



# Planning Commission Staff Report

Meeting Date: June 2, 2020

Agenda Item: 10A

RESOLUTION TO INITIATE DEVELOPMENT CODE AMENDMENT: WDC A20-0001 (Article 412, Landscaping)

BRIEF SUMMARY OF REQUEST: Initiate an 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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## **INITIATION DESCRIPTION**

Possible action to adopt a resolution initiating an update to Article 412, Landscaping of the Washoe County Development Code 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

Applicant: Washoe County Planning and Building  
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, the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to initiate an update to 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 back to this Commission for a hearing within 125 days of the date of adoption.

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**Initiating 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 Board of County Commissioners (Board), the Washoe County Planning Commission (PC), or an owner of real property. Development code amendments are initiated by resolution of the Board or the PC. Real property owners may submit an application to initiate a development code amendment.

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

The Board hears all amendments recommended for approval, and amendments denied by the PC upon appeal. The Board 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.

**Public Notice**

There are no public notice requirements established within the development code for an initiation of a development code amendment.

**Background**

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 has 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. This amendment initiation, and the tentatively revised version of Article 412 attached, reflects the result of those meetings. If this initiation is approved, staff will seek additional input from the citizens of Washoe County, and return to the Planning Commission with a further revised version of Article 412, for possible adoption.

### **Recommendation**

Staff recommends adoption of the attached resolution to initiate an amendment to 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, the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to initiate an update to 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 back to this Commission for a hearing within 125 days of today's date.

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



**RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION**

**INITIATING AMENDMENTS TO THE WASHOE COUNTY CODE AT CHAPTER 110,  
ARTICLE 412 (LANDSCAPING) OF THE DEVELOPMENT CODE TO UPDATE STANDARDS  
AND PROCEDURES.**

Resolution Number 20-16

Whereas, the Washoe County Development Code requires that amendments to the Code be initiated by resolution of the Washoe County Planning Commission; and

Whereas, the Washoe County Planning Commission received a report on June 2, 2020, concerning potential amendments to Washoe County Code, Chapter 110, Development Code, Article 412 (Landscaping) to update standards and procedures; and

Whereas, such amendments are beneficial to further the stated purposes of Article 412;

Now, therefore, be it resolved that pursuant to Washoe County Code Section 110.818.05(a) and Washoe County Code Section 110.820.05(b) that an amendment be initiated to the Washoe County Code, Chapter 110, Development Code as set forth in the agenda for the June 2, 2020 meeting of the Washoe County Planning Commission, that a public hearing with said Planning Commission on the amendment shall be held within 125 days of this resolution's adoption date, and that this amendment is initiated without prejudice to its final disposition.

ADOPTED on June 2, 2020

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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Trevor Lloyd, Secretary

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Larry Chesney, Chairman

























(1) Planted areas shall be protected by curb, wheel stops or other appropriate means, to prevent injury to plants from pedestrian or vehicle traffic; and

~~(2) Planting areas which abut the side of parking stalls shall include a minimum eighteen (18) inch wide paved strip to allow access to and from vehicles.~~

(g) Exceptions. Required landscaping shall not apply where parking and loading areas are:

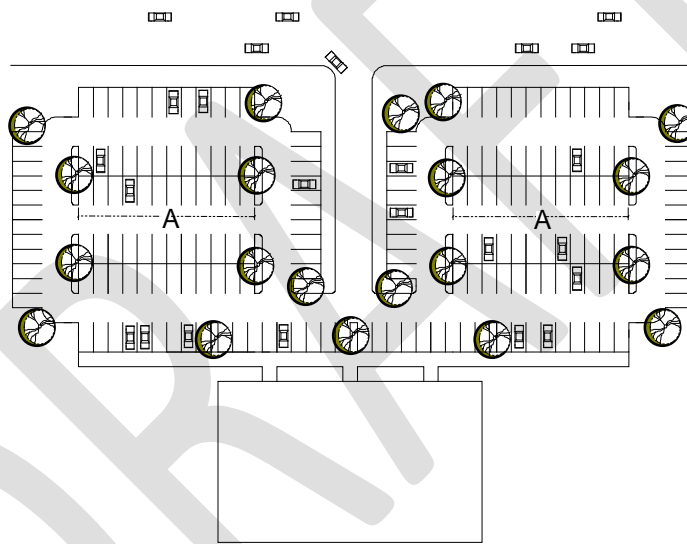
(1) Completely screened from surrounding properties by intervening buildings or structures;

(2) Located under, on or within buildings; or

(3) Devoted to display parking for automobile dealerships.

Figure 110.412.50.1

**REQUIRED TREES WITHIN PARKING AND LOADING AREAS**



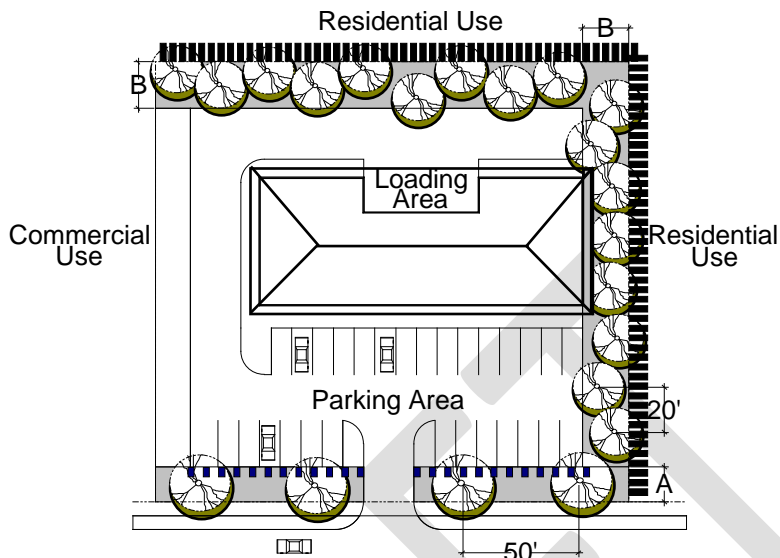
Notes: A = Maximum 12 parking spaces between trees.  
Provide at least one tree for every 10 parking spaces (i.e. if 200 parking spaces are provided, then 20 trees are required).

Source: Sedway Cooke Associates.



Figure 110.412.50.2

**LANDSCAPING AND SCREENING FOR PARKING AND LOADING AREAS**



- Notes:
- A = Landscaping in required yard adjoining a street.
  - B = Landscaped buffer adjoining a residential use.
  - ▨ = Screening adjoining a residential use.
  - = Screening of a parking area adjoining a street.

Source: Sedway Cooke Associates.

*[This Section added by Ord. 867, provisions eff. 5/27/93.]*

**Section 110.412.55 Other Screening Requirements.** In addition to screening requirements established in Sections 110.412.35 through 110.412.50, screens shall comply with the minimum requirements of this section.

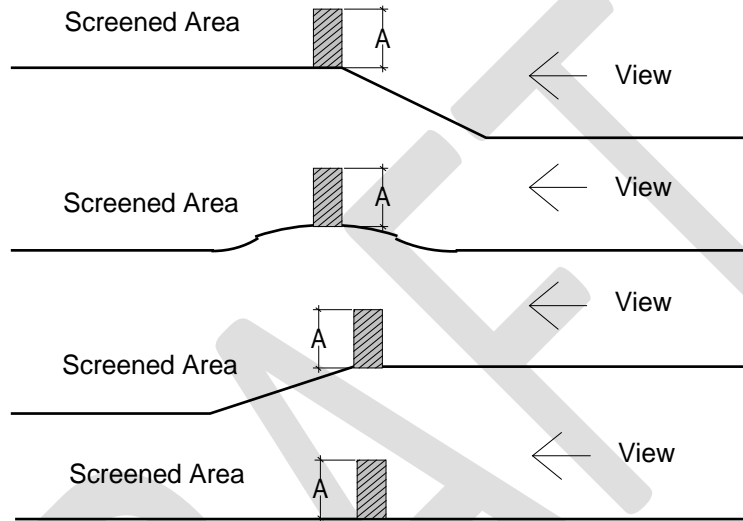
- (a) **Open Storage Areas.** The following screens are required for open storage areas:
- (1) Open storage areas shall be enclosed by a screen at least six (6) feet, but not more than seven (7) feet in height;
  - (2) Items stored within one hundred (100) feet of a street or residential use shall not be stacked higher than the required screen;
  - (3) Screens to enclose storage areas between adjoining side or rear yards may be deleted by mutual agreement of the property owners involved;
  - (4) Exterior electrical cage enclosures and storage tanks shall be screened from view from an adjacent street and residential use; and
  - (5) The location of trash enclosures, as specified on the site plan, shall be subject to the approval of the Director of Community Development. Such enclosures and gates shall be of solid construction and shall be in accordance with County standards and the latest adopted Uniform International Fire Code.

- (b) Manufactured Home Parks. A decorative wall or fence shall be erected along the entire length of the property line of a manufactured home park as follows:
- (1) The wall or fence shall be at least six (6) feet, but not more than seven (7) feet in height along property lines not adjoining a street. The wall or fence shall be constructed of durable materials, such as stone, concrete, metal, synthetic or vinyl. Wooden fences are not acceptable.
- (c) Commercial Campground Facilities. In Tourist Commercial designated areas, a decorative wall or fence shall be erected along the entire ~~length~~ perimeter of the property line of commercial campground facilities and recreational vehicle parks as follows:
- (1) When a recreational vehicle park adjoins a street, the wall or fence shall be four (4) feet or more in height; and
  - (2) The wall or fence shall be at least six (6) feet, but not more than seven (7) feet in height along property lines not adjoining a street. The wall or fence shall be constructed of durable materials, such as stone, concrete, metal, synthetic or vinyl. Wooden fences are not acceptable.
- (d) Mechanical Equipment. All mechanical equipment, tanks, ventilating fans or similar equipment, whether located on a roof or on the ground, shall be screened from view from adjoining properties and streets. Screens shall be integrated into the overall architectural style of the associated building and shall be measured from the highest point of the object being screened.
- (e) Swimming Pools. Barriers shall be erected for swimming pools, spas and hot tubs in accordance with the current edition of the adopted Washoe County Building Code as referenced in Chapter 100.
- (f) Materials. Screens shall include the installation and maintenance of at least one (1) or a combination of the following elements:
- (1) Dense plants, such as hedges;
  - (2) Chain link fencing, except along streets, with inserts of ~~wood~~ vinyl, metal or other acceptable material;
  - (3) Decorative fences constructed to maintain an opaque condition. Alternating slats are encouraged to accommodate windy extremes; or
  - (4) Decorative walls consisting of either brick, rock or block, or other material acceptable to the Director of Planning ~~material; and maintaining a width of at least eight (8) inches.~~
- (g) Opaqueness. Plants used for screens shall be:
- (1) Of a type which will provide a year-round barrier at the prescribed height;
  - (2) Planted at a spacing necessary to achieve one hundred (100) percent opacity within five (5) years; and

- (3) Supplemented or replaced with other dense landscaping or an appropriate fence or wall, if it fails to retain such opaqueness any time after the initial two (2) year period.
- (h) Height Measurements. Screening materials shall be located to maximize the benefit of the screen, and prescribed heights shall be measured from finished grade, as illustrated in Figure 110.412.55.1.

Figure 110.412.55.1

**PLACEMENT AND MEASUREMENT TECHNIQUES FOR SCREENING MATERIAL**



Note: A = Screen height measured from finished grade.

Source: Sedway Cooke Associates.

*[This Section added by Ord. 867, provisions eff. 5/27/93; Ord. 1178, provisions eff. 12/6/02.]*

**Section 110.412.60 Planting Standards.** All required landscaping, including parking and loading areas, shall comply with the minimum standards established in this section.

- (a) Composition. The use of climatic adaptive planting material is encouraged. A suggested climatic adaptive plant list is available from the Washoe County Cooperative Extension, or any other sources approved by the Director of Community Development.
- (b) Compatibility. Development shall relate harmoniously to the surrounding topography and provide for the preservation of natural features such as water courses, wooded areas and rough-natural terrain.
- (c) Compatible Water Use Zones. Trees and plants having similar climatic, water, soil and maintenance requirements shall be organized in distinct and compatible planting zones as defined below:
  - (1) High water use zones include plants which require moist soils and supplemental water in addition to natural rainfall to survive at maturity;

- (2) Moderate water use zones include plants which survive on natural rainfall with supplemental water during seasonal dry periods at maturity; and
  - (3) Low water use zones include plants which survive on natural rainfall without supplemental water at maturity.
- (d) Nursery Standards. Plants shall meet the standards for sizes and grades of plant materials as listed in the latest edition of the American Standard for Nursery Stock released by the ~~American Association of Nurserymen~~ [American Horticulture Industry Association](#).
- (e) Non-Interference. The location of trees and vegetation shall not adversely affect utility easements, service lines or solar access ~~or wind turbine air flow~~ of neighboring sites. If necessary, the width of the planting areas shall be increased, so that the tree locations do not interfere with utilities, ~~or~~ solar access ~~or wind turbine air flow~~.
- (f) Public Rights-of-Way. Any tree planted within five (5) feet of publicly maintained curbing, pavement or sidewalks shall install a root control barrier as prescribed by the County. ~~Required Landscaping~~ [landscaping](#) for a private development may be placed in a public right-of-way subject to the issuance of a valid encroachment permit.
- (g) General. The following general standards shall apply to all new planting areas:
- (1) Planting areas with trees within parking and loading areas shall be at least eight (8) feet wide at the base of the tree in all directions;
  - (2) Planting areas without trees within parking and loading areas shall be at least five (5) feet wide;
  - (3) Ground cover or mulch, ~~wood chips, bark, decorative rock or other appropriate inert materials~~ shall be used in all planting areas. Turf is not allowed in parking lot tree planters; and
  - (4) Planted areas shall be protected by curb, wheel stops or other appropriate means to prevent injury to plants from pedestrian or vehicle traffic.
  - (5) ~~One tree is required for every 300 square feet of planting area. Six shrubs are required for every 300 square feet of planting area. Planting area does not include disturbed areas that are to be revegetated in accordance with WCC 110.412.67.~~
- (h) Trees. New trees shall meet the following standards:
- (1) The composition of trees shall represent a mixture of deciduous and coniferous varieties;
  - (2) ~~At least one-half (1/2) of all~~ All evergreen trees shall be at least seven (7) feet in height, ~~as measured from finish grade, and the remainder must be at least five (5) feet in height~~ at the time of planting.
    - ~~(i) Diversity in species of evergreen trees planted is required;~~
    - ~~(ii) On all projects which require four (4) or more trees to be planted a minimum of four (4) species will be included. and~~

- (3) ~~At least one-half (1/2) of the All required number of the~~ deciduous trees shall be at least ~~two (2) one and one-half (1 ½)~~ inch caliper per American Nursery Standards at the time of planting. ~~The remaining number of required deciduous trees shall be at least one (1) inch caliper at the time of planting.~~

~~(i) Diversity in species of deciduous trees planted is required;~~

~~(ii) On all projects which require four (4) or more trees to be planted a minimum of four (4) species will be included.~~

- (i) Shrubs and Hedges. New shrubs and hedges shall meet the following standards:

- (1) ~~Shrubs shall be comprised of at least one-half number five (5) containers. The remainder shall not be less than number one containers.~~

- (j) Ground Cover. New ground cover shall meet the following standards:

~~(1) Living ground cover shall be planted to achieve a minimum planting area coverage of fifty (50) percent within one (1) year of installation and shall achieve one hundred (100) percent coverage within three (3) years of installation;~~

(1) ~~Rocks / boulders, at least 24 inches in diameter, may be substituted at a rate of two rocks / boulders for each required shrub, up to 15% of the required number of shrubs.~~

(2) ~~Wood chips, bark, decorative rock or other appropriate inert materials may also be used provided it does not exceed fifty (50) percent of the total planting area; and are required throughout all planting areas.~~

(3) ~~Decomposed Granite (DG) is limited to a maximum of 50% of required planting areas and may not be placed in planting areas with slopes greater than 10%.~~

~~(34)~~ Plastic, steel, concrete pavers, or other appropriate edging material shall be provided around ground cover areas to retain loose materials.

- (k) Turf. Turf, when used appropriately, offers aesthetic appeal, environmental cooling, oxygen production and a safe activity surface for a variety of recreational uses. Areas with turf shall meet the following standards:

(1) Irrigation for turf areas shall minimize runoff and inadvertent watering of non-turf areas;

(2) Use of turf shall be consolidated to those areas that receive significant pedestrian traffic, provide for recreational uses, assist in soil erosion control such as on slopes or in swales, and other functional use areas;

(3) Turf areas shall be dethatched and aerated as needed to promote effective water infiltration into the soil, to minimize water runoff and to promote deep, healthy roots;

(4) In multi-family residential use types, turf areas shall be provided at a minimum of fifty (50) percent of the required landscaping area in a practical configuration for recreational uses and shall be balanced with other landscaping materials;

- (5) In commercial and industrial use types, turf areas shall be ~~balanced with other landscaping materials; limited to a maximum of 50% of all required planting areas.~~
  - (6) Turf shall be comprised of drought-resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use;
  - (7) Any turf area must be capable of being watered with minimum overspray or runoff; and
  - (8) Where turf is used in areas subject to erosion or in swales, it shall be sodded rather than seeded.
  - (9) ~~Turf planted slopes shall not exceed horizontal to vertical slopes of four to one (4:1).~~
- (l) Earth Berms. Earth berms shall comply with the following standards:
- (1) An earth berm may contribute toward the prescribed height of any planting, fencing or wall;
  - (2) Mounds of earth used for planting shall not exceed horizontal to vertical slopes of two to one (2:1); and
  - (3) ~~Turf planted slopes shall not exceed horizontal to vertical slopes of four to one (4:1).~~
- (m) Soil Preparation. Soil shall comply with the following standards:
- (1) Required landscaping shall be installed using a planting soil mix comprised of a type appropriate to the individual proposed plants and the native soil found on the site;
  - (2) Where necessary, soil amendments such as manure, straw, peat moss or compost shall be used to improve water drainage, moisture penetration and water holding capacity ~~as recommended in the soil analysis report~~ pursuant to Section 110.412.15, Required Plans; and
  - (3) Deep ripping and tilling of landscape areas is encouraged to facilitate deep water penetration and soil oxygenation.
- (n) Mulch. Permanent mulch shall be applied to and maintained in all planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion as follows:
- (1) A minimum ~~three (3)~~ four (4) inch layer of organic mulch material shall be installed in all planting areas except turf areas and meadow planted areas;
  - (2) Mulch may consist of ~~wood products~~, stone and other non-toxic recyclable materials; mulch made of wood products, such as shredded bark may be placed only within the 12" surrounding a shrub or tree.

(3) Non-porous materials, such as plastic sheets, shall not be placed under the mulch; ~~and~~

~~(4) The use of woven types of geofabric weed barriers is required in all planter areas not devoted to turf or meadow planted areas.~~

(o) Height Measurements. Prescribed heights shall be measured from finished grade at the base of the plant material.

~~(p) Prohibited Plants. Landscaping shall not include the following plant material: Box Elder, Silver Maple, Russian Olive, Walnut, Goldenchain Tree, Cottonwood (allowed only in riparian areas), Purple Robe Black Locust, Willow, Tamarisk, Siberian Elm, Ash species, Chanticleer Pear.~~

*[This Section added by Ord. 867, provisions eff. 5/27/93.]*

**Section 110.412.65 Irrigation Standards.** Required irrigation shall comply with the minimum standards established in this section.

(a) Separate Water Meter. All irrigation systems required for landscaping of all non-exempt development shall be connected to a water meter installed on the main line of the irrigation system upstream of the control valves to measure water delivery separate from water delivered for other forms of interior or exterior consumptive use.

(b) Compatible Water Use Zones. Irrigation systems shall be designed to correlate with the composition of trees and plants and their related water use. High water use zones shall be provided with central automatic irrigation systems.

(c) Coverage Requirements. Coverage requirements apply to all temporary and permanent irrigation systems as follows:

(1) Spray irrigation systems shall be designed for head-to-head coverage;

(2) Sprinkler heads must have matched precipitation rates within each control valve circuit; and

(3) Drip systems shall be designed to be expandable to adequately water the mature plants.

~~(4) Subterranean irrigation systems shall be designed to adequately water all plants in all planting areas.~~

~~(d) Control Systems. The following requirements apply to all irrigation control systems:~~

~~(1) Controlled irrigation systems shall be operated by an irrigation controller capable of irrigating high water demand areas on a different schedule from low water demand areas;~~

~~(2) Controllers must have multiple cycle start capacity and a flexible calendar program above to be set to comply with local or water management district restrictions; and~~

- (3) Moisture sensor and/or rain shut-off equipment is encouraged to avoid irrigation during periods of sufficient rainfall. Such equipment shall have the capability to override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
- (e) Cross Connection Devices. All non-exempt development shall have either a pressure vacuum breaker or a reduced pressure principle backflow preventer device installed on the main line of the irrigation system upstream of the control valves compliant with the Washoe County Health District requirements.
- (f) Size of Irrigation Lines. Irrigation lines shall be classified as follows:
  - (1) Schedule 40 P.V.C. is required for all pressure lines and as sleeving under all paved areas;
  - (2) Lateral line piping shall be installed at least twelve (12) inches underground for non-pressurized irrigation lines;
  - (3) Mainline piping shall be installed at least eighteen (18) inches underground for constant pressure irrigation lines; and
  - (4) Manual and automatic drains shall be used to prevent freeze damage.
  - (5) If any portion of the code section conflicts with the Uniform Plumbing Code, the Uniform Plumbing Code shall control.
- (g) Water Application Schedules. Irrigation system schedules should include the following standards:
  - (1) Turf shall be irrigated on separate irrigation schedules; and
  - (2) Sprinkler systems with spray heads should not operate during times of high wind or high temperatures.
  - (3) If any portion of the code section conflicts with the Uniform Plumbing Code, the Uniform Plumbing Code shall control.
- (h) Maintenance. Irrigation systems shall be maintained as follows:
  - (1) Irrigation systems shall be maintained regularly to eliminate the waste of water due to loss from damaged, missing or improperly operating portions of the system;
  - (2) Controllers shall be adjusted to allow for the seasonal water requirements of the plants; and
  - (3) Systems shall be winterized to prevent freeze damage, including draining lines and backflow prevention devices as necessary.

*[This Section added by Ord. 867, provisions eff. 5/27/93.]*

Section 110.412.67 Revegetation. In addition to the landscaping requirements, the following minimum revegetation standards shall apply to all undeveloped disturbed areas of the subject site:



- (a) Topsoil. Topsoil removed during construction shall be preserved and stored on or near the site. Topsoil shall be restored to disturbed areas prior to revegetation and/or landscaping activities.
- (b) Methods. Disturbed areas shall be revegetated using one or more of the following methods: Mulching, seeding, planting of native grasses, shrubs, groundcover or trees.
- (c) Vegetation Selection. To the greatest extent feasible, disturbed areas shall be revegetated with native, drought-tolerant, fire-resistant species that are consistent with the area's existing vegetation (i.e. disturbed riparian areas shall be revegetated with native riparian vegetation). Use of invasive plant species is prohibited.
- (d) Timing. Revegetation shall occur as soon as practicable after ground disturbance, ~~and must be complete prior to issuance of a final inspection or certificate of occupancy, unless a financial assurance is provided per section 110.412.70.~~
- (e) Plant Density. Revegetation shall be considered completed when the previously-disturbed areas include plant density equal to 70% of the plant density of adjacent undisturbed areas

**Section 110.412.70 General Requirements.** All landscaping and screening shall meet the general requirements of this section.

- (a) ~~Bonding-Financial Assurance Value.~~ Landscaping, irrigation and screening shall be completely installed prior to issuance of a Certificate of Occupancy, ~~unless the applicant posts a bond of three (3) dollars per square foot of landscaping at base year value of 1993, or other provides~~ appropriate financial assurances equal to 120% of the average of three estimates from Nevada licensed contractors for completion of the required landscaping OR financial assurances equal to 150% of an estimate from one contractor for completion of the required landscaping.
- (b) Deferrals. Request for deferrals shall be submitted in writing to the Director of Community Development-Planning and Building and shall include ~~the bond amount or other~~ appropriate financial assurances. The request must explain the need for such deferral and the estimated time for completion.
- (c) Dust Control. The following dust control measures shall be used:
  - (1) For temporary coverage to control dust for less than one (1) year: hydroseed with fast-growing temporary grasses; apply mulch or weed prevention netting; apply other slope stabilization materials; and install temporary irrigation system, if required, subject to the approval of the ~~Director of Community Development~~ Director of Planning and Building; and
  - (2) For coverage to control dust for more than one (1) year: land clearing shall be minimized and permanent planting as required by this article shall apply.
- (d) Erosion Control. Erosion shall be controlled by slowing stormwater runoff and assisting in groundwater recharge as follows:
  - (1) To minimize erosion during construction, Best Management Practices (BMP) including straw or other appropriate material shall be applied to slopes susceptible to water runoff; and

- (2) Erosion shall be controlled on all graded sites which remain vacant prior to building construction.
- (e) Stormwater Runoff. Stormwater runoff shall be minimized in landscaped areas as follows:
- (1) Stormwater detention/retention basins not integrated with paved areas shall be landscaped to enhance the natural configuration of the basin and plants located within the lower one-third (1/3) portion of the basin must withstand periodic submersion;
  - (2) Where appropriate, grading and landscaping shall incorporate on-site stormwater runoff for supplemental on-site irrigation;
  - (3) Where water is dispersed to natural ground or channels, appropriate energy dissipators shall be installed to prevent erosion at the point of discharge;
  - (4) Runoff from disturbed areas shall be detained or filtered by earth berms, planting strips, catch basins or other appropriate methods to prevent sedimentation from the disturbed area from obstructing natural or artificial channels or deposition on paved areas; and
  - (5) No earth, organic or construction material shall be deposited in or placed where it may be directly carried into a stream, lake or wetlands area.

*[This Section added by Ord. 867, provisions eff. 5/27/93.]*

**Section 110.412.75 Maintenance.** All landscaping, irrigation and screening shall be maintained at all times to conform to the regulations established in this article.

- (a) Responsibilities. Landscaping and related equipment including, but not limited to, plants, screens, walkways, benches, fountains and irrigation systems shall be maintained by the applicant or ~~subsequent~~ owner of the property.
- (b) Agreement. Prior to the issuance of a Final or Certificate of Occupancy, the applicant shall file a Maintenance Agreement or access easement to enter and maintain the property, subject to the approval of the County District Attorney. Such a document shall ensure that if the property owner fails to maintain the requirements set forth in this article, the County will be able to file an appropriate lien(s) against the property in order to achieve the required maintenance.
- (c) Plants. Required plants shall be maintained in healthy, vigorous, and disease and pest-free conditions so as to present a neat and healthy appearance free of refuse, debris and weeds. Plants shall be ~~fertilized,~~ cultivated and pruned on a regular basis and sound horticultural principles shall be practiced.
- (d) Staking. Plants shall be staked, tied or otherwise supported as necessary. Supports shall be regularly monitored to avoid damage to plants and removed when appropriate.
- (e) Pruning. Pruning shall be accomplished in accordance with accepted arboriculture standards.
- (f) Turf Edge Trimming. Roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf

abutting trees or other plants. All turf within a twenty-four (24) inch radius of any tree trunk shall be removed.

- (g) Replacement. Landscaping which is not maintained in a manner consistent with this article shall be replaced as follows:
- (1) Replacement includes, but is not limited to, replacing plants damaged by insects, disease, vehicular traffic, vandalism, storm damage and natural disaster or occurrence;
  - (2) If the required landscaping is not living within one (1) year of a Final or Certificate of Occupancy, it shall be replaced with equivalent vegetation;
  - (3) If the existing landscaping which was preserved is not living within two (2) years of a Final or Certificate of Occupancy, it shall be replaced with equivalent new landscaping; and
  - (4) Replacement landscaping shall be installed within thirty (30) days following notification by the Director of Community Development, Planning and Building or Code Enforcement that a violation of this article has occurred.

*[This Section added by Ord. 867, provisions eff. 5/27/93.]*

**Section 110.412.80 Guarantee-Certification of Completion.** To ensure proper installation and compliance with approved plans required in Section 110.412.15, Required Plans, the person responsible for preparation of the required plans, or a qualified designated representative of the individual or firm which prepared the plans, shall conduct a final field inspection prior to issuance of a Final or Certificate of Occupancy. It shall be unlawful to occupy the premises, unless the required landscaping, irrigation and screening is installed in accordance with these regulations, or a faithful ~~performance bond financial assurance~~ or other satisfactory guarantee of completion insuring the faithful performance of all work, is accepted by the Director of Community Development, Planning and Building. If any person fails to complete any improvement as specified in the approved plans, and as agreed within the time specified, the Board of County Commissioners may cause the ~~bond financial assurances~~ to be forfeited in the amount necessary to finish the uncompleted portion of the work.

*[This Section added by Ord. 867, provisions eff. 5/27/93.]*