# CITY COUNCIL
# AGENDA SUMMARY FORM
COMMUNITY DEVELOPMENT DEPARTMENT

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| **MEETING DATE:** | June 21, 2023 |
| **AGENDA ITEM:** | AN ORDINANCE OF THE CITY OF TAYLORSVILLE APPROVING A TEXT AMENDMENT TO TAYLORSVILLE MUNICIPAL CODE CHAPTER 13.25 AND SECTIONS OF CHAPTER 13.36 RELATED TO UPDATES TO WATER EFFICIENT LANDSCAPING STANDARDS. |
| **FILE #:** | 5Z23/DCA-000331-2023 |
| **PUBLIC HEARING REQUIRED:** | ☐ Yes ☑ No |
| **ORDINANCE REQUIRED:** | ☑ Yes ☐ No |
| **RESOLUTION REQUIRED:** | ☐ Yes ☑ No |
| **AUTHOR:** | Terryne Bergeson, Planner I |
| **PRESENTER:** | Terryne Bergeson, Planner I |
| **SUMMARY:** | The City of Taylorsville is proposing to amend the General Landscape Standards found in Chapter 13.25 of the Land Development Code with the intent to adopt standards that more strongly support water efficient landscape design in all zones. The updates triggered revisions to certain terms in 13.36 Definitions, as seen in Exhibit A.<br><br>In recent years, governmental agencies and local organizations have implemented standards and initiated education and incentive programs that provide guidance and support for Utahns' water conservation efforts. Currently, residents of Taylorsville are not eligible to receive reimbursement from state-funded landscape conversion programs, since projects must be in a city that has adopted certain water efficiency standards such as those in the model ordinance from Jordan Valley Water Conservancy District.<br><br>In 2022, standards for the landscaping in park strips were adopted. The section was influenced by the model ordinance created by Jordan Valley Water Conservancy District and neighboring cities' standards but did not expressly prohibit the installation of lawn.<br><br>The proposed updates will build on the City's previous actions and demonstrate a city-wide commitment to responsible water use.<br>In the interest of conserving water and extending eligibility for state incentive programs, staff reviewed landscape standards and compared to the model ordinance from Jordan Valley Water Conservancy District. The chapter contained standards similar to those in the model ordinance, the |

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| | most significant difference being the limitations on lawn area. Staff consulted with Jordan Valley Water Conservancy District to confirm that the proposed changes in Exhibit A will meet requirements and extend eligibility for reimbursement programs to Taylorsville property owners.<br><br>Proposed changes were presented to Taylorsville Planning Commission on May 9, 2023. Commissioners voted to forward a positive recommendation with one correction and two updates to the text. Staff informed the appropriate agencies that the updates were going to be reviewed by the City Council and forwarded those to be reviewed to confirm language met requirements for residents to be eligible for additional funding. Staff received feedback from the Department of Natural Resources that one change was required. On June 13, 2023, the Planning Commission reviewed the change and voted to again forward a positive recommendation to the City Council.<br><br>If adopted, the new standards will apply to new and redeveloped front and side yards of single-family residential homes, and the entire lot for all other zones. As part of site plan review for commercial development, applicants submit a landscape and irrigation plan. No changes are anticipated in the review process. Residents will not be required to submit landscape plans to the city for review, although they may be required to submit documentation to agencies for reimbursement programs. |
| **STAFF RECOMMENDATION:** | Staff recommends approval of Ordinance No. 23-08, based on the findings outlined in this report. |
| **PLANNING COMMISSION RECOMMENDATION:** | ☑ Approve ☐ Deny |
| **PLANNING COMMISSION VOTE:** | 6-0 |
| **SUMMARY OF PUBLIC COMMENTS:** | No public comments were received related to this application. |
| **ATTORNEY'S OFFICE** | ☑ Yes ☐ No |
| **ATTACHMENTS:** | Ordinance No. 23-08 with corresponding Exhibit A |

**TAYLORSVILLE, UTAH**
**ORDINANCE NO. 23-08**

**AN ORDINANCE OF THE CITY OF TAYLORSVILLE APPROVING A TEXT AMENDMENT TO TAYLORSVILLE MUNICIPAL CODE CHAPTER 13.25 AND SECTIONS OF CHAPTER 13.36 RELATED TO UPDATES TO WATER EFFICIENT LANDSCAPING STANDARDS.**

**WHEREAS**, the Taylorsville City Council (the "Council") met in regular session on June 21, 2023, to consider, among other things, approving a text amendment to Taylorsville Municipal Code Chapter 13.25 and sections of Chapter 13.36 related to updates to water efficient landscaping standards; and

**WHEREAS**, pursuant to TAYLORSVILLE MUNICIPAL CODE Section 13.35.040, notice of a public hearing before the City's Planning Commission was posted at City Hall on June 2, 2023; and

**WHEREAS**, the notice of a public hearing before the City's Planning Commission was also published on the Utah Public Notice Website on June 2, 2023; and

**WHEREAS**, the City's Planning Commission held a properly noticed public hearing on the proposed amendments on June 13, 2023, during which the Planning Commission voted 6-0 to recommend that the Council approve the proposed text amendment; and

**WHEREAS**, although not required by City ordinances, the City Council heard courtesy public comment on the proposed amendments during its regularly scheduled meeting on June 13, 2023; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Taylorsville to approve the proposed amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the Taylorsville City Council that the proposed text amendments to the Taylorsville Municipal Code Chapter 13.25, Sections 13.36.020, 13.36.090, 13.36.130, 13.36.170 and 13.36.210, related to updates to water efficient landscaping standards, are hereby approved, as articulated in Exhibit "A."

This ordinance, assigned Ordinance No. 23-08, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this _____ day of _____, 2023.

**TAYLORSVILLE CITY COUNCIL**

By: _____
Robert Knudsen, Council Chair

**VOTING:**

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| Meredith Harker | Yea ___ Nay ___ |
| Ernest Burgess | Yea ___ Nay ___ |
| Robert Knudsen | Yea ___ Nay ___ |
| Curt Cochran | Yea ___ Nay ___ |
| Anna Barbieri | Yea ___ Nay ___ |

**PRESENTED** to Mayor of Taylorsville for her approval this _____ day of _____, 2023.

**APPROVED** this _____ day of _____, 2023.

_____
**Mayor Kristie S. Overson**

**ATTEST**:

_____
Jamie Brooks, Recorder

**DEPOSITED** in the Recorder's office this ____ day of _____, 2023.

**POSTED** this ____ day of _____, 2023.

# EXHIBIT A

## CHAPTER 13.25
## LANDSCAPING STANDARDS

SECTION:

**13.25.010: General Landscaping Standards**

**13.25.020: Commercial, Office, Multi-Family, And Industrial Landscaping Requirements**

**13.25.030: Tree Stewardship**

~~**13.25.040: Water Efficient Landscaping**~~

### 13.25.010: GENERAL LANDSCAPING STANDARDS:

The following standards shall apply to all districts:

A. Preservation Of Natural Features: The preservation of natural features that enhance the development and will benefit the community including trees, scenic points, view corridors, historic buildings or locations, unique geological formations, and other community assets shall be preserved and incorporated into the overall landscape plan.

B. Parking In Landscaped Areas: Parking is prohibited upon any front, side, rear, or interior landscaped areas or areas intended for landscape.

C. Park Strips: The park strip standards in this section are intended to maintain design flexibility and safety of park strips while ensuring access to public facilities, promote water conservation, maintain aesthetic ~~quality guality~~, and ensure pedestrian safety and accessibility.

1. Applicability: The requirements of this section apply to all park strips, defined as the area within the street right of way situated between the back of curb and the sidewalk or, if there is no sidewalk, back of curb and the right of way line. These standards apply to all properties that have street curbs. Owners of property on streets without curbs and gutters are not required ~~reguired~~ to maintain formal landscaping within the public right-of-way.

2. General Landscape Requirements:

a. It is the property owner's responsibility to landscape all park strips adjacent to their property.

b. All park strip landscaping must be maintained in a safe and well-kept condition. Trash, debris, and noxious weeds are not permitted.

c. Sufficient water shall be provided for vegetative ground cover, annuals, perennials, shrubs, and trees to keep them in a healthy condition.

d. For surfaces with water meter lid, shutoff, or other utility or access, landscaping must not inhibit access for a radius of at least twelve (12) inches. For surfaces around a fire hydrant, landscaping must not inhibit access for a radius of at least three (3) feet.

3. Park Strip Ground Treatment:

a. Plant materials should cover twenty-five (25) percent or more of the park strip surface when plants have reached maturity. For lots with multiple street frontages, this standard shall be applied separately to each park strip. In new or replacement landscaping, it is recommended that water conserving plants are used. The use of drip irrigation rather than overhead spray systems is ~~highly encouraged~~required.

b. Installation of weed barrier fabric under mulch is required to inhibit weed growth. Weed barrier shall not be visible and must be covered with soil, mulch, or gravel.

c. Organic mulch materials such as bark may be used as water conserving mulch for plants and may also be used as the only material in portions of a park strip. It is recommended to use organic mulch that is three (3) to four (4) inches in depth for weed control.

d. Gravel, rocks, and boulders may be used on portions of the park strip. Large diameter rocks and boulders shall be kept a minimum of thirty (30) inches away from street trees that are in the park strip. Organic mulch or gravel shall be used near existing street trees.

e. Paving materials, limited to poured concrete, brick pavers, concrete pavers, or natural stone pavers, may be used in portions of a park strip subject to the following:

(1) Paving materials shall be kept a minimum of thirty (30) inches away from existing trees. Organic mulch or gravel shall be used near existing street trees.

(2) In park strips that are thirty-six (36) inches or less in width, brick, concrete, or natural stone pavers may be used in (one hundred) 100 percent of the surface area. If concrete is used, it shall be stamped with a brick, stone, or other decorative pattern to distinguish it from the adjacent sidewalk. All hard surface sections shall be installed to be flush with both the sidewalk and curb and gutter. The use of water conserving plants in combination with paving materials is encouraged.

(3) In park strips over thirty-six (36) inches in width, paving materials, gravel, rocks, and boulders shall not exceed seventy-five (75) percent of the total park strip surface area. Poured concrete shall not be used except for pedestrian pathways as outlined below.

4. Pedestrian Pathways: For safe, convenient access to vehicles across park strips, pedestrian pathways (walkways through the park strip) are encouraged. The material used may be poured concrete, brick or concrete pavers, or natural stone pavers such as flagstone, or a combination of these. If poured concrete is used, the pedestrian pathway shall be not more than four (4) feet in width and shall be located to provide the most direct route through the park strip. The area of pedestrian pathway shall be included in calculating the percentage of inorganic surface in the park strip.

5. Park strip prohibited materials include:

a. Lawn
b. ~~a.~~ Asphalt;
c. ~~b.~~ Concrete, except as allowed in subsection (3) above;
d. ~~c.~~ Thorn-bearing plants;
e. ~~d.~~ Except for trees, no plant, monument, boulder, or other object that exceeds three (3) feet in height at maturity is permitted within the sight visibility triangle.
f. ~~e.~~ Retaining walls, fences, steps, and other similar structural encroachments.

6. Flexibility Measures: The director may modify the standards of this section to better achieve its intent and address site-specific conditions such as, among other things, steep

grades between the curb and sidewalk, the presence of canals or drainage channels, limited access to irrigation, and urban streetscape treatments. (Ord. 12-15, 7-11-2012; amd. Ord. 22-08, 8-17-2022)

D. Water Efficient Landscaping:

The city finds that it is in the public's interest to conserve public water resources and promote water efficient landscaping. The purpose of this section is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient landscapes throughout the city.

1. Applicability:

The following standards shall apply to:

a. Front and side yards in single-family (R-1) and two-family (R-2) residential zoning districts.

b. In all other zones, these standards shall apply to the entire lot or parcel.

c. Lots or parcels in the open space zoning district are exempt from the standards in this section.

2. Landscaping Standards

a. Irrigation should be appropriate for the designated plant material to achieve the highest water efficiency. Each irrigation valve should irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs.

b. Drip irrigation or bubblers in all landscaped areas except lawn areas are required. Drip irrigation systems are to be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.

c. Separate irrigation valves are to be used for lawn and planting beds.

d. Irrigation systems shall be controlled by a smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation in response to changing weather conditions. Controllers that are equipped with automatic rain delay or rain shut-off capabilities are recommended.

e. Above-ground irrigation shall only be permitted between the hours of eight o'clock (8:00) P.M. and ten o'clock (10:00) A.M. to reduce water loss from wind and evaporation. Special exceptions may be granted by the Director when more frequent watering is necessary to establish newly planted landscape areas.

f. Lawn shall not be installed in park strips, paths, or on slopes greater than 25% or 4:1 grade and be less than 8 feet wide at its narrowest point. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area.

g. Lawn areas in single-family (R-1) and two-family (R-2) zoning districts shall not exceed 35% of the total landscaped area of the front and side yards.

h. Outside of active recreation areas, in commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area of the lot.

i. At least 3-4 inches of mulch, permeable to air and water, are to be used in planting beds to control weeds and improve the appearance of the landscaping.

j. At maturity, landscapes are recommended to have enough plant material (perennials and shrubs) to create at least 25% living plant cover at maturity at the ground plane, not including tree canopies.

k. Plants selected for landscaping should consist of plants that are well suited to the microclimate and soil conditions.

**13.25.020: COMMERCIAL, OFFICE, MULTI-FAMILY, AND INDUSTRIAL LANDSCAPING REQUIREMENTS:**

A. Front Yard: Front yard landscaping is measured from the front property line(s) after any required street dedication. This standard shall apply to all street frontages.

1. All Commercial, Office, Multi-Family, And Industrial Districts: In all commercial and industrial zones, a minimum of fifteen feet (15') of front yard landscaping shall be required.

2. Berming: The use of berms (random sculptured mounds), twelve (12) to eighteen inches (18") high above the curb level, are required in all front landscape areas where found to be practical by the director.

3. Street Trees: Two inch (2") minimum caliper street trees shall be planted in the front park strip area (centered between the sidewalk and the curb to minimize tree conflicts and to maximize tree root zone) where the park strip is a minimum of five feet (5') in width, according to the varieties and spacing specified in applicable standards. Where the sidewalk has been placed against the curb, street trees shall be planted four feet (4') behind the sidewalk.

4. Front Landscape: Front landscape areas shall include a combination of trees, rocks, gravel, and plant materials. Plant materials shall cover a minimum of 25% of the landscaped area.~~sod as well as areas of trees, shrubs, ground covers, and mulch.~~

~~5. Elimination Of Park Strip: The planning commission may approve the elimination of the park strip in a commercial district allowing the sidewalk to be placed against the curb. If the elimination of the park strip is approved by the planning commission, the sidewalk against the curb shall be increased in width to six feet (6') or wider as per applicable standards. In these instances, the front landscape area shall not be less than twenty feet (20') in depth.~~

~~6. Nonexistent Park Strips: Where a sidewalk exists directly adjacent to a public right of way, the front landscaping shall be a minimum of twenty feet (20') in depth.~~

B. Side And Rear Yards:

1. There shall be a minimum of five feet (5') of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access) and a minimum of five feet (5') of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.

2. Areas not visible from the street shall have one landscape area in the amount of one hundred (100) square feet for every seventy five (75) linear feet of property line not visible from the public right of way.

C. Landscaping Within Parking Areas:

1. Landscaping within all parking and driveway areas shall comprise a minimum five percent (5%) of the total square footage of those areas. In addition, the required front, side, and rear landscaping (parking area shall be defined to include all asphalt areas with parking spaces and driveways). The placement of this landscaping shall be within parking areas to break up the mass of asphalt as well as adjacent to the building for foundation landscaping. Such landscaping shall not contain lawn and shall be composed of natural elements including ground cover, shrubs, trees (evergreen and deciduous), and combinations of mulch.

2. All traffic islands shall be landscaped and be considered as a portion of the required five percent (5%) parking lot landscaping and shall be a minimum of five feet (5') in width.

3. Landscape planters and/or raised barrier sidewalks shall be installed along buildings (except where not visible from public access areas or loading areas) and any paved areas where visible from the street to provide safety to pedestrians, to protect the structure, and to provide foundation landscaping to soften a structure's appearance.

4. All landscaped areas abutting any paved area shall include a six inch (6") high concrete curb. Concrete bumper stops are not acceptable.

5. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than three feet (3') above street level within the area required for minimum sight distances for local roads and streets.

D. Undeveloped Areas:

1. All undeveloped areas shall be maintained free of weeds and trash.

2. All expansion areas or pad sites shall be maintained with ~~drought tolerant sod~~native seed mix, mulch, or other materials as approved by the director until such time as construction is started on that building pad.

E. Adjacent To Residential Districts: A minimum ten foot (10') width of landscaping shall be provided on an applicant's property, including a combination of trees and shrubs (evergreen and deciduous)~~, and ground covers~~ shall be provided to create a buffer for the adjacent residential district.

F. Installation:

1. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.

2. All trees planted on site less than two inch (2") caliper shall be double staked.

3. All landscaping shall be completed in accordance with the plans submitted and approved by staff.

a. All landscape work must be installed prior to a certificate of occupancy of the building being issued or as otherwise approved by the director as seasonal conditions may dictate.

b. The developer shall bond for such landscape improvements as part of the private improvement bond to ensure that installations are completed as submitted and approved.

G. Maintenance:

1. It shall be the responsibility of the property owner to properly maintain landscaped areas in accordance with the approved site plan and landscape plan which includes watering, mowing, proper pruning, fertilizing, the removal and replacement of dead plant materials in a timely manner, and the maintenance of the irrigation systems to eliminate waste of water.

2. All pruning shall be accomplished according to good horticultural standards. Trees shall be pruned to promote healthy trees and to accommodate street maintenance and garbage collection (minimum height over street $13^1/_2$ feet and over sidewalks 7 feet) and as necessary to promote healthy growth.

3. Unless approval is otherwise provided by the director, trees shall be allowed to attain their normal size and shall not be severely pruned up from the ground or "hat racked" in order to permanently maintain growth at a reduced height. Pruning trees solely for the purpose of exposure is prohibited.

4. Pruning trees for traffic safety reasons shall be reviewed and approved by the city engineer.

H. Vegetation Removal:

1. Once the required landscaping has been installed, it shall not be removed without the approval of the community development department.

2. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable original landscape plan caliper in compliance with the city street tree guide unless otherwise approved by the director.

3. When utility connections or other disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modifications of landscaped areas shall require approval by the director.

I. Minimum Tree Size: The minimum size of all trees planted on a development site shall be as follows:

1. Street Trees: Two inch (2") caliper minimum as measured eighteen inches (18") above grade.

2. All Other Trees: All other trees on site, one and one-half inch ($1^1/_2$") caliper minimum as measured eighteen inches (18") above grade.

3. Evergreen Trees: Six foot (6') minimum height above grade.

J. Tree Mix: There shall be a mix of evergreen and deciduous trees on all development sites to allow for a green winterscape. A minimum of forty percent (40%) of all trees on the proposed site shall be evergreens where found to be practical by the director.

K. Existing Trees:

1. The retention of existing healthy, desirable tree species on site is strongly encouraged. Buildings and parking areas should be designed around existing trees, wherever possible.

2. A tree survey on an existing site may be required as determined by the director.

L. Minimum Number Of Trees: A minimum ratio of one tree per every five hundred (500) square feet of on site landscaping shall be provided on the overall site plan.

M. Documentation To Be Submitted For Plan Approval: A landscape plan documentation package shall be submitted to and approved by the director prior to the issuance of any permit. A copy of the approved landscape plan documentation package shall be provided to the property owner or site manager and to the local retail water purveyor. The landscape plan documentation package shall be prepared by a registered landscape architect or a landscape designer. The irrigation plan shall be prepared by an irrigation designer or a landscape architect. The landscape plan documentation package shall consist of the following items:

1. Project Data Sheet: The project data sheet shall contain the following:
   a. Project name and address;
   b. Applicant or applicant's agent's name, address, phone, e-mail, and fax number;
   c. Landscape designer/landscape architect's name, address, phone, e-mail, and fax number; and Landscape contractor's name, address, phone, e-mail and fax number.

2. Planting Plan: A detailed planting plan shall be drawn at a scale that clearly identifies the following:

   a. Location of all plant materials, a legend with botanical and common names, and size of plant materials; Property lines and street names;
   b. Existing and proposed buildings, walls, fences, light poles, utilities, paved areas, and other site improvements; Existing trees and plant materials to be removed or retained; and
   c. Designation of hydrozones.

3. Irrigation Plan: A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the 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.

~~Xeriscape:~~

~~1. Xeriscape is encouraged in required landscape areas. A true xeriscape may include a combination of drought resistant trees, shrubs, ground covers, organic mulches, as well as some dry landscape materials.~~

~~2. All xeriscape design and installation shall be completed by a professional landscape designer and installer certified in the design and installation of xeriscape. (Ord. 12-15, 7-11-2012)~~

**13.25.030: TREE STEWARDSHIP:**

A. Purpose: The city prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. It is declared to be a policy of the city that:

1. City property will be landscaped to enhance the natural beauty of the city.

2. Responsibilities of city departments be coordinated to encourage quality landscaping.

3. Landscaped city properties be effectively managed.

4. The city plant species of trees that are aesthetically pleasing, require less maintenance (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.

5. The street environment be made hospitable through landscaping.

6. Residents of the city be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this section is enacted and intended to establish a tree stewardship ordinance. This section may be referred to as the *TREE STEWARDSHIP ORDINANCE.*

B. Urban Forester: The city shall designate a qualified person or entity as the city's urban forester, who shall:

1. Be responsible for the long term management, health, maintenance, inventory, planting, and design of city trees in cooperation with the director.

2. Foster and maintain partnerships between public and private parties for the benefit of trees.

3. Facilitate communication, coordination, cooperation, and education for the stewardship of city and private trees.

4. Keep abreast of new information and research in arboriculture.

5. Train and supervise city crews or contract providers so the best methods of tree care are practiced in the community.

6. Work with engineers, architects, and the community development department during the design phase of development.

C. Citizen Responsibilities: Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in park strips abutting their real property except in those park strips that are maintained by the city.

1. Periodic watering and fertilization of city trees as necessary to maintain good health and vigor.

2. Protect city trees in park strips from damage caused by lawn mowers, weed trimmers, snowblowers, and similar equipment.

3. Protect city trees in park strips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.

4. The species of trees planted in the park strips should comply with the city street tree guide or otherwise approved by the director.

5. Remove private trees or limbs that have fallen upon a city street, property, or sidewalk.

6. Maintain ground covers except in those park strips maintained by the city.

7. Notify the city of any hazard tree.

8. Raking, cleanup, and properly disposing of leaves that fall from city and private trees so leaf fall does not impede the stormwater system.

9. The city shall have no liability for the failure of any tree or landscaping installed by private parties on other than city maintained property.

D. City Responsibilities: The city shall assume responsibility for:

1. Tree care in city owned and operated parks, on the grounds of city buildings, and in park strips that the city administration has designated will be maintained by the city.

2. Pruning of city trees, as necessary, after appropriate notification to property owners.

3. Pruning of city trees in the public rights of way and utility easements.

4. Removal of diseased or dying city trees that are beyond reclamation.

5. Removal of city trees and/or limbs that the city determines to be a hazard after appropriate notification.

6. Maintenance of planted areas on city property and specifically designated city rights of way.

E. Responsibility For Correcting Private Hazard Trees: Where a hazard tree exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.

2. If the city determines that a particular tree is a hazard tree, the city may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.

3. Notice under this section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of twenty eight (28) calendar days in advance of further action.

4. If the hazard tree is not mitigated, abated, removed, or corrected within twenty eight (28) additional calendar days after the notice is complete, the city may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.

5. The city may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.

6. If the person, firm, or corporation disputes or denies the city's determination that the tree is a hazard tree or refuses to remove or permit removal, the city may bring an action to abate the hazard tree as a public nuisance. If the city is granted a judgment, the city may recover the costs of having the public nuisance abated.

7. The city, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.

8. Notice of appeal of the city's determination that a tree is a hazard tree may be filed with the city recorder within ten (10) days of service of the notice to abate. Appeals of the urban forester's decisions shall be heard by the mayor or his designee within fifteen (15) days of receipt of the appeal, which decision is final.

F. Protection Of City Trees:

1. It shall be unlawful for any person to do any of the following:

a. Construct a concrete, asphalt, brick, or gravel sidewalk within eighteen inches (18") of a city tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.

b. Fill up the ground area around any city tree so as to shut off air, light, or water from its roots.

c. Pile building material, equipment, or other substance on or near a city tree so as to cause injury to the tree.

d. Pour or spray any injurious matter on or around a city tree.

e. Injure any city tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any city tree, shrub, ground cover, or lawn.

f. Post any sign, tree stake, or guard, or by fastening any guywire, cable, or rope to any city tree, tree stake, or guard.

g. Prune trees for commercial exposure.

2. Any person doing construction, excavation, or demolition work in the near vicinity of a city tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than four feet (4') high and have a two foot (2') radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured four and one- half feet ($4^1/_2$') aboveground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The city engineer must be consulted about any deviation to this standard.

3. No person shall use a city tree for any unauthorized purpose.

G. Trees Planted In Park Strips: Trees planted in park strips or other public rights of way should be in conformance with the streetscape plan.

H. Interference With Service: It shall be unlawful for any person to interfere with city personnel or city contractors under the direction of the city's designee in the performance of their duties.

I. Preservation Of Trees During Development: Tree surveys must identify both city and private trees or groves of trees of at least two inch (2") caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the director.

J. Violation And Penalty: Any person who violates any provision of this chapter shall be guilty of an infraction. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on city owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide For Plant Appraisal" as published by the International Society Of Arboriculture. The city may pursue criminal or civil actions against any person or entity who violates this chapter as is deemed appropriate, including abatement or injunctive relief. (Ord. 12-15, 7-11-2012)

**13.25.040: WATER EFFICIENT LANDSCAPING:**

A. Purpose: The city finds that it is in the public's interest to conserve public water resources and promote water efficient landscaping. The purpose of this section is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient landscapes throughout the city.

B. Commercial, Industrial, And Multi-Family Development:

1. Applicability: The provisions of this subsection B shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private commercial and industrial projects, developer installed landscaping in multi-family residential projects, and developer installed landscaping in single-family projects that required project review and approval by the city. Such review includes site plan review, modified conditional use permit review, and building permits issued for exterior modifications to commercial and multi-family buildings. This subsection B does not apply to homeowner provided landscaping at single-family projects nor registered historical sites.

2. Documentation To Be Submitted For Plan Approval: A landscape plan documentation package shall be submitted to and approved by the director prior to the issuance of any permit. A copy of the approved landscape plan documentation package shall be provided to the property owner or site manager and to the local retail water purveyor. The landscape plan documentation package shall be prepared by a registered landscape architect or a landscape designer. The irrigation plan shall be prepared by an irrigation designer or a landscape architect. The landscape plan documentation package shall consist of the following items:

a. Project Data Sheet: The project data sheet shall contain the following:

Project name and address;

Applicant or applicant's agent's name, address, phone, e-mail, and fax number;

Landscape designer/landscape architect's name, address, phone, e-mail, and fax number; and

Landscape contractor's name, address, phone, e-mail and fax number.

b. Planting Plan: A detailed planting plan shall be drawn at a scale that clearly identifies the following:

Location of all plant materials, a legend with botanical and common names, and size of plant materials;

Property lines and street names;

~~Existing and proposed buildings, walls, fences, light poles, utilities, paved areas, and other site improvements;~~

~~Existing trees and plant materials to be removed or retained; and~~

~~Designation of landscape zones.~~

~~c. Irrigation Plan: A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:~~

~~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;~~

~~Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply; and~~

~~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 sprinklers.~~

~~d. Grading Plan: A grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:~~

~~Property lines and street names, existing and proposed buildings, easements, walls, fences, utilities, paved areas, and other site improvements; and~~

~~Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.~~

~~e. Soils Report: A soils report will be required where irrigated landscaped areas consisting of grass or similar turf exceed thirty three percent (33%) of the overall landscaped area. The soils report shall describe the depth, composition, and bulk density of the topsoil and subsoil at the site and shall include recommendations for soil amendments. The planting plan shall incorporate the recommendations of the soils report into the planting specifications.~~

~~f. Irrigation Schedule: A monthly irrigation schedule shall be prepared that covers the initial ninety (90) day plant establishment period and the typical long term use period. This schedule shall consist of a table with the following information for each valve:~~

~~Plant type, e.g., turf, trees, low water use plants;~~

~~Irrigation type, e.g., sprinklers, drip, bubblers;~~

~~Flow rate in gallons per minute;~~

~~Precipitation rate in inches per hour (sprinklers only);~~

~~Run times in minutes per day;~~

~~Number of water days per week; and~~

~~Cycle time to avoid runoff.~~

~~3. Landscape Design Standards:~~

a. Plant Selection: Plants selected for landscape zones shall consist of plants that are well suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible in landscape zones.

For projects located at the interface between urban areas and natural open space (nonirrigated), extra drought tolerant plants shall be selected that will blend with the native vegetation and are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall be avoided.

Areas with slopes greater than thirty percent (30%) shall be landscaped with deep rooting water conserving plants for erosion control and soil stabilization. Irrigation devices are limited to drip emitters, bubblers, or sprinklers with a maximum precipitation rate not to exceed 0.85 inch per hour.

Park strips and other landscaped areas less than eight feet (8') wide shall be landscaped with water conserving plants and/or grass.

b. Mulch: After completion of all plantings, all irrigated nonturf areas shall be covered with a minimum layer of four inches (4") of mulch to retain water, inhibit weed growth, and moderate soil temperature. Nonporous material shall not be placed under the mulch.

c. Soil Preparation: Soil preparation shall be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches (6") and amending the soil with organic material as per specific recommendations of the landscape designer/landscape architect based on the soils report.

4. Irrigation Design Standards:

a. Standards: Irrigation design standards for this title shall be as outlined in the latest version of the water retailer's standards. In addition, the following portions of this section shall also be applicable.

b. Pressure Regulation: If using a dedicated water meter for irrigation, a pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty (80) pounds per square inch (psi). The pressure regulating valve shall be located between the landscape water 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 sprinklers.

c. Automatic Controller: All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shutoff device.

d. Slopes: On slopes exceeding thirty percent (30%), the irrigation system shall consist of drip emitters, bubblers, or sprinklers with a maximum precipitation rate of 0.85 inch per hour and adjusted sprinkler cycle to eliminate runoff.

e. Similar Conditions: Each valve shall irrigate a landscape zone with similar site, slope and soil conditions, and plant materials with similar watering needs. Turf and nonturf areas shall be irrigated on separate valve(s).

f. Drip Emitters And Bubblers: Drip emitters or a bubbler shall be provided for each tree, where practicable. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for

~~trees shall be placed on a separate valve unless specifically exempted by the public utilities department due to the limited number of trees on the project site.~~

~~g. Matched Precipitation Rates: Sprinklers shall have matched precipitation rates with each control valve circuit.~~

~~h. Elevation Differences: Check valves shall be required where elevation differences will cause low head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.~~

~~i. Underground Placement: Drip irrigation lines shall be placed underground or otherwise permanently covered, except for drip emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.~~

~~j. Irrigation Times: Irrigation zones with overhead spray or stream sprinklers, except drip or bubbler zones, shall be designed to operate between six o'clock (6:00) P.M. and ten o'clock (10:00) A.M. to reduce water loss from wind and evaporation.~~

~~k. Program Valves: Program valves for multiple repeat cycles where necessary to reduce runoff, particularly slopes and soils with slow infiltration rates.~~

~~5. Plan Review, Construction Inspection, And Postconstruction Monitoring:~~

~~a. As part of the site plan approval and building permit process, a copy of the landscape plan documentation package shall be submitted to the city for review and approval before construction begins. With the landscape plan documentation package, a copy of the landscape water allowance worksheet shall be completed by a landscape designer and submitted to the city.~~

~~b. All landscape plan documentation packages submitted must be certified by a licensed landscape architect or an approved landscape designer. The irrigation plan must be prepared by an approved irrigation designer or a landscape architect.~~

~~c. All landscape irrigation systems shall be installed by an irrigation contractor. The person representing the contracting firm shall be a full time employee of the firm and shall be directly involved with the project including at least weekly site visits during construction.~~

~~d. All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements and be able to show proof of such upon demand.~~

~~e. During construction, site inspection of the landscaping may be performed by the city.~~

~~f. Following construction and prior to the release of the bond guarantee posted for the project, an inspection shall be scheduled with the city to verify compliance with the approved landscape and irrigation plans. A certificate of substantial completion as defined in the city specifications shall be completed by the property owner, contractor, or landscape designer/landscape architect and submitted to the city.~~

~~C. Residential (Single-Family) Development:~~

~~1. The provisions of this subsection C apply to landscaping for all new and reconstructed landscaping for single-family residential dwellings. This subsection C does not apply to residential developments with developer installed landscapes nor registered historical sites.~~

~~2. Provisions For New Or Reconstructed Landscapes: A copy of the landscape education package shall be given to all new single- family homeowners by the city at the time of application for a building permit and all new or modified water account owners. The landscape education package shall consist of the following items:~~

~~a. Principals of water efficient landscape design;~~

~~b. List of water conserving plants;~~

~~c. List of certified landscape designers, certified irrigation system designers and suppliers, and certified landscape irrigation contractors; and~~

~~d. Information packet about the various area demonstration gardens. (Ord. 12-15, 7-11-2012)~~

# CHAPTER 13.36
# DEFINITIONS

## 13.36.020: "A" DEFINITIONS:

Active Recreation Areas: Areas of the landscape dedicated to active play where lawn is typically used as the playing surface (ex. sports fields and play areas).

## 13.36.090: "H" DEFINITIONS:

HARDSCAPE: ~~Patios, decks, and paths; does not include driveways, parking lots, and sidewalks.~~Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

HYDROZONE: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate, i.e., slope, exposure, wind, etc., and soil conditions and areas that will be similarly irrigated. A hydrozone can be served by one irrigation valve or a set of valves with the same schedule.

## 13.36.130: "L" DEFINITIONS:

~~LANDSCAPED ZONE: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate, i.e., slope, exposure, wind, etc., and soil conditions and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve or a set of valves with the same schedule.~~

Lawn: Ground that is covered with grass or turf that is regularly mowed.

## 13.36.170: "P" DEFINITIONS:

Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

## 13.36.210: "T" DEFINITIONS:

Total Landscaped Area: Improved areas of the property that incorporate all of the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.