



## Board Summary Report

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**File #:** 24-465

**Agenda Date:** 9/3/2024

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, Direct of Public Works and Development

**Prepared By:**

Molly Orkild-Larson, Principal Planner, Public Works and Development

**Presenter:** Molly Orkild-Larson, Principal Planner, Public Works and Development

**Subject:**

1:15 PM \*LDC21-001-Amendment to the Landscape Section of the Land Development Code

**Purpose and Request:**

The Land Development Code (LDC) requires landscaping for most land development applications reviewed through the Public Works and Development Department. Landscape regulations in the LDC first appeared in 1999 and have been modified through the years. The last modification to the landscape code occurred in 2003 to encourage, though not necessarily require, the use of water-conserving plant species in landscape designs.

Portions of the existing landscape regulations are unclear and difficult for staff and applicants to understand. Some areas of confusion include what portion of a development needs to be landscaped, how to calculate the required number of trees and shrubs, and how to demonstrate plant count compliance with the code. The update will also consider appropriate planting rates for varied uses and how landscape regulations may need to adjust for the East County environment in comparison to urban/suburban landscape standards.

The code also needs to be modified to include missing landscape processes or information such as a tree preservation plan and artificial turf and address new landscape techniques and products such as parking lot stormwater reuse and rain gardens.

**Background and Discussion:** Staff approached the Board of County Commissioners (BOCC) in March 2021 in a study session to request direction on amending the landscape code. The BOCC agreed to this amendment

and directed staff to proceed. With this approval, the staff took the following actions:

1. Sent out a survey to obtain comments from developers, landscape design professionals, cities and county planning divisions, park districts, water districts, local plant nurseries, and other applicable agencies and professionals on what needed to be omitted, revised, and/or added from the existing code (April - May 2021).
2. Updated BOCC on the results of the survey (June 2021).
3. Applied for and received a grant from the Sonoran Institute to hire a consultant to assist staff with landscape water saving and usage methods in the County (December 2021 - December 2022).
4. Sent out revised code to County staff and SEMSWA for review and comment (March - April 2023, October - November 2022).
5. Sent out revised code. Staff used the same mailing list as with the first survey (June - July 2023).
6. Sent out a survey and provided code on the County website for public review and comment (February - March 2024).
7. Development Application Manual amendments sent to staff for review and comment (March 2024).
8. Staff had a Study Session with the Planning Commission on May 21, 2024. Their concerns were:
  - a. Staff is requiring applicants to develop irrigation, landscape, and preservation plans, and tree surveys by qualified professionals. The Planning Commission members believed that requiring this would increase the cost of development.

Staff response: This has been and is presently the practice of many jurisdictions to require professionals to develop landscape, irrigation, and preservation plans for developments. This ensures developments adhere to professional practices and developments are designed and installed properly. See the attached spreadsheet of municipalities and counties that are requiring these documents.

- b. How will the County oversee and enforce the new requirements? How much more time will these requirements of staff time?

Staff response: The staff will review to their capability but will rely on the design professionals creating these drawings. These professionals will be required to sign/stamp their drawings and if done improperly risk losing their license or certification. Enforcement of development landscapes is performed by the Zoning Division and knowledge of any defects or issues is usually complaint driven.

- c. What applications require landscape, irrigation, and tree preservation plans?

Staff response: The proposed regulations would be applied to new development or redevelopment unless exempted, expansion of existing non-residential by 25 percent or cumulative 25 percent, and parking lots increased by 20 or more spaces. The new development would include large residential, commercial, industrial, and park developments. The new regulations would also apply to redevelopment projects that are considered major changes from the final approved plans (i.e. Final Development Plan). Generation of these plans would not be required for individual lots and accessory dwelling units.

d. Who manages the landscapes?

Staff response: The property owners or homeowner associations.

Proposed Regulation Summary: The current draft regulations incorporate comments from County staff, reviewing agency representatives, developers, professionals (landscape architects, land planners, engineers), municipalities, and counties, plant nurseries, and the public. Following is a bullet point summary of the proposed regulations. Please refer to the attached code.

Proposed Regulation Changes:

- Adding a tree preservation section that includes policy and regulations, creation of a tree survey requirement, tree removal and replacement, and tree protection.
- Amending landscape applicability to clarify which applications trigger landscape requirements.
- Amending general landscape requirements including the selection and installation of plant materials, plant size and installation, and ground cover treatments.
- Adding turf limitations criteria to reduce allowable turf areas and prohibiting high water demand turf in the County. If adopted, these regulations will comply with SB24-005, which prohibits nonfunctional turf installations on many properties.
- Adding plant diversity requirements criteria to increase diversity and reduce disease.
- Amending soil amendment and mulch requirements.
- Adding irrigation requirements on what type of irrigation to use, where it should be applied, and how to reduce water waste through design.
- Adding buffering and screening requirements between land uses.
- Amending planting ratios for urban and rural landscapes, with fewer plants required for rural areas more dependent on nonrenewable groundwater.
- Amending parking lot design criteria and planting ratios.
- Adding stormwater runoff criteria to irrigate landscape areas.
- Amending landscape median and rights-of-way design criteria and compliance with the County's Stormwater Management Manual.
- Adding the separation distances between utilities and trees.
- Adding artificial turf requirements.
- Amending weed control - what plant species are allowed and erosion control guidance.
- Adding wildfire defensible space design criteria.
- Adding qualifications and certifications of the professionals designing, installing, and

inspecting projects.

- Adding and amending definitions to correspond with proposed landscape amendments.

**Fiscal Impact:** Implementation of water conservation techniques will assist in lower water bills for end users. Staff anticipates longer review times initially by planners until they become familiar with new landscape code amendments.

**Alternatives:** The Board could direct staff to not make changes to the current Land Development Code.

**Alignment with Strategic Plan:**

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

**Staff Recommendation:** N/A

**Concurrence:** N/A