



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: September 25, 2018

DATE: August 28, 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 do the following: (1) initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code) concerning cargo containers by specifying standards applicable to the use and placement of cargo containers within a parcel (such as setbacks, size limitations, stacking limits, plumbing fixture limits, location relative to streets and other structures, etc.) and specifying the types of permits required for cargo containers based on factors such as zoning and parcel size, as well as any other amendments necessarily connected therewith and pertaining thereto; and (2) incorporate policy direction related to these amendments to be provided by the Washoe County Board of Commissioners. (All Commission Districts.)

SUMMARY

This item requests policy direction from the Board of County Commissioners on whether the Development Code should be amended to waive or remove existing requirements specific to cargo containers used for storage. In late 2016, amendments to the Washoe County Development Code proposed by staff through a public process did not pass Board approval. The Board has asked staff to re-initiate the process to change existing code related to Cargo Containers.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

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.

AGENDA ITEM # _____

On April 26, 2016, the Board of County Commissioners (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.

This process is seen as a proactive step in determining that the installation of these structures is in harmony with the codes. In the absence of a permit process, concerns regarding the placement would be handled by code compliance which is more of a reactive approach to regulation.

Per the Board’s direction, staff drafted an amendment to the Development Code updating standards for cargo containers used as detached accessory structures in late 2016. The proposed changes focused on identifying how existing cargo container requirements could be waived, modified or removed, especially for larger properties. The overall intent was to update the standards while also easing placement, permitting and aesthetic requirements for larger parcels.

To accomplish this goal, thresholds were proposed for which standards would vary based on parcel size. In the draft language presented to the Planning Commission, this was accomplished through two methods:

1. Re-organize the existing Code section to establish two sets of standards:
 - One set would apply to all cargo containers (ex. following standard setbacks, not allowing stacked containers, no plumbing fixtures, etc.)
 - One set would apply additional aesthetic and placement standards to cargo containers on parcels smaller than 10 acres (requiring they be screened or painted a muted color, not being placed between a home and the street, etc.)
2. Establish the following permit thresholds:
 - Parcels sized 10 acres or more: No permit needed, but still need to abide by applicable regulations.
 - Parcels over 1 acre and less than 10 acres: over-the-counter permit issued upon written acknowledgement of applicable regulations.
 - Parcels 1 acre or less: Standard cargo container placement permit reviewed by applicable agencies.

Changes Requested by Planning Commission

On September 6, 2016, the Washoe County Planning Commission held a public hearing regarding the proposed changes, heard public testimony and voted unanimously to recommend approval of the draft, subject to the following modifications:

1. Require a placement permit only on parcels one acre or less in size;
2. Not require a placement permit for parcels larger than one acre in size, although standards applicable to all cargo containers would still need to be followed; and
3. Apply the additional aesthetic and placement standards only to cargo containers on parcels sized one acre or less (proposed as Section 110.306.10(g)(2) in Attachment B);

The code amendment as outlined above was presented to the Board of County Commissioners on October 11, 2016, was not introduced by the Board, but direction was given to staff at that time. Due to increased workload and other pressing events such as the flooding that occurred in early 2017 the code was not worked on and now needs to be re-initiated for changes to occur.

At the October Board meeting, the following direction was given by each commissioner: Commissioner Berkgigler was concerned about containers being placed on less than one acre. She agreed that containers on one acre or less should require strict screening standards but she also thought parcels of up to five acres should have the same requirements. Commissioner Berkgigler stated that she had received concerns from both sides of the issue and wanted to see the item resolved.

Commissioner Herman requested that cargo container regulations be specific to District 5 and the regulations should not apply to District 5 since these were personal property and not attached in any way to the land. She stated that the containers were better than people leaving their belongings scattered around their properties.

Commissioner Hartung stated that limiting to only one cargo container per parcel that was less than five acres in size was too limiting, he stated that if he had two pods they would fit on his 1 1/3 acre parcel without a problem.

Commissioner Lucey stated he had great concern on both sides of the issue because of the varying landscape within District 2, he stated in his opinion the County should not be

the entity to regulate cargo containers. He wanted to review options with staff because size and position were an important aspect of the placement of the containers.

Commissioner Jung stated all of the points made were good and she wanted to make sure that people who currently had cargo containers would be grandfathered-in. She suggested that the issue should be complaint driven and many of the concerns would then resolve themselves. She thought properties larger than 1 ½ acres should be allowed to have cargo containers.

Consensus from Commissioners Berkbighler, Hartung, and Jung was that a complaint driven process would be acceptable.

Size of parcel for regulation was not agreed upon and ranged from no regulation to regulation on 5 acres or less, to 1 ½ acres or less, to 1 acre or less. Staff taking these comments into consideration would like to propose similar to 2016 with changes to the size threshold:

1. Re-organize the existing Code section to establish two sets of standards:
 - One set would apply to all cargo containers (ex. following standard setbacks, not allowing stacked containers, no plumbing fixtures, etc.)
 - One set would apply additional aesthetic and placement standards to cargo containers on parcels smaller than 1 acre in size (requiring they be screened or painted a muted color, not being placed between a home and the street, etc.)
2. Establish the following permit thresholds:
 - Parcels sized over 1 acre: No permit needed, but still need to abide by applicable regulations
 - Parcels 1 acre or less: Standard cargo container placement permit reviewed by applicable agencies

This will allow for regulation on smaller parcels, and a complaint driven process on parcels larger than one acre as discussed by the Board in October of 2016. This is also consistent with the request of the Planning Commission in late 2016.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board of County Commissioners: (1) initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code) concerning cargo containers by specifying standards applicable to the use and placement of cargo containers within a parcel (such as setbacks, size limitations, stacking limits, plumbing fixture limits, location relative to streets and other structures, etc.) and specifying the types of permits required for cargo containers based on factors such as zoning and parcel size, as well as any other amendments necessarily connected therewith and pertaining thereto; and (2) incorporate policy direction related to these amendments to be provided by the Washoe County Board of Commissioners.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:
"Move to: (1) initiate amendments to Washoe County Code Chapter 110 (Washoe County Development Code) concerning cargo containers by specifying standards applicable to the use and placement of cargo containers within a parcel (such as setbacks, size limitations, stacking limits, plumbing fixture limits, location relative to streets and other structures, etc.) and specifying the types of permits required for cargo containers based on factors such as zoning and parcel size, as well as any other amendments necessarily connected therewith and pertaining thereto; and (2) incorporate policy direction related to these amendments to be provided by the Washoe County Board of Commissioners."