



Planning Commission Staff Report

Meeting Date: August 4, 2015

Subject: **Request to Re-Initiate Development Code Amendment**

Applicant: Engineering and Capital Projects Division

Agenda Item Number: 8A

Summary: To re-initiate an amendment to Washoe County Code, Chapter 110, Development Code, to create a new article, Article 421 to be entitled "Stormwater Discharge Program"

Recommendation: Adopt and authorize the Chair to sign the attached resolution

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Initiation Description

Possible action to adopt a resolution re-initiating an amendment to Washoe County Code, Chapter 110, Development Code, to create a new Article 421, *Stormwater Discharge Program*, in order to come into compliance with the requirements set forth by the Nevada Division of Environmental Protection (NDEP) and the Federal branch of the Environmental Protection Agency (EPA) relating to a National Pollutant Discharge Elimination System (NPDES) permit issued effective May 26, 2010 for which Washoe County is a co-permittee along with the City of Reno and the City of Sparks. The Washoe County Planning Commission initiated this code amendment at its meeting of August 5, 2014, however the 125 day period to return for a public hearing before the Planning Commission has expired and the amendment must therefore be re-initiated pursuant to Washoe County Code Section 110.818.15(b).

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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 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 initiation of a Development Code amendment.

Background

Amendments to the Development Code are often necessary to keep it up to date with the most current requirements. Washoe County is a co-permittee of a National Pollutant Discharge Elimination System (NPDES) permit with the Cities of Reno and Sparks. The NPDES permit has requirements for a Stormwater Discharge Program. In 2003, the Board of County Commissioners adopted Ordinance 1223 which outlines and provides the requirements for the Stormwater Discharge Program. The County continues to operate under that ordinance to the present time.

In May 2010, the NPDES permit was updated and reissued to the co-permittees which is effective for a five year period. The NPDES permit contained requirements that the Storm Water Management Program (SWMP) document be updated which included a requirement to review Washoe County's legal authority to implement the requirements of the permit. The SWMP was updated in December of 2011 and it identified recommended changes to County's ordinance including the addition of post construction storm water management and enforcement along with other minor changes.

In 2013, the Nevada Division of Environmental Protection (NDEP) along with the Federal EPA conducted an audit of the co-permittee NPDES permit. The audit reaffirmed, that the County must add language to its ordinance to address post-construction stormwater management and enforcement.

When the original ordinance was adopted in 2003, the then Public Works Department required developments to comply with the ordinance. The ordinance could have been included in the Development Code soon after it was adopted but was not at that time. Now that additional requirements must be added to the ordinance, it is appropriate to create a new Article 421 "Stormwater Discharge Program" and include the original ordinance language along with revisions and the required additions.

WCC Section 110.818.15(b) requires that the Planning Commission hold a public hearing on any development code amendments within 125 days from the date of the initiation resolution. The Planning Commission initiated the original amendment on August 5, 2014; however, staff was unable to schedule the required public hearing prior to the 125 day limitation. Therefore, this request to re-initiate the development code amendment.

The following is a brief schedule summary for the processing of this development code amendment:

1. August 4, 2015 – Planning Commission re-initiates Code Amendment
2. September 10, 2015 – Proposed Code Amendment presented to Development Services Forum
3. October 6, 2015 – Planning Commission considers recommendation to Board of County Commissioners (BCC) on Code Amendment
4. November 10 & December 8, , 2015 - BCC 1st and 2nd reading/public hearing dates

Recommendation

Staff recommends that the Planning Commission adopt the resolution as set forth in Exhibit A initiating an amendment to Washoe County Code, Chapter 110, Development Code, to create a new article, Article 421 to be entitled "Stormwater Discharge Program" in order to update, codify and provide best management practices relating to Washoe County Ordinance 1223 (2003) and the National Pollutant Discharge Elimination System (NPDES) permit for which Washoe County maintains a co-permittee status, as required for compliance with the provisions of that permit; and providing for other matters determined to be properly relating thereto. The following motion is provided for your consideration:

Motion

"After giving reasoned consideration to the information contained in the staff report, I move to adopt the resolution contained in Exhibit A to the staff report to initiate an amendment to Washoe County Code, Chapter 110, Development Code, to create a new article, Article 421 to be entitled "Stormwater Discharge Program"; and, to 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: Nate Edwards, Deputy District Attorney, District Attorney's Office
Bill Whitney, Director, Planning and Development Division
Dwayne Smith, Director, Engineering and Capital Projects Division
Walter West, P.E., Engineering and Capital Projects Divisio



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RE-INITIATING AN AMENDMENT TO WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, TO CREATE A NEW ARTICLE 421, STORMWATER DISCHARGE PROGRAM, IN ORDER TO UPDATE, CODIFY AND PROVIDE BEST MANAGEMENT PRACTICES RELATING TO WASHOE COUNTY ORDINANCE 1223 (2003) AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR WHICH WASHOE COUNTY MAINTAINS A CO-PERMITTEE STATUS, AS REQUIRED FOR COMPLIANCE WITH THE PROVISIONS OF THAT PERMIT

Resolution Number 15-10

Whereas, Section 110.818.05 of the Development Code requires that amendments to the Development Code be initiated by resolution of the Washoe County Planning Commission; and

Whereas, the Washoe County Planning Commission received a report on August 4, 2015, concerning potential amendments to Washoe County Code, Chapter 110, Development Code, to create a new Article 421, Stormwater Discharge Program; and

Whereas, such amendments are necessary for Washoe County to be compliant with the provisions of the National Pollutant Discharge Elimination System (NPDES) permit for which it is a co-permittee; and

Whereas, such amendments are timely and would focus on updating and expansion of Washoe County Ordinance 1223 (2003) to include additional Best Management Practice (BMP) provisions;

Now, therefore, be it resolved that pursuant to Washoe County Code Section 110.818.05(a) that an amendment is re-initiated to the Washoe County Code, Chapter 110, Development Code, to create a new Article 421, Stormwater Discharge Program as set forth in the agenda for the August 4, 2015 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 August 4, 2015

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr. AICP, Secretary

Roger Edwards, Chairman