



WASHOE COUNTY

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CM/ACM	<u>LS</u>
Finance	<u>DN</u>
DA	<u>✓</u>
Risk Mgt.	<u>N/A</u>
HR	<u>N/A</u>
Clerk	<u>CA</u>

STAFF REPORT BOARD MEETING DATE: March 8, 2016

DATE: January 29, 2016

TO: Board of County Commissioners

FROM: Dave Solaro, Architect, P.E., Director,
Community Services Department, 328-3624, dsolaro@washoecounty.us

THROUGH: Kevin Schiller, Assistant County Manager

SUBJECT: Discussion and possible action to give policy direction to staff as to whether Washoe County Code Chapter 100 (Washoe County Building Code) and Washoe County Code Chapter 110 (Washoe County Development Code) should be amended to waive or remove existing requirements specific to cargo containers used for storage on residential properties and agricultural hoop houses meeting the requirements of the Natural Resource Conservation Service Grant Program, including the following: clarifying the definition of a cargo container, adding a specific definition of an agricultural hoop house structure, possibly allowing cargo containers without a permit for installation or use, and possibly exempting agricultural hoop house structures from the requirements of the building code. (All Commission Districts.)

SUMMARY

This item requests policy direction from the Board of County Commissioners (Board) on whether the Building Code and the Development Code should be amended to waive or remove existing requirements specific to cargo containers used for storage or agricultural hoop houses. Recent public comment and individual Board member comments regarding permitting for cargo containers, and unclear requirements for agricultural hoop houses have necessitated a full Board policy discussion on the topic.

Washoe County Strategic Objective supported by this item: Proactive economic development and diversification.

PREVIOUS BOARD ACTION

October 27, 2015 – The Board amended Washoe County Code (WCC) Chapter 110 for certain provisions related to Cargo Containers and gave direction to review WCC for Cargo Containers and permitting.

February 10, 2015 – The Board approved more than two hours of staff time to initiate a review of Chapter 110 related to cargo containers and temporary uses.

BACKGROUND

In an effort to make both the Building Code and the Development Code more user friendly, an amendment related specifically to cargo containers was initiated to relieve a requirement for a Building Division issued “site placement” permit when the cargo container was used in conjunction with a valid building permit.

The action to enact that change at the Board meeting in October of 2015, started a discussion regarding whether it is appropriate to require a permit for cargo containers regardless of whether they are used temporarily for construction or whether they are a more permanent storage solution for homeowners within unincorporated Washoe County. The Development Code provides a specific definition for cargo containers as outlined below. Such containers are also known as intermodal large standardized shipping containers. Homeowners also use other types of containers for temporary and permanent storage solutions, and those containers are also regulated within the Development Code.

“Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or “In-tow Trailer” Highway Use. Cargo containers designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship...”.

Additional to the discussion on whether a permit should be required for cargo containers staff still struggles with whether to require a permit for agricultural structures commonly known as hoop houses. In early 2015, many constituents commented during public comment regarding requirements for those structures. At the time, the Community Services Department Director acting as the Building Official issued an interpretation of the Building Code to clarify what a “Shade Cloth Structure” included. That definition is as follows:

“The term Shade Cloth Structure shall include structures with the commonly used terms of Hoop House, and High Tunnel which are temporary agricultural structures consisting of arched or hoop frames, and are covered with clear plastic, or cloth. They can be easily covered and uncovered, assembled and disassembled in order to move. They do not contain electrical or mechanical, but may include irrigation for the crop. They may or may not be constructed of pre manufactured kits, and are uninhabitable.”

Since Shade Cloth Structures are exempt from building permits within the Building Code the thought was that the clarification would resolve the issue with temporary agricultural structures.

The United States Department of Agriculture (USDA) has initiated Natural Resources Conservation Service (NRCS) grant programs for High Tunnel Hoop Structures which is gaining traction within Nevada. Our current process is currently a potential barrier to Washoe County residents interested in this economic incentive program.

Washoe County code chapter 100 (Building Code) states “Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy

of a building or structure...” is required to obtain a building permit, unless that structure is less than 200 square feet in size.

Cargo containers and hoop houses utilized as uninhabited structures for storage or agricultural purposes which can be moved on a property are considered a structure within Washoe County codes. These types of storage structures do not require a foundation and are considered personal property; however, they are not “temporary” structures in terms of the Building Code which defines temporary structures as being in place for no more than 180 days and requires a permit for temporary structures and uses.

Compounding confusion related to these items is that the Washoe County Code does not specifically define the terms “non-permanent” or “permanent” for a structure which can be problematic when dealing with structures of this nature placed on properties.

Review of policies and ordinances in other jurisdictions of similar nature to Washoe County do not show consistent trends. Many jurisdictions do not allow the use, and those that do have varying levels of permit requirements from not requiring permits to strict rules for the use of cargo containers and agricultural hoop houses.

POLICY DIRECTION

Based on this background the following areas have been identified as topics of discussion that warrant policy direction from the Board. The discussion on each area includes staff recommendations on any potential code amendments. Staff also recommends, in order to be comprehensive, that Commissioners discuss any policy matters they may have related to this topic that is not among these items, if appropriate.

1. *Should WCC Chapters 100 and 110 be amended to define the terms “non-permanent” and “permanent”?*

Various portions of Washoe County Code define temporary in different ways and mostly related to specific uses. Many citizens discuss the use of either storage or agricultural structures as temporary or not permanent in nature trying to focus the discussion on length of time, or attachment to the land.

The Building Code defines a process to receive a temporary permit for an activity that lasts less than 180 calendar days which is a time threshold for consideration of a temporary nature.

The Development Code includes an entire section dedicated to Temporary Uses and Structures, most of which are uses such as, animal shows, pumpkin patches, circuses, construction yards, outdoor markets, street fairs, etc. It does include the temporary use of cargo containers; however, the context is that the use is in conjunction with a valid permit to construct on the property, and they must be removed within 30 days of receiving the certificate of occupancy. The Development Code and the Administrative Enforcement Code (WCC Chapter 125) define outdoor storage as more than 72 hours in duration, but that definition is linked to the outdoor storage of material or of public nuisances.

Arbitrarily placing a time constraint on cargo containers or even agricultural hoop houses does not seem to be the right decision. While a cargo container may be located on a parcel in the same place for many years, an agriculture hoop house should be moved periodically in the 3-5 year range for the health of the land and growing process. An additional constraint on the agricultural structure is the material that the structure is made of, many of which have a 4-5 year warranty.

Staff recommends that rather than defining both of these terms the definition of cargo container and agricultural hoop house be better refined to include descriptors for ease of relocation, and use of the structure. Possible definitions for both are:

Cargo Container – uninhabited, designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship (intermodal large standardized shipping container), containing no electrical or plumbing, and used only for the storage of materials. The containers are moveable and not attached to the land on which they sit.

Hoop House Structures - shall include structures with the commonly used terms of Hoop House or High Tunnel, used exclusively for the production or storage of live plants, consisting of arched or hoop frames, and are covered with clear plastic or cloth no greater than 12 mils in thickness. They are easily covered and uncovered, assembled and disassembled in order to move and meet the requirements of the USDA high tunnel program. They do not contain electrical or mechanical, but may include irrigation for the crop. They may or may not be constructed of pre manufactured kits, are uninhabitable, and are not utilized for retail sales.

2. *Should WCC Chapters 100 and 110 be amended to allow the placement of uninhabitable cargo containers or agricultural hoop houses, regardless of size or configuration, on parcels within Washoe County without a permit or other approvals?*

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.

The reasons behind regulating cargo containers in the development code were initially 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, as well as agricultural hoop houses meets the requirements of the codes to include the structural integrity of the agricultural hoop houses.

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. Much of the conversation regarding permitting of the cargo containers in the October direction from the Board revolved around the cost of a permit, which currently is \$165.00.

Staff recommends that a permit still be required for these structures; however, the permit would be an administrative over the counter permit whereby staff is simply notified that the structure is being located on the property. The cargo containers and agricultural hoop houses as defined would also need to be exempted from meeting the requirements of the Building Code. This allows staff to provide an informational package to the customer outlining the screening and placement regulations. The customer will then have the ability to understand and sign for the receipt of the regulations.

FISCAL IMPACT

There is no fiscal impact from this action. If the Board supports the staff recommendation for an administrative permit, staff will bring back a recommendation for pricing to the Board after review of the process, which will be based on the cost of issuing the permit.

RECOMMENDATION

It is recommended that the Board of County Commissioners discuss and provide policy direction to staff as to whether Washoe County Code Chapter 100 (Washoe County Building Code) and Washoe County Code Chapter 110 (Washoe County Development Code) should be amended to waive or remove existing requirements specific to cargo containers used for storage on residential properties and agricultural hoop houses meeting the requirements of the Natural Resource Conservation Service Grant Program, including the following: clarifying the definition of a cargo container, adding a specific definition of an agricultural hoop house structure, possibly allowing cargo containers without a permit for installation or use, and possibly exempting agricultural hoop house structures from the requirements of the building code.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to provide policy direction to staff as to whether Washoe County Code Chapter 100 (Washoe County Building Code) and Washoe County Code Chapter 110 (Washoe County Development Code) should be amended to waive or remove existing requirements specific to cargo containers used for storage on residential properties and agricultural hoop houses meeting the requirements of the Natural Resource Conservation Service Grant Program, including the following: clarifying the definition of a cargo container, adding a specific definition of an agricultural hoop house structure, possibly allowing cargo containers without a permit for installation or use, and possibly exempting agricultural hoop house structures from the requirements of the building code."



Cargo Containers and Hoop Houses

Discussion on Cargo Containers at the BCC and community meetings included:

- not permanent*
- used for storage of materials*
- personal property*
- moveable*
- not a building*
- not built on site*

Last year Hoop Houses utilized for extending the growing season were a topic of conversation.

Utilized an exemption for permit within chapter 100; however, the code still requires the structures to meet the requirements of the building code, ie. wind and snow loads for the structures.



Cargo Containers and Hoop Houses

Seeking Policy Direction from the Board of County Commissioners

Should Washoe County Code chapters 100 (building code) and 110 (development code) be amended to define the terms “non-permanent” and “permanent”?

Should WCC chapters 100 and 110 be amended to allow the placement of uninhabitable cargo containers or agricultural hoop houses, regardless of size or configuration, on parcels within Washoe County without a permit or other approvals?

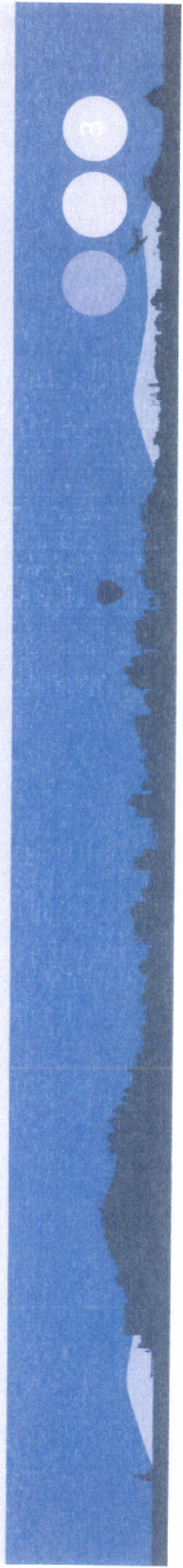


Cargo Containers and Hoop Houses

Should Washoe County Code chapters 100 (building code) and 110 (development code) be amended to define the terms “non-permanent” and “permanent”?

Currently the terms temporary and permanent are defined throughout the code in many contexts. There is poor coordination between chapter 100 and 110 in regards to “structures” either temporary or permanent.

Terms utilize **timeframes** and **uses** as a basis for the definitions which make sense in the context of how they are used except in defining storage and agricultural uses as being **practiced** by our citizens.





Cargo Containers and Hoop Houses

Staff recommends clearly defining Cargo Container and Hoop House Structures within both chapters 100 and 110.

Cargo Container – uninhabited, designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship (intermodal large standardized shipping container), containing no electrical or plumbing, and used only for the storage of materials. The containers are moveable and not attached to the land on which they sit.

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Cargo Containers and Hoop Houses

Should WCC chapters 100 and 110 be amended to allow the placement of uninhabitable cargo containers or agricultural hoop houses, regardless of size or configuration, on parcels within Washoe County without a permit or other approvals?

Request from the Board to review why we require a permit for cargo containers.

Much work has been completed and vetted by the community, Planning Commission, and BCC in regards to aesthetics, a need for a primary use on the land, and placement of containers due to their “commercial” nature and appearance (initiated by complaints from citizens on use of cargo containers within the County).

Current practice requiring a permit is a pro-active approach to assist in reducing code compliance complaints in the field (setbacks, number of containers, screening). Cost is \$165.



Cargo Containers and Hoop Houses

In early 2015 Request from the Board to not require permits for Hoop Houses which are used to extend the growing season in our area.

The United States Department of Agriculture (USDA) sponsors a grant program for assistance in purchasing high tunnel hoop houses.

Even with a permit exemption they are currently required to meet the minimum life safety requirements for wind, snow, and seismic loading.

These are not greenhouse structures and are for private use, not for retail use.



Cargo Containers and Hoop Houses

Staff recommends for both cargo containers and hoop houses the issuance of an over the counter administrative permit which will allow staff to provide education materials to citizens wanting to place these structures on their property.

This process will have a nominal administrative cost, much less than the current \$165, and will ensure that the property owner clearly understands the setback and screening requirements for cargo containers.

Additionally staff recommends that cargo containers and hoop houses be exempted from meeting the life safety requirements of the building code.



Community Services Department CONTACT:

www.washoecounty.us/csd

Main number : (775)328-3600

