



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: July 16, 2024

DATE: June 17, 2024

TO: Board of County Commissioners

FROM: Trevor Lloyd, Planning Manager & Julee Olander, Planner;
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THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division,
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SUBJECT: Introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) in Article 438 Grading Standards, Article 810 Special Use Permits, and Article 902 Definitions to update provisions related to grading. The amendments include: deleting sections in Article 438 related to Grading Fees, Definitions, Grading of Slopes, Cuts, Fills, and Phasing and Stabilization of Grading; revising existing sections in Article 438 related to Scope, Required Permits, Exempted Work, Major Grading Permit Thresholds, Major Grading Permit Application Requirements, Minor Grading Permit Thresholds, Minor Grading Permit Application Requirements, Financial Security for Grading, Unpermitted Grading, Stop Activity Orders, Notice of Violations and Enforcement, Penalties and Procedures, Grading & Retaining Walls Within Setbacks, Drainage and Terracing, Erosion Control, Grading Inspections, Notification of Completion of Work, Grading Within Floodplains, Drainage Ways and Closed Hydrologic Basins; and adding sections in Article 438 related to Grading Standards and Rockery Walls; adding a section to Article 810 related to Determinations of Substantial Conformance for Major Grading; and revising an existing section in Article 902 to add and/or revise various Definitions; and all matters necessarily connected therewith and pertaining thereto.

If supported, set the public hearing for second reading and possible adoption of the Ordinance for August 20, 2024. (All Commission Districts.)

SUMMARY

This is an introduction and first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) in Article 438, Grading, Article 810, Special Use

AGENDA ITEM # _____

Permits, and Article 902 Definitions. This ordinance primarily focuses on updating and modernizing code provisions relating to grading standards.

Washoe County Strategic Objective supported by this item:

Economic Impacts: Meeting the Needs of Our Growing Community and Support a thriving community.

PREVIOUS ACTION

On June 4, 2024, the Washoe County Planning Commission reviewed the proposed amendments to Washoe County Code Chapter 110, initiated the code amendment, and voted unanimously to recommend approval of Development Code Amendment WDCA24-0001 to the Board of County Commissioners (*see* Attachment B). 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.

On February 20, 2024, a public workshop was held by Zoom. There were 17 attendees and there were various questions and comments about the proposed changes, including the following:

- What are the main changes;
- How will the proposal impact the current requirements;
- What are the setbacks for grading;
- When will a special use permit be required;
- Glad to be included in the process and that the grading code is being updated; and
- Effective date of the code amendments.

BACKGROUND

In early 2023, Washoe County staff began reviewing Article 438, Grading. Staff met with outside local planning and engineering consultants to determine their issues and concerns with Article 438. From these meetings and correspondence received, information was gathered and many of the areas of concern were identified. Staff then began meeting

internally for the next year to review Article 438 and work on draft amendments. A draft of the updated Article 438 was distributed to Washoe County staff for review. Staff then met again with the outside planning and engineering consultants to review the proposed changes. The proposed draft language is a result of all those meetings.

Following considerable feedback from developers, consultants, and property owners, Planning staff worked closely with Engineering staff to draft reasonable amendments to Washoe County's grading regulations. The main objectives were to create a grading code that eases the regulatory burden on property owners and developers for smaller scale grading projects, to establish regulations that are in closer alignment to that of our neighboring jurisdictions, to create grading standards that are more appropriate for the topographically constrained environment within the region, and to simplify the code by removing and/or reorganizing code sections into a more useable and understandable regulatory scheme.

Article 438 has not had a major update in many years and has become burdensome for property owners and their consultants to implement and cumbersome for staff to enforce. Also, much of the current code language has become outdated and does not reflect common grading practices used by developers in our region. The proposed amendments are also intended to reduce the number of discretionary applications processed by the Planning and Building Division. The proposed ordinance relaxes some of the major grading thresholds which currently require approval of a special use permit.

Many sections in Article 438 are being renumbered and amended. Staff is recommending a reorganization of the Article for better order and flow.

The following Sections are proposed to be added:

- Section 110.438.31, Grading Standards and 438.42 Rockery Walls.

The following sections are proposed to be deleted:

- Section 110.438.25, Definitions. This section is being moved to Article 902, Definitions. The definitions were reviewed and some new definitions were added, others combined with existing definitions within Article 902, and others were deleted. Thus, these proposed changes required amending Article 902.
- Sections 110.438.45, Grading of Slopes, 438.50, Cuts & 438.55, Fills were combined with other Sections.
- Section 110.438.15, Grading Fees & 438.77, Phasing and Stabilization of Grading were deleted as they were deemed to no longer be needed.

An amendment is also proposed for Article 810, Special Use Permits. The amendment specifies that the County Engineer determines if final grading plans are in substantial conformance with approved special use permits (SUPs) involving major grading.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) in Article 438, Grading, Article 810, Special Use Permits, and Article 902 Definitions. If supported, the Board is asked to set the public hearing for second reading and possible adoption of the Ordinance for August 20, 2024.

POSSIBLE MOTION

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

“Move to introduce and conduct a first reading of Bill Number [insert Bill number provided by County Clerk], which is an ordinance amending Washoe County Code Chapter 110 (Development Code), in Article 438, Grading, Article 810, Special Use Permits, and Article 902 Definitions, as reflected in the proposed ordinance contained in Attachment A; and all matters necessarily connected therewith and pertaining thereto.

Further move to set the public hearing for second reading and possible adoption of the Ordinance for August 20, 2024.”

- Attachments: A - BCC Ordinance (Working Copy)
B - Planning Commission Signed Resolution 24-12
C - Public Comment
D - Planning Commission Staff Report for WDCA24-0001 for 6/4/24
E - Planning Commission Meeting Minutes for 6/4/24
F - BCC Ordinance (Clean Copy)