



Planning Commission Staff Report

Meeting Date: October 6, 2020

Agenda Item: 8A

DEVELOPMENT CODE AMENDMENT CASE NUMBER: WDCA20-0002 (Article 412, Landscaping)

BRIEF SUMMARY OF REQUEST: Update to Article 412, Landscaping of the Washoe County Development Code

STAFF PLANNER: Planner's Name: Roger Pelham, MPA, Senior Planner
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DESCRIPTION

For possible action, hearing, and discussion to Amend Washoe County Code Chapter 110 (Development Code) within Article 412, Landscaping, in order to:

- a. Clarify where the standards of Article 412 apply
- b. Clarify the process for review of extenuating circumstances for modification of standards
- c. Clarify the requirements for landscaping plans
- d. Require water conservation measures
- e. Require preservation of Significant Trees
- f. Provide for greater flexibility in design of civic and commercial required landscaping
- g. Clarify that durable materials are required for screening fences
- h. Update standards for numbers of required trees, shrubs and ground cover
- i. Provide standards for revegetation of disturbed areas
- j. Update standards for financial assurances

And, other matters necessarily connected therewith and pertaining thereto and, if approved, authorize the chair to sign a resolution to this effect.

Area Plan: All
 Citizen Advisory Boards: All
 Development Code: Authorized in Article 818, Amendment of Development Code
 Commission District: All Commissioners

POSSIBLE MOTION

I move that after giving reasoned consideration to the information contained in the staff report, and information received during the public hearing the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to amend Article 412, Landscaping of the Washoe County Development Code; and
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission.

I further move to direct staff to bring the amendment to the Board of County Commissioners for a hearing within 60 days of the date of adoption. This recommendation for approval is based on all of the four findings in accordance with Washoe County Code Section 110.818.15(e).

STAFF RECOMMENDATION

APPROVE

DENY

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Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The development code amendment process provides a method of review and analysis for such proposed changes. Development code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a development code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background and Proposed Amendments

BACKGROUND ON PROPOSED CODE CHANGES

The purposes of Article 412, Landscaping includes providing regulations for the development, installation and maintenance of landscaped areas within Washoe County, without inhibiting creative landscape design. The intent of these regulations is to protect the public health, safety and welfare by:

- (a) Increasing compatibility between residential, commercial and industrial land uses;
- (b) Enhancing the economic viability of the County and the quality of living for residents and visitors by creating an attractive appearance of development along streets and highways;
- (c) Reducing heat, glare, noise, erosion, pollutants and dust by increasing the amount of vegetation;
- (d) Preserving significant ecological communities, and desirable existing trees and vegetation best suited for the local microclimate; and
- (e) Maximizing water conservation through established conservation principles and practices, and through proper landscape and irrigation planning, design and management.

There has not been a comprehensive review of this article since the Development Code was adopted in the early 1990s. Technology and philosophies regarding landscaping, especially regarding requirements for groundcover and increasing compatibility between uses have changed in that time. Staff has often been challenged by the public and development community regarding the outdated nature of standards in Article 412. For this reason, staff met with several members of the development community and professional landscape architects in order to identify those areas that are most in need of revision, and brought a request for initiation of an amendment to the Planning Commission in June. The PC initiated an amendment.

Staff then conducted a public meeting on July 14th. Several members of the public participated in the discussion and several more provided written comments. Most of the suggestions received from the public were outside of the topics that the Planning Commission authorized staff to consider during this update process. Public comments are included at Exhibit C to this report. Some suggested increasing the number of required trees, particularly in parking areas others suggested more stringent standards for bio-swales and sustainable practices.

This amendment, and the revised version of Article 412 attached, reflects the result of the meetings with interested members of the development community and incorporates suggestions from the public meeting, within those areas that the Planning Commission authorized staff to consider, during this update process.

PROPOSED AMENDMENTS

Updates to Article 412, that staff has been authorized to evaluate fall into several categories. All changes are included with the draft ordinance, included at Exhibit B to this report.

Among the first of these updates is intended to, “clarify where the standards of Article 412 apply”, as well as to “clarify the process for review of extenuating circumstances for modification of standards” Minor changes are included at 412.05, Applicability and 412.10, Exemptions to clarify that modification of standards may be subject to the review of the Director. Other clarifications are included at 412.40, to clarify that revegetation does not count towards required

landscaping and standards are included at 412.67, “revegetation of disturbed areas” which is another goal of this update process.

Another area of change is to, “clarify the requirements for landscaping plans.” Changes at 412.15 include the deletion of the requirement for a soils report, but add the requirement for a certification from the preparer of the plans that all relevant provisions of Article 412 have been met on the plans.

Previously, water conservation was encouraged, but not required. Proposed amendments at 412.20 require that the plans include at least 4 of 9 listed water conservation methods as may be applicable to a given location.

Previously, the preservation of “significant trees” (those trees with a trunk of 6 inches or greater at 54 inches above the ground) was required, “if feasible.” In practice, this has resulted in the preservation of very few significant trees. Proposed amendments at 412.25 require the preservation of at least 50% of significant trees and replacement of additional trees for those that are not preserved.

Perhaps the most significant changes are proposed to, “provide for greater flexibility in design of civic and commercial required landscaping.” These changes are primarily found at 412.40 and include the option to reduce required plants for other amenities such as boulders and plaza areas. These substitutions are limited to only a portion of the required landscaping. Likewise the goal of updating, “standards for numbers of required trees, shrubs and ground cover” is accomplished at 412.60 and provides for unambiguous, quantifiable numbers and is not subject to the interpretation of the applicant or County staff.

In our climate, wooden fences tend to degrade quickly. Solid fences are required as part of buffering between civic and commercial uses with residential uses. Those fences are proposed to be required to be made of durable materials. These standards are included in several locations such as 412.40, 45, 55 and other sections.

Finally, 412.80 includes minor changes to reflect the current names and processes for provision of financial assurances for completion of landscaping when other factors, such as weather, inhibit the completion of the required improvements.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

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.

Staff comment: The proposed changes are consistent with the policies and action programs of the master plan by helping to increase compatibility between land uses as well as by promoting responsible use of environmental resources.

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.

Staff comment: The proposed changes are consistent with, and promote the purposes of the development code as expressed in Article 918, particularly, “promote the public

health, safety, morals, convenience and general welfare,” by creating objective standards that may be uniformly applied, as well as, “promote the economic and social advantages gained from an appropriately regulated use of land resources” by allowing the creation of desirable public spaces among required landscape areas.

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.

Staff comment: The proposed changes respond to criticism over a long period of time that the code should be more objective, and less subject to individual interpretation.

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.

Staff comment: The proposed changes will help to implement the purposes of the Conservation Element of the Washoe County Master Plan, particularly by, “conduct[ing] development so that an area’s visual features and amenities are preserved.”

Public Notice

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of WDCA20-0002, to amend Washoe County Chapter 110 (Development Code) within Article 412, Landscaping. The following motion is provided for your consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report, and information received during the public hearing the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to amend Washoe County Chapter 110 (Development Code) within Article 412, Landscaping; and
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission,

I further move to direct staff to bring the amendment to the Board of County Commissioners for a hearing within 60 days of the date of adoption. This recommendation for approval is based on all of the following four 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.

Appeal Process

An appeal of the Planning Commission's denial of a development code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.

xc: Dave Solaro, Assistant County Manager
Nate Edwards, Deputy District Attorney
Mojra Hauenstein, Planning and Building Director