



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: March 19, 2024

DATE: February 16, 2024

TO: Board of County Commissioners

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SUBJECT: Public Hearing: Second reading and possible adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) by modifying various sections in Division Three- Regulation of Uses and Division Four- Development Standards, in order to update regulations related to accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fences. These updates include deleting a section specifying the procedure and findings for placing a manufactured home that is less than 1,200 square feet in size; and modifying various sections to: allow detached accessory dwelling units as an allowed use by right in certain residential regulatory zones; require detached accessory dwelling units on parcels ½ acre in size or smaller to be subject to the administrative review permit process in Article 809; update the maximum square footage for both attached and detached accessory dwelling units; define “minor accessory dwelling unit”; modify permitting requirements for detached accessory structures; update the minimum square footage for manufactured homes; and add provisions related to battery-charged fences as required by NV SB 208 (2023); and all matters necessarily connected therewith and pertaining thereto. (All Commission Districts.)

SUMMARY

To conduct a second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapter 110 (Development Code), by modifying various sections in Division Three- Regulation of Uses and Division Four- Development Standards, in order to update regulations related to accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fences. The requested code amendments are described in detail beginning on page 4 of this staff report. Additional analysis can be found in Attachment D, Planning Commission staff report.

Washoe County Strategic Objective supported by this item:

Vulnerable Populations: Expand appropriate housing options across community.

AGENDA ITEM # _____

PREVIOUS ACTION

February 27, 2024. The Washoe County Board of County Commissioners (Board) introduced and conducted a first reading for Bill Number 1905, an ordinance amending Washoe County Code Chapter 110 (Development Code) by modifying various sections regarding the regulation of uses and development standards to update regulations related to accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fences. These changes include a set of amendments aimed at increasing affordable and attainable housing in Washoe County known as Affordable Housing Package 1.

January 2, 2024. The Washoe County Planning Commission (PC) reviewed the proposed amendments to Washoe County Code Chapter 110 (Development Code) and voted unanimously to recommend approval of Development Code Amendment WDCA23-0004 to the Board. In doing so, the Planning Commission made the following 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.

November 14, 2023. The Washoe County Board of County Commissioners (BCC) initiated amendments to Washoe County Code (WCC) Chapter 110 to reduce permitting requirements and create greater flexibility in establishing accessory dwelling units; to create a definition, standards, and potential incentives for the construction of minor accessory dwelling units; and to ensure development code standards for manufactured homes are consistent with Nevada Revised Statutes (NRS), as part of broader direction on policy changes to support affordable and diverse housing. This set of amendments is known as Affordable Housing Package 1.

BACKGROUND

The proposed set of amendments includes changes tied to four broad topics: accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fencing. Each topic and the associated amendments are addressed in turn.

Accessory Dwelling Units

Housing affordability and attainability are identified in strategic planning and vision documents as one of the most pressing issues in Washoe County. As described in Envision Washoe 2040, between 2010 and 2019 there was a 78% increase in median home value and only a 42% increase in median home income. In addition to existing affordability issues, the 2022 Consensus Forecast anticipates that unincorporated Washoe County will need to absorb up to a 16,824-person population increase between 2022 and 2042. These pressures precipitate the need to address housing access and affordability on every front, and one of the opportunities to do that is in removing existing barriers to accessible housing development.

One source of diverse and attainable housing can be accessory dwelling units (ADUs). The [Truckee Meadows Regional Strategy for Housing Affordability](#) (TMRSHA) highlights that the smaller size and lower development costs of ADUs generally makes them more affordable (pg. 70). ADUs provide a unique housing option that enables various living arrangements for County residents, including multi-generational living, caretaker's residences, low-cost rentals, and more. The opportunities of ADUs go beyond just affordability: they can be part of an overall strategy to prepare for an aging population, increase income diversity within neighborhoods, and provide economic opportunity that allows homeowners to age-in-place even as their income is limited in retirement (TMRSHA, pg. 70). The existing Washoe County Code presents some barriers to ADU development, including discretionary permitting requirements for most detached ADUs. The purposes of these amendments are to remove those barriers where possible, create new opportunities for small ADUs, and provide more opportunity for infill housing development that meets growing demands and is compatible with the character of single-family housing development in Washoe County. The proposed amendments are also identified as an action in Chapter Three of Envision Washoe 2040, specifically an ongoing/immediate action item to "revise the accessory dwelling units section of the Development Code to expand options and reduce regulatory barriers."

Several changes are proposed which: (1) reduce or remove discretionary review in certain residential regulatory zones; and therefore, reduce the cost and time of building ADUs, (2) modify the provisions regulating both detached ADUs and attached ADUs for consistency in maximum sizes across the Development Code, and (3) create a "minor" ADU classification for detached ADUs under 500 square feet and provide incentives for these minor ADUs. Changes proposed under this set of amendments are only applicable to unincorporated Washoe County outside of the Tahoe basin.

Detached Accessory Structures

While reviewing ADU regulations, staff also conducted an internal review of detached accessory structure (DAS) regulations and recent discretionary permits. A detached accessory structure is separate from the main building on a site but is accessory to the main use (e.g. a detached garage on a residential parcel). Currently, on most parcels in Washoe County, any accessory structure larger in square footage or footprint than the main dwelling requires an administrative permit approved by the Board of Adjustment. Twenty of these permits have been processed over the last 3 years, and all have been approved. This indicates an opportunity for process improvement that would increase efficiency for both applicants and staff.

This set of amendments proposes that the administrative review and administrative permit thresholds for a DAS be determined by a simple square footage trigger in different acreage categories rather than by the size of the main home. This will result in more consistent regulations across the county while still maintaining a discretionary review process when appropriate for DASs that have potential for impacting neighboring properties. To ensure that allowing larger DASs by right in some cases does not have a negative impact, staff proposes to add requirements that roofing and siding material not be reflective. Additional language is proposed regarding architectural compatibility as an allowable review criterion for DASs that require discretionary approval. This will provide more direction for staff, the public, and the Board of Adjustment in assessing what mitigation measures might be appropriate for larger DASs.

Manufactured Housing

In the 2023 legislative session, the State of Nevada changed the minimum square footage of manufactured housing from 1,200 sf to 400 sf in Senate Bill 40. Accordingly, County staff are proposing amendments to change the Washoe County Development Code to reflect this new minimum standard. No other provisions related to manufactured housing are changing. While this change was made by the State, it also will help enable a broader range of housing types and sizes that will benefit the pursuit of housing diversity in Washoe County.

Battery-Charged Fencing

In the 2023 legislative session, Senate Bill 208 was adopted which requires Washoe County and other jurisdictions to adopt an ordinance with certain regulations regarding battery-charged fencing. These rules address maximum heights, safety measures, and where such fencing must be permitted. The proposed amendments adopt those regulations as required by state law.

PROPOSED AMENDMENTS

Proposed changes occur in Divisions 3 and 4 of WCC Chapter 110. The changes are summarized below.

Accessory dwelling units:

- Allow detached accessory dwelling units by right in areas in which they are currently allowed, with the exception of the medium density suburban (MDS) regulatory zone and on all parcels half an acre or smaller, where they will be permitted through the administrative review process.
- Make the maximum size for an accessory dwelling unit the same whether attached or detached. Maximum size when the ADU is allowed will be 1,500 sf and no more than 50% the size of the main dwelling on parcels in the low density suburban (LDS) regulatory zone, all rural residential regulatory zones, and the general rural (GR) regulatory zone; and 1,200 sf and no more than 50% the size of the main dwelling unit for the MDS regulatory zone, the high density suburban (HDS) regulatory zone, and all urban regulatory zones.

- Define a minor accessory dwelling unit as a detached ADU under 500 sf. Create regulatory incentives for minor ADUs, including relaxed setback standards when the minor ADU is under 12' in height and relaxed parking standards at the discretion of the Director of Planning and Building.

Detached Accessory Structures:

- Change permitting requirements for detached accessory structures to be based on four categories of parcel size: half an acre or less, larger than half an acre but smaller than or equal to one acre, larger than one acre but smaller than or equal to 5 acres, and larger than 5 acres. Detached accessory structures shall be allowed-by-right to be 1,200 sf, 2,500 sf, 5,000 sf, and 7,500 sf in each category, respectively. For detached accessory structures less than or equal to 50% larger than the allowed-by-right square footage, an administrative review permit (ARP) will be required. For detached accessory structures more than 50% larger than the allowed-by-right square footage, an administrative permit (AP) will be required.
- Prohibit reflective siding and roofing materials on detached accessory structures.
- Add criteria for neighborhood compatibility that can be considered during the discretionary review process for a detached accessory structure.

Manufactured Housing:

- Change the minimum size for a manufactured housing unit from 1,200 sf to 400 sf, in alignment with NRS.
- Remove Section 11.312.30 Procedure and Findings for Placing a Manufactured Home that is Less Than One Thousand Two Hundred Square Feet in Size, as it will be obsolete.

Battery-Charged Fencing:

- Add allowances for and regulations of battery-charged fencing to Section 110.406.50 Fences, Walls or Perimeter Planting, in accordance with NRS. Standards include the requirement that a battery-charged fence be surrounded by a nonelectric perimeter fence or wall at least 5 feet in height, that they be marked with signs reading "WARNING: ELECTRIC FENCE," and more. All proposed regulations are required by NRS.

A redline showing all code amendments is attached as Exhibit A.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt the attached ordinance amending Washoe County Code Chapter 110 (Development Code), by modifying various sections in Division Three- Regulation of Uses and Division Four- Development Standards, in order to update regulations related to accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fences.

It is further recommended that the Board affirm the following four findings of fact that the Washoe County Planning Commission made on January 2, 2024, as recorded within Resolution Number 24-05 (Attachment C):

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.
4. No Adverse Effects. 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.

POSSIBLE MOTION

Should the Board agree with Planning Commission's recommendation, a possible motion would be:

"Move to adopt Ordinance Number [insert Ordinance number provided by County Clerk], which is an ordinance amending Washoe County Code Chapter 110 (Development Code) by modifying various sections in Division Three- Regulation of Uses and Division Four- Development Standards, in order to update regulations related to accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fences; and all matters necessarily connected therewith and pertaining thereto; and to affirm the four findings of fact that the Washoe County Planning Commission made on January 2, 2024, as recorded with Resolution Number 24-05 and attached to the staff report for this item."

Attachments:

- A. Working Copy of Proposed Ordinance
- B. Clean Copy of Proposed Ordinance
- C. Planning Commission Resolution No. 24-05
- D. Planning Commission Staff Report for WDCA23-0004
- E. Minutes of January 2, 2024 Planning Commission Public Hearing
- F. Public Comment