



Washington City Council
Special Meeting Agenda
April 20, 2022

PUBLIC NOTICE is hereby given that the Washington City Council will hold a Public Meeting on Wednesday **April 20, 2022 at 6:00 P.M.** in the Conference Room of the Public Works Offices, located at 1305 E Washington Dam Road Washington, Utah.

1. Approval of the Agenda.
2. Landscape Ordinance. City Attorney Thad Seegmiller
3. Adjournment

POSTED on this 21st day of April, 2022
Tara Pentz, City Recorder

In accordance with the Americans with Disabilities Act, Washington City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by calling the City Recorder at 656-6308 at least 24 hours in advance of the meeting to be held.

ORDINANCE NO. 2022-XXXXX

**AN ORDINANCE ADOPTING AND IMPLEMENTING REGULATIONS FOR
LANDSCAPING AND WATER CONSERVATION FOR DEVELOPING LAND IN
WASHINGTON CITY, UTAH**

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, Washington City is located in Washington County, which area is one of the most arid and fastest growing regions in Utah with all its major population centers dependent on a water resource that is prone to drought, so it is essential that water conservation initiatives be enacted to protect Washington City and the county's population, economy and quality of life;

WHEREAS, Washington City, in partnership with Washington County and the Washington County Water Conservancy District, desires to establish standards for water-efficient new development, to address limited regional water supplies, to plan for drought conditions, and to provide for the sustainability of future water resources;

WHEREAS, Washington City, Washington County, and the Washington County Water Conservancy District desire to ensure that Washington City and its residents continue to have a reliable, resilient, and sustainable water supply;

WHEREAS, establishing standards for all new construction including single family residential, multi-family residential, commercial, and manufacturing developments will help sustain a reliable and resilient water supply to all residents of Washington City and Washington County;

WHEREAS, it is in the interest of Washington City and its citizens and in the public interest to conserve water resources and to promote water efficient construction and landscaping to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in our community's buildings and landscapes, reduce water waste, and establish standards for designing, installing, and maintaining water efficient buildings and landscapes throughout the City;

WHEREAS, establishing standards for the use of water for outdoor landscaping and irrigation will help sustain a reliable and resilient water supply to all residents;

WHEREAS, carefully managing water resources is of great importance to our community for the protection of present and future citizens;

WHEREAS, this proposed ordinance is necessary and proper for the safety, peace and good order of Washington City and its citizens; and

WHEREAS, this proposed ordinance is necessary for the preservation and longevity of the lands of Washington City and its surrounding regions.

NOW THEREFORE, be it ordained by the City Council of Washington City, Utah that the attached standards and regulations are adopted, and shall be incorporated into the ordinances of the City, as Title 8, Chapter 8, Sections 1 through 5. This Ordinance shall become effective on the date executed below and upon posting as required by law.

APPROVED AND ADOPTED this ____ day of _____, 20__.

_____ City

ATTEST:

Approved as to Form:

_____ City Attorney

TITLE 8, CHAPTER 9

SECTION 1: GENERAL PROVISIONS

8-9-1: APPLICABILITY

The provisions of this title are applicable to all new construction, new development, **Rehabilitated Landscaping**, and new landscape improvements in Washington City. The provisions of this ordinance are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this ordinance or their applicability to other persons or circumstances.

SECTION 2: DEFINITIONS

8-9-2: DEFINITIONS

The following definitions shall apply to this ordinance:

Active Recreation Area: An area that is dedicated to active play where grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses designated for physical activity.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip irrigation systems operate.

Drip Irrigation: An irrigation system that delivers water by adding water at the plant's base and root zone, usually measured in gallons per hour. Drip irrigation exhibits a droplet, trickle, umbrella or short stream pattern, to reduce evaporation, overspray, and water use, and promote water conservation.

Drip Emitter: A drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The grading plan shows finish grades, spot elevations, drainage as necessary, and new and existing contours with the developed landscaped area.

Grass: A surface layer of earth containing irrigated grass with its roots.

Ground Cover: Material planted in such a way as to form a continuous cover over ground that can be maintained at a height no more than twelve (12) inches.

Hardscape: Elements of landscape constructed from non-living materials such as concrete, boulders, brick, blacktop, and lumber. Hardscape includes patios, decks, and paths, but does not include driveways and sidewalks.

Hydrozone: Portion of landscape area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

Irrigation Plan: A plan that shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Irrigation Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied and that flows onto other areas.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Per State Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans.

Landscape Area: Area within a lot or parcel that is not the home footprint, driveway, or sidewalk.

Landscape Documentation Package: The documentation of graphic and written criteria, specifications, and drawn plans to arrange and modify the effects of natural features to comply with the provisions of this ordinance. The Landscape Documentation Package shall include a project data sheet, a site plan, a planting plan, an irrigation plan, construction details, and a grading plan.

Landscape or Landscaping: Any combination of berms; living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to outdoor artwork, screen walls, fences, Hardscape, Pool, or benches that create an attractive and pleasing environment.

Landscape or Landscaping Maintenance: Maintaining or keeping any landscaping, or any area required to be landscaped:

- A. In a live and thriving condition, with consideration for normal growth and water needs; and,
- B. Fertilized, mowed, trimmed, edged, mulched and free from weeds, dead plants, litter, refuse, or debris in compliance with regionally accepted horticultural practice and city ordinances.

Landscape Plan: A plan that identifies the location and species of new and existing trees, shrubs, ground covers, and other plants on a site, and any other landscape element, and includes an irrigation plan.

Mulch: Any organic material such as leaves, bark, wood chips, straw; inorganic material such as crushed stone or gravel; other materials left loose and applied to the soil surface for the beneficial purpose of controlling weeds and conserving soil moisture.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Plant List: A list of locally adaptable and environmentally sustainable plants for compliant Planting Plans as provided by the Washington County Water Conservancy District.

Planting Plan: A Planting Plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, grass areas, driveways, sidewalks, hardscape features, and fences.

Pool: Any exterior or outdoor pool of water, such as a swimming pool or hot-tub, that is designed and built for swimming or bathing.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Landscape area in which over 75% percent of existing landscaping is removed and replaced. Includes all landscaping funded in part, or completely, by Washington County Water Conservancy District's landscape conversion program.

Secondary Irrigation Water: Non-potable water that is untreated and used for irrigation of outdoor landscaping.

Slope: A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established, with possible supplemental irrigation needed or desirable during spring and summer months or during drought periods.

SECTION 3: WATER EFFICIENCY STANDARDS FOR SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL ZONES

These provisions are applicable to all new construction and new development in any residential zone, or for any single family or multiple family residential development in any zone.

8-9-3(i): Construction Standards

- A. New single family or multiple family residential dwellings 1,400 square feet or greater shall install hot water recirculation systems, unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water.
- B. New single family or multiple family residential dwellings shall install WaterSense labeled fixtures, including, but not limited to faucets, showerheads, toilets, and urinals.
- C. New single family or multiple family residential dwellings shall install Energy Star qualified appliances.
- D. All multiple family units with ground floor square footage or individually platted, shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information shall be made available to the resident of each unit. Individually platted condominium units are exempted from the provision of this Paragraph D if a property owners association owns and maintains the water lines and meters. All multiple family projects require separate water meters for all outdoor water usage, including landscaping.

Nothing in this paragraph nor this Title 8 Chapter 8 Ordinance Adopting and Implementing Regulations for Landscaping and Water Conservation for Developing Land is intended to influence or modify the calculation and assessment of impact fees under Title 8 Chapter 6 of Washington City Code

8-9-3(ii): Landscape Standards

- A. For all new residential construction, Rehabilitated Landscaping, residential development, and new landscape improvements, the landscaping shall meet the following requirements:
 - 1. Single Family Dwellings, and Multiple Family Dwelling Projects with Ten Units or Less:
 - a. Irrigated Lawn area must not exceed eight percent (8%) of the lot square footage, up to a maximum of two thousand (2,000) square feet of grass (irrigated lawn area). No lot, regardless of its size, may install grass areas that exceed 2,000 square feet of surface area on the lot.

- b. In addition, grass is prohibited in park strips, any landscape area that measures less than eight feet in width, and on any slope that exceeds 15%; and
 - c. Each single-family dwelling is recommended to plant a minimum of two water-efficient shade trees. Each multiple family development with ten units or less shall follow city approved landscape plans for quantity of shade tree requirements.
2. Multiple Family Dwelling Projects with More than Ten Units: Comply with the Landscape Standards in 8-8-4(ii), below.

B. Required Documentation

1. A copy of project landscaping data shall be submitted to the city for review and approval prior to the issue of any building permit. To certify ongoing compliance, the applicant shall certify that a copy of the city-approved project data be provided to the property owner or site manager. The project data shall consist of the following items:
 - i. Project address;
 - ii. Applicant or applicant agent's name, address, phone number, and email address;
 - iii. Plan or drawing of location and dimensions of irrigated turf to be installed on the project, including calculation of total grass area on the lot per Section 8-9-3(ii)(a) hereof.
2. Construction and Post-Construction Inspections and Monitoring.
 - a. Construction and post-construction activities and site improvement may be required or performed by the city.
 - b. Following construction, and prior to issuing an occupancy permit, an inspection shall be scheduled with the city to verify compliance with the city-approved project data. A Certificate of Substantial Completion shall be completed by the property owner, developer, contractor or landscape architect and submitted to the city.
 - c. The city reserves the right to require corrective measures if requirements of this ordinance are not satisfied.

8-9-3(iii): Restrictive Covenants in Conflict with Water Efficiency Standards

Any homeowners or property owners association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, and that are recorded after passage of this ordinance, are preempted by this ordinance and unenforceable by the owners or association contrary to Washington City Code if they conflict with the water efficiency standards in this ordinance, or if they have the effect of prohibiting or restricting compliance with this ordinance.

8-9-3(iv): Residential Pools

Any Pool of water that is proposed as part of any Landscape Plan shall be considered a use that is consumptive of potable (treated) water. Any Landscape Plan that includes a Pool shall be designed and planned to incorporate available pool industry measures of water conservation available at the time of application. **Swimming pools must be installed with a mechanical cover.** Indoor pools are not regulated under this ordinance.

SECTION 4: WATER EFFICIENCY STANDARDS FOR NONRESIDENTIAL ZONES AND NONRESIDENTIAL DEVELOPMENTS

These provisions are applicable to all new construction and new development in all nonresidential zones and nonresidential developments in any zone.

8-9-4(i): Construction Standards

- A. Hot water recirculation systems shall be installed, unless hot water delivery can be demonstrated to occur without first displacing more than 0.6 gallons of system water.
- B. WaterSense labeled fixtures shall be installed, including, but not limited to faucets, showerheads toilets, and urinals.
- C. Energy Star qualified appliances shall be installed.
- D. All shell units with ground floor square footage, or individually platted, shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information shall be made available to the individual unit. Individually platted condominium units are exempted if a property owners association owns and maintains the water lines and meters. All nonresidential projects require separate water meters for all outdoor water usage, including landscaping.
- E. All commercial car wash projects shall be built and operated to recirculate water and limit the maximum amount of new consumed water from the utility for car washes to 35 gallons per vehicle washed. Washington City shall have the right to review, inspect, and audit on recurring review cycles carwash project compliance with both re-circulation and quantity maximums per vehicle washed.

- F. Exterior, decorative water features, such as fountains and decorative ponds **that do not use secondary water**, are prohibited, except as considered by the City Council for consumptive effect on potable (treated) water supplies and if approved by the City Council as a permitted exception.
- G. All golf courses using water district or municipal water supplies shall irrigate with secondary irrigation water and shall have separate water meters for the golf course. Irrigation with potable water at golf courses is prohibited to promote conservation of available drinking water. Each golf course development shall submit and follow a water budget with the Landscape Documentation Packet and identify water conservation measures for city review and approval.
- H. Outside misting systems shall only operate during the May through August time period and only when the daily high temperature is 90 degrees Fahrenheit or greater.
- I. Outdoor or exterior Pools, fountains, or decorative water features **that do not use secondary water** are prohibited as part of any non-residential Landscape Plan, except as considered by the City Council for consumptive effect on potable (treated) water supplies and if approved by the City Council as a permitted exception. Indoor pools are not regulated under this ordinance.

8-9-4(ii): Landscape Standards

- A. For all new construction, **Rehabilitated Landscaping**, new development, and new landscape improvements in all nonresidential zones, and nonresidential development in any zone, the landscaping shall meet the following requirements:
 - 1. Grass is not permitted outside of an active recreation area. In addition, grass is prohibited in park strips, all landscape areas that measure less than eight feet in width, and on any slope that exceeds 15%.
 - 2. Landscape and irrigation installers shall follow the plans that have been reviewed and approved by the city.
 - 3. Each project shall propose and follow an approved Planting Plan that includes vegetative cover of a landscaped area with water-efficient shade trees and bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion. The configuration of the vegetation in the Planting Plan is subject to review and approval at the sole discretion of the city.
 - 4. If secondary irrigation water is available, each project shall connect to the secondary irrigation water system for all outdoor water use. Washington City may make minor case-by-case permitted exceptions by approval of the City Council, allowing use of treated water for outdoor plantings that have secondary irrigation

water available, subject to review and approval at the sole discretion of the city. An example of such a permitted exception would be for a small beautification planting of flowers or foliage that may be sensitive to secondary irrigation water quality.

5. In order to optimize absorption of water applications, if Grass areas are incorporated into a landscape, it is recommended that soil aeration occur annually.

B. Required Documentation

1. Landscape Documentation Package: A copy of a Landscape Documentation Package shall be submitted to the city for review and approval prior to the issue of any building permit. To certify ongoing compliance, the applicant shall certify that a copy of the city-approved Landscape Documentation Package be provided to the property owner or site manager.. The Landscape Documentation Package shall be prepared by a professional landscape architect (PLA) and shall consist of the following items:
 - a. Project Data Sheet containing the following:
 - i. Project name and address;
 - ii. Applicant or applicant agent's name, address, phone number, and email address;
 - iii. Landscape architect's name, address, phone number, and email address; and
 - iv. Landscape contractor's name, address, phone number and email address, if available at this time.
 - b. Planting Plan. A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:
 - i. Location of all plant materials, a legend with common and botanical names, and size of plant materials;
 - ii. Property lines and street names;
 - iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 - iv. Existing trees and plant materials to be removed or retained;

- v. Scale: graphic and written;
 - vi. Date of design;
 - vii. Designation of hydrozones, and
 - viii. Details and specifications for tree staking, soil preparation, and other planting work.
 - c. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the Planting Plan and contain the following information:
 - i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 - ii. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 - iii. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with irrigation equipment (i.e., sprinklers, drip emitters, bubblers, etc.); and
 - iv. Installation details for irrigation components.
 - d. Grading Plan. A grading plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
 - i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; and
 - ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements, as well as drainage.
2. Plan Review, Construction Inspection, and Post-Construction Monitoring.
- a. As part of the building permit approval process, a copy of the Landscape Documentation Package shall be submitted to the city together with a city-provided pre-submittal checklist completed to initiate a review and approval process before construction begins.
 - b. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.

- c. During construction, construction activities and site improvement inspections of the landscaping may be required or performed by the city.
- d. Following construction, and prior to issuing an occupancy permit, an inspection shall be scheduled with the city to verify compliance with the city-approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, developer, contractor or landscape architect and submitted to the city.
- e. The city reserves the right to require or perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

CHAPTER 5: LANDSCAPE AND IRRIGATION DESIGN STANDARDS FOR ALL NEW DEVELOPMENT, REHABILITATED LANDSCAPING, NEW CONSTRUCTION AND NEW LANDSCAPE IMPROVEMENTS IN ANY ZONE

8-9-5(i): Plant Selection

Plants shall be well-suited to the microclimate and soil conditions at the project site. Native, locally adaptable and environmentally sustainable plants are acceptable. The City recommends and refers applicants to the Washington County Water Conservancy District's recommended plant list on wcwcd.org. Plants with similar water needs shall be grouped together as much as possible into hydrozones for efficient irrigation. Invasive plant species as identified by the city shall not be planted.

- A. Areas with slopes greater than 15% shall be landscaped with deep-rooting, water-conserving plants that do not include grass.
- B. Park strips and other landscaped areas less than eight (8) feet in width shall be landscaped with water-conserving plants and/or mulch that do not include grass.

8-9-5(ii): Tree Selection

Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be suited for water-efficient landscapes. Trees shall be selected and planted in accordance with the following guidance:

- A. Broad canopy tree varieties shall be selected where shade or screening of tall objects is desired;
- B. Low-growing tree varieties shall be selected for spaces under utility wires;

- C. Where visual clearance or natural surveillance is a concern, select tree varieties from which lower branches or canopy shaping may occur while maintaining a healthy growth habit;
- D. Narrow or columnar trees shall be selected for small spaces, or where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
- E. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, above and below ground utilities, lighting, and other obstructions; and
- F. Trees shall be irrigated on a separate hydrozone as needed for efficient irrigation and allow for watering under water-shortage conditions when other plant material may not be watered due to drought conditions; and
- G. Fruit tree or nut tree varieties that are suited to the area may be selected and planted on residential lots for family food production.

8-9-5(iii): Irrigation Design Standards

- A. Pressure Regulation. A pressure regulating valve shall be installed by the builder or developer, and maintained by the owner, if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. Irrigation Controller. It is required that Landscaped Areas use a WaterSense labeled smart irrigation controller, which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and have memory retention capability to retain pre-programmed irrigation schedules.
- C. Each valve shall irrigate a landscape with a similar site, slope and soil conditions, and plant materials with similar watering needs. Grass, trees and non-grass areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Low-volume irrigation equipment (i.e., drip emitters, bubblers) shall be provided for each tree.
- E. Drip irrigation shall be used to irrigate plants in non-grass areas. For rehabilitated landscape sites spray head conversion to efficient drip irrigation may be required with city approval of Irrigation Plans.
- F. High conservation efficiency spray nozzles are required for sprinkler applications.
- G. Sprinkler heads shall have matched precipitation rates with each control valve circuit.

- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves are required. Pressure compensating valves and sprinklers are required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end-flush valves shall be provided for drip irrigation lines.
- K. Landscape watering with potable (treated) water is prohibited unless in accordance with Time Of Day Watering provision of Washington City Code 7-1-14.
- L. Waste of water is prohibited. Waste of water includes Irrigation Runoff, overwatering, irrigating during a precipitation event, water that sprays off the intended irrigated zone or off the property, failure to comply with drought restrictions and a failure to repair irrigation system leaks and malfunctions in a timely manner. Any person or entity who maintains or assists in maintaining the Waste of water is guilty of violation of Washington City Code 7-1-6: Waste of Water and subject to penalty as provided in Section 1-4-1 or Section 7-1-14(C) of the Washington City Code.
- M. Overwatering can be avoided by following the water district's recommended irrigation schedule and practices as noted on wcwcd.org.
- N. Program valves for multiple repeat cycles are required to reduce runoff on slopes and for soils with slow infiltration rates.
- O. Landscaping Maintenance. All landscapes shall receive regular and on-going Landscaping Maintenance according to the reasonable standard and functions of the Landscaping type and the season of weather.