



WASHOE COUNTY

Integrity Communication Service

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HR N/A

Comptroller _____

STAFF REPORT

BOARD MEETING DATE: December 12, 2017

DATE: November 17, 2017

TO: Board of County Commissioners

FROM: Kelly Mullin, AICP, Senior Planner, Planning and Building Division, Community Services Department, 328-3608, kmullin@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., AICP, Division Director, Planning and Building, Community Services Department, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Public hearing: Second reading and possible action to adopt an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 310, *Temporary Uses and Structures*, to update the standards within Section 110.310.35(g), *Temporary Occupancy for the Care of the Infirm*; and other matters necessarily connected therewith and pertaining thereto. The Code currently allows for temporary occupancy of a recreational vehicle (RV) or travel trailer by a person who provides care to an infirm resident of a single-family dwelling. The proposed update eliminates the requirement that it be the caregiver who temporarily occupies the RV or travel trailer and instead allows either the caregiver or the infirm person to occupy the RV or travel trailer. (All Commission Districts.)

SUMMARY

This amendment seeks to update Washoe County Code (WCC) Chapter 110, Section 110.310.35(g), *Temporary Occupancy for the Care of the Infirm*, to allow more flexibility within the standards governing where the caregiver or infirm person may live.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

On August 31, 2017, a public workshop was held to discuss the proposed amendment.

On September 5, 2017, the Planning Commission (PC) voted to initiate Development Code Amendment Case No. WDCA17-0004. At the same meeting, the PC voted to amend the Code as outlined in this staff report.

On November 14, 2017, the Board of County Commissioners (Board) introduced and conducted the first reading of the ordinance.

AGENDA ITEM # _____

BACKGROUND

WCC Section 110.310.35(g) currently allows for the temporary occupancy of an RV or fully contained travel trailer by person(s) who provide care to an infirm resident of a single-family dwelling, subject to the issuance of an Administrative Permit. The Code is specific in that only the caregiver, not the person with an infirmity, may reside in the RV or travel trailer.

Washoe County recently received an application for this type of temporary occupancy. However, it is the infirm person who is seeking permission to live in his RV on his caregivers' property, and the Code does not currently allow for this arrangement. Staff recognizes that the Code should offer flexibility in this regard, and is therefore requesting this amendment. The proposed update will allow either the caregiver or the infirm person to temporarily occupy the RV or travel trailer, with the approval of an Administrative Permit.

There is anticipated to be negligible difference in the impact of whether it is the caregiver or infirmed person residing in the RV or travel trailer. Any overall impacts of the use would be addressed during the Administrative Permit review process.

The complete existing and proposed language for WCC Section 110.310.35(g) is provided below and also included with Exhibit A to this staff report. New text is bold red. Deleted text is shown in strikethrough. For example: **New text.** ~~Deleted text.~~

- (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 ~~for person(s) responsible when it is necessary~~ for the care of an infirm resident ~~of 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 identifying the need for such on-premise care. The administrative permit must be renewed 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 Safety Building** Division.

The Planning Commission made the following four findings in support of their recommendation to approve the proposed amendment:

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,
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.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board conduct a second reading, adopt the ordinance and affirm the four findings of fact that the Planning Commission made on September 5, 2017, as recorded within the resolution in Exhibit B.

POSSIBLE MOTION

Should the Board agree with the recommendation, a possible motion would be:

“Move to adopt Ordinance Number *[insert number as provided by the County Clerk]* and affirm the four findings of fact that the Washoe County Planning Commission made on September 5, 2017, as recorded within Resolution Number 17-08 and attached to the staff report for this item.”

Attachments:

- Exhibit A – Proposed Ordinance
- Exhibit B – Planning Commission Resolution 17-08

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 the Development Code by updating the standards within Section 110.310.35(g), Temporary Occupancy for the Care of the Infirm, to allow more flexibility within the standards governing where the caregiver or infirm person may live.*

BILL NO. 1789

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 310, *Temporary Uses and Structures*, to update the standards within Section 110.310.35(g), *Temporary Occupancy for the Care of the Infirm*; and other matters necessarily connected therewith and pertaining thereto. The Code currently allows for temporary occupancy of a recreational vehicle (RV) or travel trailer by a person who provides care to an infirm resident of a single-family dwelling. The proposed update eliminates the requirement that it be the caregiver who temporarily occupies the RV or travel trailer and instead allows either the caregiver or the infirm person to occupy the RV or travel trailer.

WHEREAS:

- A. This Commission desires to amend Article 310 of the Washoe County Code Chapter 110 (Development Code) in order to update the standards within Section 110.310.35(g), *Temporary Occupancy for the Care of the Infirm* and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) by Resolution Number 17-08 on September 5, 2017; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission

held a duly noticed public hearing for WDCA17-0004 on September 5, 2017, and adopted Resolution Number 17-08 recommending adoption of this ordinance; 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 Chapter 278 of NRS, 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(g) of the Washoe County Code is hereby amended to read as follows:

- (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 ~~for person(s) responsible when it is necessary~~ for the care of an infirm resident ~~of 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 identifying the need for such on-premise care. The administrative permit must be renewed 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 Safety Building** Division.

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 Chairman 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. 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), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

Bob Lucey, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk

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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 310, *TEMPORARY USES AND STRUCTURES*, TO UPDATE THE STANDARDS WITHIN SECTION 110.310.35(G), *TEMPORARY OCCUPANCY FOR THE CARE OF THE INFIRM*; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO. THE CODE CURRENTLY ALLOWS FOR TEMPORARY OCCUPANCY OF A RECREATIONAL VEHICLE (RV) OR TRAVEL TRAILER BY A PERSON WHO PROVIDES CARE TO AN INFIRM RESIDENT OF A SINGLE-FAMILY DWELLING. THE PROPOSED UPDATE ELIMINATES THE REQUIREMENT THAT IT BE THE CAREGIVER WHO TEMPORARILY OCCUPIES THE RV OR TRAVEL TRAILER AND INSTEAD ALLOWS EITHER THE CAREGIVER OR THE INFIRM PERSON TO OCCUPY THE RV OR TRAVEL TRAILER.

Resolution Number 17-08

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) Article 310, *Temporary Uses and Structures*, on September 5, 2017 as fully described in Attachment A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA17-0004, came before the Washoe County Planning Commission for a duly noticed public hearing on September 5, 2017; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA17-0004:
 - 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,
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.

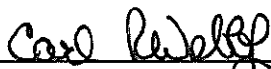
NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Sections 110.818.05(a) and 110.818.15(d) and (g):

- 1) The Washoe County Planning Commission does hereby initiate and recommend approval of WDCA17-0004 as set forth in Attachment A-1 to this resolution to amend Washoe County Code Chapter 110 (Development Code) within Article 310, *Temporary Uses and Structures*, to update the standards within Section 110.310.35(g), *Temporary Occupancy for the Care of the Infirm*; and other matters necessarily connected therewith and pertaining thereto. The Code currently allows for temporary occupancy of a recreational vehicle (RV) or travel trailer by a person who provides care to an infirm resident of a single-family dwelling. The proposed update eliminates the requirement that it be the caregiver who temporarily occupies the RV or travel trailer and instead allows either the caregiver or the infirm person to occupy the RV or travel trailer.
- 2) 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 Commissioners within 60 days of this resolution's adoption date.

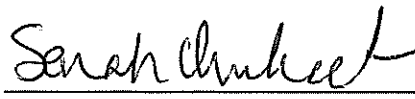
ADOPTED on September 5, 2017.

ATTEST:

WASHOE COUNTY PLANNING COMMISSION



Carl R. Webb, Jr., AICP, Secretary



Sarah Chvilicek, Chair

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

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BILL NO. _____

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DRAFT: August 21, 2017

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

Robert Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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