC COMMENT RECEIVED ON APPLICATIONS



# ADU's—Maximum size matching



**Section 110.304.15 Residential Use Types.** Residential use types include the occupancy of living accommodations, but exclude institutional living arrangements providing twenty-four-hour skilled nursing, custodial or medical care and those providing forced residence, such as asylums and prisons.

- (a) Family Residential. The family residential use type refers to the occupancy of living quarters by one (1) or more families. The following are family residential use types:
  - (1) Attached Accessory Dwelling Unit. An attached accessory dwelling unit is a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceilings and accessed through a lockable exterior or interior door. Except for in the Medium Density Suburban (MDS) Regulatory Zone, the High Density Suburban (HDS) Regulatory Zone, and all urban regulatory zones, ~~†~~The attached accessory dwelling unit shall not exceed ~~forty (50) (40)~~ percent of the total square footage of the main dwelling unit or 1,500 ~~4,000~~ square feet, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the High Density Suburban (HDS) Regulatory Zone, and all urban regulatory zones, the attached accessory dwelling unit shall not exceed fifty (50) percent of the total square footage of the main dwelling unit or 1,200 square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds

- (8) **Minor Accessory Dwelling Unit.** A minor accessory dwelling unit refers to a type of detached accessory dwelling unit that is under five hundred (500) square feet. A minor accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities. The minor accessory dwelling unit shall not exceed fifty (50) percent of the total square footage of the main dwelling unit or 500 square feet, whichever is smaller. Typical uses include guest houses, second units, "granny flats" and caretaker's quarters.

# ADU's—Minor ADU (2)



- (k) If a detached accessory dwelling unit qualifies as a minor accessory dwelling unit as defined in WCC 110.304.15(a)(8) and is 12 feet in height or less, it can be located as close as 5 feet from the side and rear property lines. Minor accessory dwelling units located on parcels larger than  $\frac{1}{2}$  acre in size do not require an off-street parking space. Minor accessory dwelling units located on parcels  $\frac{1}{2}$  acre in size or smaller are required to have one off-street parking space, unless this requirement is waived by the Director of Planning and Building or their designee.**

# Detached Accessory Structures

- Currently, maximum accessory structure size without additional planning permit is determined by size/footprint of main dwelling
  - Result is that it's not always logical which DAS's require administrative permits
- Recognition that some large DAS's should require discretionary review
- Changing review trigger to be based on lot size
- More clarity on review considerations when a discretionary permit is required

# Detached Accessory Structures (2)



**(8) Detached accessory structures shall not have reflective siding or roofing materials. Review of discretionary permits for detached accessory structures should consider the structure's neighborhood and residential compatibility, potentially including but not limited to, siding material, roofing material, structure articulation, structure height, and structure location.**

	Allowed by right	Administrative Review (AR)	Administrative Permit (AP)
≤ ½ acre	≤1,200 sf	1,200—1,800	>1,800
½ acre —1 acre	≤2,500 sf	2,500—3,750	>3,750
1 acre—5 acres	≤5,000 sf	5,000—7,500	>7,500
>5 acres	≤7,500 sf	7,500—11,250	>11,250

# Manufactured Housing

- Last legislative session, state law changed minimum square footage from 1,200 sf to 400 sf
- Changing Washoe County Code to match state law that is already in effect
- Still required to be constructed within last 6 years
- Deleting manufactured housing section that is no longer relevant

# Manufactured Housing (2)



**Section 110.312.05 Placement Standards.** Fabricated housing that is not located within a manufactured home park shall comply with the provisions of this section.

- (a) Modular Homes. Modular home placements shall be subject to the same regulations and standards as site-built homes, and comply with the provisions of Washoe County Code Chapter 100.
- (b) Manufactured Homes. Manufactured home placements are allowed as follows:
  - (1) ~~Multi-sectional~~ manufactured homes not less than ~~one thousand twofour~~ (1,200)(400) hundred square feet in size and constructed within six (6) years of the date of placement (as defined in Article 902) are allowed on an individual lot which permits a single family residence with the exception that new placements of manufactured homes are not allowed on parcels that have the current regulatory zones of either

General Commercial, Neighborhood Commercial/Office, Tourist Commercial, Industrial, Open Space, Parks and Recreation, or Public/Semi-Public Facility, or any historic district established by Washoe County;

# Battery-charged fencing



- Last legislative session, law passed requiring local jurisdictions to adopt an ordinance with these amendments
- This will fulfill the requirements of that State law and most language is pulled directly from State law

# Battery-charged fencing



(f) Battery-charged fences. A battery-charged fence is a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery. Battery-charged fences are permitted on all properties within the rural, industrial, and commercial regulatory zones and on all properties within the Tahoe Planning Area, subject to compliance with all of the following standards:

- (1) The battery-charged fence shall use a battery that is not more than 12 volts of direct current;
- (2) The battery-charged fence shall have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;
- (3) The battery-charged fence shall be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;
- (4) The battery-charged fence shall not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in 110.406.50(f)3, whichever is greater; and
- (5) The battery-charged fence shall be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."

# Neighborhood Meetings



- Meetings held on December 7<sup>th</sup> and 14<sup>th</sup> from 5:00-6:00 pm
- Each meeting attended by approximately 25 people
- Questions about potential impacts of ADU's, relevance to Tahoe Basin, septic regulations for ADU's, and how proposed amendments consider ADU impacts
- Received some written comments; had subsequent conversations with many commentors about their questions and concerns

## Must make one of the following findings:

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.

# Recommended 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 WDCA23-0004, to amend Washoe County Chapter 110 (Development Code) within Articles 302, 304, 306, 312, and 406 as reflected within the proposed ordinance contained in Exhibit A-1. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

# Thank you

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