



Planning Commission Staff Report

Meeting Date: September 3, 2024

Agenda Item: 8C

DEVELOPMENT CODE AMENDMENT CASE NUMBER: WDCA24-0005 (Care of the Infirm)

BRIEF SUMMARY OF REQUEST: Development code amendment to revise provisions related to temporary occupancy for the care of the infirm.

STAFF PLANNERS: Kat Oakley, Senior Planner; Chris Bronczyk, Senior Planner
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CASE DESCRIPTION

For hearing, discussion and possible action to initiate an amendment to Washoe County Code Chapter 110 (Development Code), Article 310 Temporary Uses and Structures, to modify the administrative permit application requirements to occupy a travel trailer or recreational vehicle when necessary to temporarily care for the infirm, specifically by allowing nurse practitioners and physician’s assistants, in addition to physicians, to sign the required affidavit identifying both the initial and subsequent annual need for on-premise care; and all matters necessarily connected therewith and pertaining thereto.

If the proposed amendments are initiated, 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. If approval is recommended, the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

Development Code: Authorized in Article 818, Amendment of Development Code
Commission District: All Districts

STAFF RECOMMENDATION

INITIATE AND RECOMMEND APPROVAL

DENY

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 initiate amendments to the Washoe County Development Code and recommend approval of WDCA24-0005, to amend Washoe County Code Chapter 110 (Development Code), Article 310 Temporary Uses and Structures, 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 the ability to make all of the four findings set forth in Washoe County Code Section 110.818.15(e).

(Motion with Findings on Page 5)

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Proposed Ordinance Exhibit A-1

Development Code Amendments

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

The development code amendment process provides a method of review and analysis for such proposed changes. Development code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a development code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background and Proposed Amendments

BACKGROUND ON PROPOSED CODE CHANGES

Washoe County Code has allowed the temporary use of a travel trailer or recreational vehicle for care of the infirm since 1998. Per Washoe County Code (“WCC”) Section 110.310.35, property owners can apply for an administrative permit to request approval for either an infirmed resident or their caretaker to temporarily reside in a travel trailer or recreational vehicle on a parcel with a single-family residence, so that the infirmed resident can receive necessary on-premise care. Over the last couple years, Washoe County has seen an increasing number of these requests, receiving six such applications since 2022. These applications have revealed two existing challenges in the regulation: first, that it only allows a physician to sign the required affidavit attesting to the need for on-premise care, and second, that there is a lack of clarity regarding what is required for the annual renewal.

Starting with the former, several applicants have expressed challenges in seeing a physician rather than other medical practitioners licensed to provide primary medical care, such as physician’s assistants and nurse practitioners. To address this issue, these code amendments propose that physicians, physician’s assistants, and nurse practitioners all be allowed to sign the application affidavit, as those types of medical practitioners are able to provide independent medical care and can be more accessible to Washoe County residents.

The second challenge in the existing regulation is that an annual renewal of the approved application is required, but the code does not specify the process or requirements for the renewal. Since the Board of Adjustment would have assessed any site-specific considerations at the time of initial approval of the administrative permit, staff is recommending the code be updated to specify that the annual renewal requires the submittal of a new affidavit attesting to the need for on-premise care. This ensures that the medical need for the temporary use remains without requiring an extensive renewal process that would be an unnecessary burden on the applicant.

The changes proposed under this development code amendment resolve those two issues, ensuring a clearer and more accessible permitting process for applicants.

PROPOSED AMENDMENTS

The proposed text additions are show in **red bold**. All deletions are shown in ~~red strike through~~. Only the modified subsection of code is shown.

Section 110.310.35 Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles.

- (g) Temporary Occupancy for the Care of the Infirm. One self-contained travel trailer or recreational vehicle may be temporarily occupied as a legal use when it is necessary for the care of an infirm resident on-site. This use is reserved for properties containing a permanent single-family dwelling occupied by either the infirm person or the person responsible for the care of the infirm person. The self-contained travel trailer or recreational vehicle may be occupied by either the infirm person or the person responsible for the care of the infirm person. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied. The administrative permit application shall include a signed affidavit from a Nevada licensed physician, **nurse practitioner, or physician's assistant** identifying the need for such on-premise care. ~~The administrative permit must be renewed~~ **Once permitted, the applicant must provide a signed affidavit from a Nevada licensed physician, nurse practitioner, or physician's assistant** on an annual basis to ensure that the need for such on-premise care still exists. The travel trailer or recreational vehicle shall be located on the parcel to provide as much screening as practical from being viewed from the street. No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material. Any temporary utility connections shall be to the satisfaction of the Washoe County Health District and the Building Program of the Planning and Building Division.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed development code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
Staff comment: Envision Washoe 2040 does not contain any policies which directly address temporary occupancy of a recreational vehicle for care of the infirm. However, PH Principle 4 does reference the need to support housing solutions that provide support to special needs and senior populations. These are precisely the populations that can benefit from temporary occupancy for care of the infirm, because it allows independent living with onsite care without the need to find or construct a permanent facility. These changes therefore are consistent with the 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.

Staff comment: The proposed changes will not adversely impact public health, safety or welfare. No new use is authorized; the changes simply clarify and improve the process for temporary occupancy for care of the infirm. The amendment also promotes the original purposes for the development code by promoting the economic and social advantages gained from an appropriately regulated use of land resources (WCC 110.918.10(g)).

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 proposed changes are a direct response to changed conditions. While applicants previously did not express difficulties seeing a physician, they now find that there is more availability and ease in seeing a physician's assistant or nurse practitioner. These changes respond to the new conditions while maintaining the same utilization of land within the regulatory zones.

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: These changes will not adversely affect the implementation of the Conservation or Population elements of the master plan. The changes focus on the administrative aspects of processes to regulate a particular use; there will be no conservation or population impacts.

Community Meetings

Community meetings to discuss these amendments were held on June 24th, June 26th, and July 1st from 5:00-6:00 pm. One meeting was held at the Washoe County complex and the other two via Zoom. The meetings discussed a broad set of amendments originally all included under "Housing Affordability Package 2.5," and had significant attendance. Approximately 71 members of the public attended the June 24th meeting, approximately 61 attended the June 26th meeting, and approximately 41 attended the July 1st meeting. Generally speaking, discussion at those meetings focused on the other amendments proposed. Staff clarified to the public that temporary occupancy for care of the infirm is a currently allowed use, and that amendments focus on improvements to the permitting process.

Public Notice

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of WDCA24-0005, to amend Washoe County Chapter 110 (Development Code) within Article 310. 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 initiate amendments to the Washoe County Development Code and recommend approval of WDCA24-0005, to amend Washoe County Code Chapter 110 (Development Code), Article 310

Temporary Uses and Structures, 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 the ability to make all of the four findings set forth in 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 County Commissioners within 10 calendar days from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

Initiating and recommending approval of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 310 Temporary Uses and Structures, to modify the administrative permit application requirements to occupy a travel trailer or recreational vehicle when necessary to temporarily care for the infirm, specifically by allowing nurse practitioners and physician's assistants, in addition to physicians, to sign the required affidavit identifying both the initial and subsequent annual need for on-premise care; and all matters necessarily connected therewith and pertaining thereto.

Resolution Number 24-18

WHEREAS;

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of County Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission conducted a duly noticed public hearing on WDCA24-0005, and initiated amendments to the Washoe County Code at Chapter 110 (Development Code) within Article 310 Temporary Uses and Structures on September 3, 2024, as fully described in Exhibit A-1 to this resolution; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA24-0005:
 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 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,

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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 County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on September 3, 2024.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Rob Pierce, Chair

DRAFT: August 13, 2024

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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

Summary: Amends Washoe County Code Chapter 110 by revising provisions related to temporary occupancy for the care of the infirm.

BILL NO. _____

ORDINANCE NO. _____

Title:

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 310 TEMPORARY USES AND STRUCTURES, TO MODIFY THE ADMINISTRATIVE PERMIT APPLICATION REQUIRMENTS TO OCCUPY A TRAVEL TRAILER OR RECREATIONAL VEHICLE WHEN NECESSARY TO TEMPORARILY CARE FOR THE INFIRM, SPECIFICALLY BY ALLOWING NURSE PRACTITIONERS AND PHYSICIAN'S ASSISTANTS, IN ADDITION TO PHYSICIANS, TO SIGN THE REQUIRED AFFIDAVIT IDENTIFYING BOTH THE INITIAL AND SUBSEQUENT ANNUAL NEED FOR ON-PREMISE CARE; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. This Commission desires to amend Article 310 Temporary Uses and Structures of the Washoe County Development Code (Chapter 110 of the Washoe County Code) in order to revise provisions related to temporary occupancy for the care of the infirm; and
- B. The Washoe County Planning Commission held a duly noticed public hearing for DCA24-0005 and initiated the proposed amendments to Washoe County Code Chapter 110, Article 310, by Resolution Number XX-XX on September 3, 2024; and

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- C. The amendments and this ordinance were drafted in concert with the District Attorney; 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 NRS Chapter 278; and 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 110.310.35 of the Washoe County Code is hereby amended to read as follows:

Section 110.310.35 Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles.

- (a) Temporary Occupancy. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be occupied as a legal use pending construction of a permanent single-family dwelling in any regulatory zone allowing agricultural or residential uses, provided that a building permit is issued at the same time for the permanent residence. The permanent residence shall be completed and the mobile home, manufactured home, or commercial coach will be removed from the property within 18 months from the original date of issuance of the building permit, or within 30 days of issuance of a Certificate of Occupancy, whichever is sooner. A \$2,000 bond to cover the cost of removal of the mobile home, manufactured home or commercial coach, or satisfactory proof of removal, will be placed on file with the Building and Safety Division prior to the issuance of the Certificate of Occupancy. The use of a travel trailer or recreational vehicle as a temporary occupancy will cease with the disconnection of all on-site utility services. One extension for an additional 18 month period may be granted with a building permit extension or renewal, but in no case will the temporary occupancy be permitted after 37 months from the original date of issuance of the building permit. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle located within a flood hazard area or limited flooding area may be subject to the requirements of Article 416, Flood Hazards.
- (b) Temporary Contractor's Offices. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used as a contractor's office to manage the construction of a permanent use, provided that a building permit, to include a grading permit, is issued at the same time for the permanent use.
- (c) Temporary Commercial Use Types and Offices. Any commercial use type and office may be established in commercial coaches, or other temporary structures rated for human occupancy during the construction, major remodel, or reconstruction of a

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permanent structure on a parcel provided that a building permit, to include a grading permit, is issued at the same time for the permanent use. The permanent structure shall be completed and the commercial coach will be removed from the property within 18 months from the original date of issuance of the building permit, or within 30 days of issuance of a Certificate of Occupancy, whichever is sooner. A \$2,000 bond to cover the cost of removal of the commercial coach, or satisfactory proof of removal, will be placed on file with the Building and Safety Division prior to the issuance of the Certificate of Occupancy. One extension for an additional 18 month period may be granted with a building permit extension or renewal, but in no case will the temporary occupancy be permitted after 37 months from the original date of issuance of the building permit.

- (d) Temporary Watchman's Quarters. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used for security purposes, including watchman's quarters, for a permitted mining operation or permitted earth products excavations/processing activity, public park, recreational area, or other commercial or industrial use which by its nature is temporary or is located in a remote area where security is necessary outside of normal business hours. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied.
- (e) Temporary Mining Office. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used for an office or scale house for a permitted mining operation or a permitted earth products excavation/processing activity. Parking shall be required as provided by the permit authorizing the mining operation or earth products excavation/processing activity. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied.
- (f) Temporary Camping. A self-contained travel trailer or recreational vehicle may be used by nonpaying guests or relatives on any private ownership parcel within the Residential Regulatory Zones; General Rural, Parks and Recreation, and Open Space Regulatory Zones subject to the following provisions:
 - (1) The temporary camping visit does not extend beyond 14 consecutive days, with no more than four visits per calendar year.
 - (2) The property owner provides written permission that the visit is authorized without any form of compensation.
 - (3) No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material.
 - (4) No water or sanitary sewer connections are allowed to any buildings on the property during the temporary camping visit.
- (g) Temporary Occupancy for the Care of the Infirm. One self-contained travel trailer or recreational vehicle may be temporarily occupied as a legal use when it is necessary for the care of an infirm resident on-site. This use is reserved for properties containing a permanent single-family dwelling occupied by either the infirm person or the person responsible for the care of the infirm person. The self-contained travel trailer or recreational vehicle may be occupied by either the infirm person or the person responsible for the care of the infirm person. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied. The administrative permit application shall include a signed affidavit from a Nevada licensed physician, **nurse practitioner, or physician's assistant** identifying the need for such on-premise care. ~~The administrative permit must be renewed~~ **Once permitted, the applicant must**

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provide a signed affidavit from a Nevada licensed physician, nurse practitioner, or physician's assistant on an annual basis to ensure that the need for such on-premise care still exists. The travel trailer or recreational vehicle shall be located on the parcel to provide as much screening as practical from being viewed from the street. No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material. Any temporary utility connections shall be to the satisfaction of the Washoe County Health District and the Building Program of the Planning and Building Division.

- (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, a contractor or owner-builder may place temporary cargo containers on a property to support the 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.

- (i) Portable Sanitation Huts. Upon approval by the Health District, portable sanitation huts may be allowed on a construction site, a special event or other temporary public or private event or activity, a mining or aggregate facility, or other use approved by the Health District subject to the following conditions:
 - (1) All units shall be maintained, hauled, and the effluent disposed of, in strict accordance with Health District requirements governing sewage, wastewater, and sanitation.
 - (2) Units placed on private property shall be set outside the required setbacks for the regulatory zone for the particular parcel. No easement, drainage, or right-of-way shall be encroached upon by a portable sanitation hut.
 - (3) All portable sanitation huts must be removed from the property within seven days after construction, or the event, activity, mining, or other approved use is completed.

SECTION 2. 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 Chair 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.

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The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

- 3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
- 4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then 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.

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2024.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2024.

Vote:

Ayes:

Nays:

Absent:

Alexis Hill, Chair
County Commission

DRAFT: August 13, 2024

ATTEST:

Jan Galassini, County Clerk

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