WASHOE COUNTY

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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
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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** acre~~s~~ 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, t~~**T**he 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) ~~c. (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."