

**RIDGWAY PLANNING COMMISSION**

**REGULAR MEETING AGENDA**

Wednesday, August 20th, 2025

5:30 pm

*Pursuant to the Town's Electronic Participation Policy, the meeting will be conducted both in person and via a virtual meeting portal. Members of the public may attend in person at the Community Center, located at 201 N. Railroad Street, Ridgway, Colorado 81432, or virtually using the meeting information below.*

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85290139071?pwd=6Pt4agRVi9eNQOwYcAY6oNXR244jbW.1>

Meeting ID: 852 9013 9071

Passcode: 262470

*Written comments can be submitted before the meeting to [akemp@town.ridgway.co.us](mailto:akemp@town.ridgway.co.us) or delivered to Town Hall Attn: Planning Commission*

**ROLL CALL:** Commissioners: Pam Foyster, Bill Liske, Russ Meyer, Jennifer Nelson, and Jack Petruccelli, Councilmember Michelle Montague acting as Chairperson, Mayor John Clark

**PUBLIC HEARING:**

1. Text Amendment to the Ridgway Municipal Code Section 7-4-8 *Landscape Regulations*

**OTHER BUSINESS:**

2. Updates from Planning Staff:
  - a. Progress Report on the Housing Needs Assessment.
  - b. Progress Report on Affordable Housing Regulations.
  - c. Professional Development for Planning Commission members.
3. Updates from Planning Commission members

**APPROVAL OF MINUTES:**

4. Minutes from the Regular Meeting of May 21st, 2025
5. Minutes from the Regular Meeting of June 18th, 2025

**ADJOURNMENT**

## AGENDA ITEM #1





**To:** Town of Ridgway Planning Commission  
**Cc:** Preston Neill, *Ridgway Town Manager*  
TJ Dlubac, AICP, CPS, *Contracted Town Planner*  
**From:** Angela Kemp, AICP, *Sr. Town Planner*  
**Date:** August 15th, 2025  
**Subject:** Proposed Text Amendments to the ***Ridgway Municipal Code Section 7-4-8 Landscape Regulations***. Staff Report for the August 20<sup>th</sup> Planning Commission Meeting.

## BACKGROUND

The Colorado Senate Bill 24-005 (SB24-005) serves to prohibit the installation of nonfunctional turf, artificial turf, and invasive plant species on nonresidential properties for new development and applicable redevelopment projects on or after January 1, 2026. SB24-005 passed and was signed into law by Governor Jared Polis on March 15<sup>th</sup>, 2024, with a deadline for compliance by local governments set for January 1, 2026. Consideration of SB24-005 has prompted staff review and recommendation for modification of Ridgway Municipal Code (RMC) Section 7-4-8 *Landscape Regulations*. Section 7-4-8 of the RMC has been reviewed for all appropriate updates, which go beyond the requirements of the Senate Bill, as discussed below.

Additional modifications have been identified for the purpose of clarifying how the Landscape Regulations are interpreted and applied by Town Staff to avoid confusion for future applicants.

## POTENTIAL TIMELINE

August 20, 2025	<i>Planning Commission Public Hearing on the Text Amendment RMC Section 7-4-8 Landscape Regulations for recommendation to Town Council.</i>
September 10, 2025	<i>Potential Introduction of an Ordinance Amending RMC 7-4-8 Landscape Regulations at the Regular Meeting of the Town Council.</i>
October 8, 2025	<i>Potential Second Reading and Adoption of an Ordinance Amending RMC 7-4-8 Landscape Regulations at Town Council.</i>
November 7, 2025	<i>Ordinance Process requires a 30-day period before official Adoption.</i>

This timeline is subject to approval actions, public notification requirements, etc. Inclusion of the timeline in this Staff Report is intended to illustrate the soonest that *7-4-8 Landscape Regulations* could be revised.

## UPDATES AND ANALYSIS

Ridgway has taken actions to be good stewards of Town's water supply. Water-wise considerations have already been included as part of the current Landscape Regulations, including limiting the



use of high-water turf. The current code already complies with portions of SB24-005 prohibiting noxious and invasive species. However, the Town's current Landscape Regulations do not comply with SB24-005 due to our allowance of artificial turf in all areas as part of our "non-live groundcover" classification. Please note that some code sections are more restrictive than SB24-005 requires. Town has the ability to be *more restrictive* but cannot be *less restrictive*. After studying SB24-005, staff are proposing the following modifications to 7-4-8 Landscape Regulations:

**7-4-8 (A) Intent:**

- a) Clarify the Intent of the Regulations and make this section slightly more concise.

**7-4-8 (B) Applicability:**

- b) Note that the regulations apply broadly to all construction and change of use projects.
- c) Remove the note about it applying to "landscape projects exceeding 25% of the lot size" and replacing it with "Projects which require a Building Permit and result in a disturbance of more than fifty percent (50%) of the aggregate landscape area".
  - o We had the draft code reviewed by Lindsay Rogers, Policy Manager for Western Resources Advocates. She stated that being more restrictive than SB24-005 can be resource intensive. Staff do not currently issue permits for landscaping work separate from construction unless there is a structural component. We think this modification is appropriate for processing and tracking purposes.
  - o Removal of "Temporary Certificate of Occupancy for delay by winter weather":
    - o The provision does not account for other unsuitable conditions for plants to become established, like water restrictions.
    - o Staff believe this provision is covered in (K) Installation Standards and (L) Maintenance Requirements.
    - o It is at the discretion of the Building Official to grant Certificates of Occupancy, including Temporary Certificates of Occupancy, and extensions to Building Permits as needed to ensure that plan sets match what gets built, installed, planted, etc.

**7-4-8 (C) Site and Landscape Plan Development:**

- d) Remove duplicative language in (1)(a) which is covered in 7-4-8(B)(3).
- e) Clarify some of the requirements for the Landscape Plan and consolidate requirements that asked for similar information.

**7-4-8 (D) Water Conservation:**

- f) Instead of directing reader to another code section, move the code section about Preferred Species.
- g) The Prohibited Species section has been modified to include *"Trees with aggressive root structures that are incompatible with pavement should be avoided in areas that are paved or may become paved. Narrowleaf Cottonwood (Populus angustifolia) and Lanceleaf Cottonwood (Populus x acuminata) shall not be installed in areas in close proximity to sidewalks, streets, paved pathways, etc."* This modification comes from Steven Schroeder with the Public Works Department. A lot of sidewalk seizing that existing in town is caused by these species.

**7-4-8 (E) Landscaping Required:**



- h) Provide additional clarity.
- i) Make this section slightly more concise.
- j) Remove artificial turf as an option for non-live groundcover.
- k) Explain that turf used to meet the requirement should only be "functional turf".

#### **7-4-8 (F) General Landscape Standards:**

- l) Reorganize this section so that species diversity of trees is nested under the "Trees" section.
- m) Allow shrubs in a 3-gallon size, instead of a 5-gallon minimum, to align better with what is locally available.

Pursuant to Ridgway Municipal Code Section 7-4-3(d)(3) Approval Criteria: *The following criteria shall be found to be met by the application and supplemental materials in order for the Planning Commission and/or Town Council to recommend approval or approve a text amendment.*

*(a)The text amendment is consistent with the intent of applicable portions of the Master Plan in the reasonable judgement of the approving body; and*

*(b)The proposed text amendment is necessary to correct an omission or error in the code; or*

*(c)The proposed text amendment is necessary to adapt to a change in conditions within the town; or*

*(d)Changes in public policy are needed to advance the general welfare of the town.*

#### **ATTACHMENTS:**

1. Section 7-4-8 update – clean version
2. Section 7-4-8 update – redline version
3. Senate Bill 24-005
4. Western Resource Advocates, Brendle Group, and Colorado Water Conservation Board (2025). *Local Compliance with Colorado Senate Bill 24-005: Prohibition of nonfunctional turf, nonfunctional artificial turf, and invasive plant species.*  
<https://westernresourceadvocates.org/publications/local-compliance-with-colorado-senate-bill-24-005/>
5. Western Resource Advocates, Brendle Group, and Colorado Water Conservation Board (2025). *Colorado Senate Bill 24-005 Grasses and Plants Guide.*  
<https://westernresourceadvocates.org/wp-content/uploads/2025/06/SB5-Grasses-and-Plants-Guide.pdf>

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## 7-4-8 LANDSCAPE REGULATIONS.

### (A) Intent.

- (1) The purpose of this Section is to provide clear landscaping requirements that will contribute to high quality development and sustainable, water-saving practices. Landscaping is an important element of the character of the Town of Ridgway that is both functional and aesthetic. Ridgway's objective is to prioritize design that incorporates low water use and regionally appropriate materials. These landscaping regulations will endeavor to achieve the following:
  - (a) Preserve and enhance the quality and character of the community through landscaping;
  - (b) Conserve water resources;
  - (c) Provide visual buffers and screening;
  - (d) Provide separation between pedestrian and vehicular uses;
  - (e) Mitigate adverse effects of stormwater and weeds; and
  - (f) Allow for creativity and flexibility in landscape design.
- (2) Drought-tolerant, native, and water-wise plants are to be used whenever possible and appropriate. Water-wise is a term used throughout this chapter to describe the method of planting which works to promote water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native and drought tolerant species, limiting the amount and type of irrigation, and other related measures to conserve water and create a native landscape.
- (3) Landscaping that is sustainable, visually appealing, and regionally appropriate is required for all new development. Landscaping should be used to promote the visual aesthetic of a development from pedestrian spaces and travel corridors. Buffers and medians are encouraged as a means to facilitate drainage during storm events and provide areas for snow storage during the winter.

### (B) Applicability.

- (1) This chapter establishes minimum landscaping standards which apply to all properties within the Town of Ridgway.
  - (2) The following projects shall comply with the landscaping standards set forth in this chapter:
    - (a) Projects which require a site plan review;
    - (b) New commercial, residential, or mixed use construction;
    - (c) Projects that result in a disturbance of more than fifty percent (50%) of the aggregate landscape area;
    - (d) Change of use; or
    - (e) Public rights-of-way improvements.
  - (3) A building permit for new construction shall not be issued until a conforming Landscape Plan is approved by the Town. A permanent Certificate of Occupancy will not be issued until the Town determines that the landscaping included in the approved plan has been properly installed.
  - (4) All standards and policies adopted within the Town of Ridgway Water Conservation and Management Plan, Master Plan, and Land Use Regulations should be implemented with the landscape regulations.
  - (5) Where conflict exists between these regulations and an adopted Wildfire Resiliency Code, the Wildfire Resiliency Code shall govern.
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(C) Site and Landscape Plan Development.

(1) Landscape Plan Requirements.

- (a) The landscape plan shall be drawn to scale of one inch equals 40 feet, or larger, and may be included on the Site Plan. The landscape plan shall include the following information:
  - (i) Property lines and dimensions;
  - (ii) Building footprint, driveways, and vehicle circulation;
  - (iii) A grading plan with contour lines depicting existing elevations and proposed finished grade;
  - (iv) North arrow and scale;
  - (v) Name of applicant and landscape consultant or architect (if applicable);
  - (vi) Legend indicating all proposed plant materials with botanical names, indication of drought tolerant plants, size (maturity) maximum spacing, caliper size, and quantities;
  - (vii) The existing or proposed method of establishing and maintaining plant materials;
  - (viii) Surface drainage characteristics and structures, including, but not limited to, inlets, retention/detention ponds, swales, permeable surfaces, down spouts;
  - (ix) Location of all plant material
  - (x) Other natural features, including, but not limited to, wetlands, water bodies, rock outcroppings, detention areas, retaining walls, and buildings and paved areas (existing and proposed);
  - (xi) Plantings should be shown as they would be at full maturity;
  - (xii) Clearly labeled locations and calculations for amounts of required landscaping, including the square footage and percentage of required landscape area, live materials, and non-live materials.
  - (xiii) Identify any existing trees, shrubs, or live groundcover that will remain on the property and how they will be protected from damage during construction;
  - (xv) Construction debris storage and staging areas; and
  - (xvi) Additional information as may be required by the Town.

(D) Water Conservation.

- (1) Water Conservation Planting: Landscaping should be designed to incorporate water conservation materials and techniques through the application of water-wise landscape principles. In general, water-wise landscaping with drip irrigation is required, while large, irrigated areas requiring spray heads are strongly discouraged.

(2) Regionally Appropriate: All landscaping should be regionally appropriate, and materials shall be suitable for local soil conditions and climate.

- (a) Preferred Species: Lists of recommended species for use in Colorado is available from the Ouray County Weed Manager and the Colorado State University Extension Service. The lists are not all inclusive but do recommend a variety of plants known to do well in our region of Colorado. In general, plants that are not recognized as hardy or suited to the local climate should be kept to a minimum. Water-wise, drought-tolerant plants are to be used whenever possible. Regionally appropriate or native species are preferred.

(b) Prohibited Species.

- (i) Invasive Plant Species are prohibited. Siberian elm and Chinese elm (*Ulmus*); Cottonwoods that bear cotton (*Populus*); Purple Loosestrife (*Lythrum slaicaria*); Russian Olive (*Elaeagnus angustifolia*); and Kentucky Blue Grass (*Poa pratensis*) are included in the prohibited species.
- (ii) Trees with aggressive root structures that are incompatible with pavement should be avoided in areas that are paved or may become paved. Narrowleaf Cottonwood (*Populus angustifolia*) and Lanceleaf Cottonwood (*Populus x acuminata*) shall not be installed in areas in close proximity to sidewalks, streets, paved pathways, etc.
- (ii) The Town Manager or designee is authorized to prohibit additional species with nuisance properties.

(E) Landscaping Required.

- (1) Purpose: The purpose of this section is to establish minimum landscaping requirements. This section is not intended as a build/install-to
- (a) All areas on a lot must be landscaped. At least 25 percent of the minimum required landscape area shall be provided in the front yard of the property.
  - (b) Landscaped area may include a combination of trees, shrubs, groundcovers (live and non-live), planters/planting beds, decorative landscape stone or rock, or other landscaping material that does not conflict with other provisions of this Chapter.
    - (i) Live ground cover is considered to be material such as native grasses, wildflowers, functional turf, and planting beds.
    - (ii) Non-live ground cover is considered to be material such as mulch, flagstone, rock, gravel, permeable pavers, etc.
    - (iii) The landscaping requirements table below demonstrates the required landscape area for all parcels in all zoning districts.

Landscaping Requirements					
Zoning District	Min.Area <sup>2</sup> Requiring Landscaping	Min. % of Live Ground Cover of the Area Requiring Landscaping	Min. % of Non-Live Ground Cover of the Area Requiring Landscaping	Min. # of Trees for the Area Requiring Landscaping <sup>3</sup>	Min. # of Shrubs for the Area Requiring Landscaping <sup>4</sup>
Residential Use Zones					
R	50%	20%	30%	1 per 2,000 sq. ft.	2 per 3,000 sq. ft.
HR	40%	20%	20%	1 per 2,000 sq. ft.	2 per 3,000 sq. ft.
MR	30%	20%	20%	1 per 2,000 sq. ft.	2 per 3,000 sq. ft.
FD <sup>1</sup>	50%	20%	30%	1 per 2,000 sq. ft.	2 per 3,000 sq. ft.
DS	50%	20%	30%	1 per 2,000 sq. ft.	2 per 3,000 sq. ft.
Nonresidential or Mixed Use Zones					
HB	See 7-4-8(E)(3) Below				
GC	30%	10%	20%	1 per 2,000 sq. ft.	2 per 3,500 sq. ft.
LI	30%	5%	15%	1 per 2,500 sq. ft.	2 per 4,000 sq. ft.
GI	30%	5%	15%	1 per 2,500 sq. ft.	2 per 4,000 sq. ft.

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<sup>1</sup> See Subsection 7-4-8(I)(2) for exemptions for uses that are nonresidential in the FD zoning district.

<sup>2</sup> For all residential uses that are single-family and duplex dwellings, a maximum of one acre of area shall be used to calculate the minimum required landscape area.

<sup>3</sup> The minimum number of trees is a sum of all required trees. Any additional tree requirements (such as street trees) shall be counted as part of this minimum number of required trees.

<sup>4</sup> Four shrubs can be counted for one required tree. A minimum of one tree is always required per lot.

(3) Historic Business (HB) District Exceptions. This district is intended to provide for zero lot lines and full lot coverage. Therefore, there is no minimum required landscaped area as defined in this chapter. However, the following shall apply:

(a) Right-of-way landscaping shall be required pursuant to Subsection 7-4-8(H).

(b) If a parking lot is provided on-site, parking lot landscaping shall be required pursuant to Subsection 7-4-8(G)

(c) Required landscaped area for properties zoned HB is required for any area not used for a building or parking lot.

(F) General Landscape Standards.

(1) Trees: Trees shall have a minimum caliper of one and one-half inches for deciduous trees and a five-foot minimum height for evergreens. In the case of fractional requirements for the number of trees, the number required shall be rounded up to the next whole number. Existing trees that are in good health, as determined by the Town Manager or designee, shall be counted as one and one-half trees for the minimum tree requirement.

(a) Species Diversity: To prevent uniformity and insect or disease susceptibility, species diversity is required, and extensive monocultures of trees are prohibited. Species diversity does not apply to existing trees. The following requirements shall be met:

Number of required trees on site	Maximum percentage of any one species
1—5	No diversity
6—19	33%
20 or more	25%

(2) Shrubs: Shrubs shall be a minimum three-gallon size. Decorative grasses in a minimum size of three gallons are to be counted as shrubs. In the case of fractional requirements for the number of shrubs, the number required shall be rounded up to the next whole number.

(3) Groundcover: Area can be made up of vegetative materials, organic or inorganic mulch, flowerbeds, or other acceptable landscape material. Groundcover must be adequate to ensure that dust cannot blow from the property and that the soil is stabilized to ensure that erosion is kept to a minimum, it must also remain free of noxious weeds as defined as Ouray County Weed Manager.

(4) Turf: No more than 1,500 square feet or ten percent of area requiring landscaping, whichever is less, can be high water turf. High water turf should only be used in areas of high use, also known as “functional turf”. The limitation shall not apply to any public recreation area or sports field owned or operated by the town/city or any public or quasi-public entity. Artificial turf is prohibited except for use on any public recreation area or sports field owned or operated by the town/city or any public or quasi-public entity.

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- (5) Irrigation: To ensure best practices for water conservation, all new landscaping shall comply with the following irrigation standards:
- (a) Irrigation should be limited to between the hours of 6:00 P.M. and 9:00 A.M.
  - (b) All irrigation systems shall be automatic and have moisture sensors installed.
  - (c) Where possible, non-potable irrigation systems should be used to irrigate landscape.
- (6) Screening and Buffering:
- (a) Screening and landscape buffers soften the less desirable impacts of development and can provide a certain element of safety in commercial areas where significant pedestrian interactions are more likely to occur. Buffers should be constructed to mitigate the view, light pollution (including light trespass and glare), noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses, and other potential negative effects of development.
  - (b) Buffering shall be provided when a nonresidential use is adjacent to a residential use. It shall be the responsibility of non-residential use to provide the adequate buffer from the residential use in a manner consistent with these regulations. The buffer should include a mix of trees, fencing, landscape berms, and other materials appropriate to mitigate visual, audible, and other impact the nonresidential use may have on the residences.
  - (c) Mechanical Equipment: Ground-mounted or rooftop equipment shall be screened from public rights-of-way on all sides to its full height. Ground level mechanical equipment shall be screened with landscaping, berms, fences, or architectural walls. Rooftop units shall be screened with materials and colors to match the building.
  - (d) Storage Areas: All open storage areas shall be screened from public rights-of-way and adjacent property by use of landscaping, berms, fencing, or a combination of landscaping and other structural elements to a height of six feet. Fencing must meet the requirements of Section 7-4-6(F).
  - (e) Additional landscape screening above the minimum requirements of this Section may be required when it is determined by the Town Manager, Town Manager's designee, Planning Commission, or Town Council to be in the best interest of the affected properties.
- (7) Sight Triangles: All plant material, walls, fences, berms and/or structures shall not exceed 24 inches in height when located on any corner within a triangular area formed by the curb lines and a line connecting them at points 15 feet from the intersection of the curb lines.
- (8) Existing Plantings: Existing trees, shrubs, and live groundcovers that are in good health should be retained and not destroyed during the construction process. The health of the trees shall be determined by the Town Manager or designee. These plants will be counted towards the required landscaping.
- (9) Revegetation: Development activities should only disturb, clear, or grade the area necessary for construction. All areas disturbed by grading or construction, not being formally landscaped, shall be revegetated with native seeding and/or other approved plant materials in a method acceptable to the Town.
- (10) Slopes: Removal of existing vegetation, including ground cover and trees, is strongly discouraged on slopes greater than 30 percent. Development on slopes greater than 15 percent shall maintain the maximum vegetative cover possible to protect soils, prevent land slippage, and retain wildlife habitat and open space resources. A minimum of 50 percent of vegetation on slopes greater than 15 percent shall not be disturbed during development.
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(G) Parking Lot Landscape Standards.

- (1) Islands or Rain Gardens: A landscape island and/or rain garden shall be provided in parking lots along the ends of the parking rows. Islands shall be a minimum of six feet wide and as long as the adjacent parking space. Trees shall be incorporated with parking lot design to provide parking lot shading.
  - (a) Islands for parking lots in residential and mixed-use areas shall be used to separate rows of six or more parking spaces and shall include a minimum of one tree.
  - (b) For non-residential uses, islands shall be used to separate rows of 12 or more parking spaces and shall include a minimum of two trees.
- (2) Catchment areas: Landscaped catchments areas and similar designs should be used for managing, controlling, and filtering parking lot and site drainage and should be included as part of an overall site drainage plan.

(H) Right-of-Way Landscape Standards.

- (1) Street trees: A landscape area shall be established along the public right-of-way for all non-residential uses and shall be a minimum of five feet wide. Such trees shall be placed in the center of the landscape area, not within the site triangle, and 20 feet away from any streetlight. A minimum of one tree per 50 linear feet of right-of-way is required. Street trees shall have a minimum caliper of two and one-half inches for deciduous trees and a six-foot minimum height for evergreens.

(I) Exceptions or Deviations.

- (1) Affordable Housing: Landscaping requirements for affordable housing projects may be reduced, based on the determination of the Town Manager or designee. Whenever possible, deviations from these standards for the purpose of preserving affordable housing or deed restricted housing should be identified and provided for in the appropriate document establishing the affordability and/or deed restricted provisions for the projects.
- (2) Non-residential Uses on Properties Zoned FD: If the proposed use in the FD zone district is intended to be permanent, these landscape regulations shall apply. If, however, an existing use is intended to be redeveloped, the Town Manager or designee may waive these requirements until such time the property redevelops. Such a decision is the sole discretion of the Town Manager or designee.
- (3) High-Water Turf: High-water turf may be allowed in areas of high-water contact such as drainages, swales, or downspout locations.
- (4) Administrative approval for deviations from a required standard: Deviations from the landscape requirements may be granted by the Town Manager or designee for up to ten percent (10%) from the applicable requirement. To request a deviation, a letter explaining the unique situation or hardship preventing the project from meeting the minimum landscape requirements shall be submitted with the application material and will be subject to the sole discretion of the Town Manager or designee.

(J) Installation Standards.

- (1) Living materials shall be adequately watered and maintained to become established. Once established, watering should be minimized as appropriate.
  - (2) Trees should be installed in such a way that they will not infringe on solar access, views from the adjoining properties, or block a sight distance triangle.
  - (3) Easements shall remain clear of all obstacles which may prevent such easement from operating within its intended purpose.
    - (a) Retaining walls are prohibited from being located in any established easement.
    - (b) Trees may only be permitted in utility easements upon written approval of the easement holder.
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(K) Maintenance Requirements.

- (1) Following completion of the landscaping, the owner or occupant of the property shall maintain it in good condition thereafter. Failure to maintain the landscaping is unlawful and is hereby declared to create a nuisance.
- (2) Where approved trees, shrubs, or other landscaping materials die or are removed, it shall be the responsibility of the property owner to replace them with materials of a comparable nature and size to those originally approved. This obligation shall continue until the property is redeveloped, at which time the redeveloper shall comply with the requirements of this code as they apply to the proposed development at that time.

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## 7-4-8 LANDSCAPE REGULATIONS.

### (A) Intent.

- (1) The purpose of this Section is to provide clear landscaping requirements that will contribute to high quality development and sustainable, water-saving practices. Landscaping is an important element of the character of the Town of Ridgway that is both functional and aesthetic. ~~and the Town's top~~ Ridgway's objective is to prioritize design that incorporates low water use and regionally appropriate ~~design for materials, and vegetation.~~ These landscaping regulations will endeavor to achieve the following:
  - (a) Preserve and enhance ~~a well-maintained landscape that preserves the overall~~ the quality and character of the community through landscaping;
  - (b) Conserve water resources;
  - (c) Provide visual buffers and screening;
  - (d) Provide separation between pedestrian and vehicular uses;
  - (e) Mitigate adverse effects of drainage-stormwater and weeds; and
  - (f) Allow ~~residents-for~~ creativity and flexibility ~~and-in~~ landscape design.
- (2) Drought-tolerant, native, and water-wise plants are to be used whenever possible and appropriate. Water-wise is a term used throughout this chapter to describe the method of planting which works to promote water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native and drought tolerant species, limiting the amount and type of irrigation, and other related measures to conserve water and create a native landscape.
- (3) Landscaping that is sustainable, visually appealing, and regionally appropriate is required for all new development. Landscaping should be used to promote the visual aesthetic of ~~the a~~ development from ~~main pedestrian spaces and~~ travel corridors, ~~as well as the pedestrian experience within, through shade trees, plantings, context appropriate public art and seating.~~ Buffers and medians are encouraged as a means to facilitate drainage during storm events and provide ~~valuable~~ areas for snow storage during the winter. ~~Landscaping that is sustainable, visually appealing, and regionally appropriate is required for all new development.~~

### (B) Applicability.

- (1) This chapter establishes minimum landscaping standards which apply to all ~~residential and nonresidential~~ properties within the Town of Ridgway.
- (2) The following projects shall comply with the landscaping standards set forth in this chapter:
  - (a) Projects which require a site plan review;
  - (b) New commercial, residential, or mixed use construction;
  - (c) ~~New landscape projects and rehabilitation projects that exceed 25 percent of the lot size~~ Projects that result in a disturbance of more than fifty percent (50%) of the aggregate landscape area;
  - (d) Change of use; or
  - (e) Public rights-of-way improvements.
- (3) A building permit for new construction ~~or landscape improvements~~ shall not be issued until a conforming Landscape Plan is approved by the Town. A permanent Certificate of Occupancy will not be issued until the Town determines that the landscaping included in the ~~contemplated by the~~ approved

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plan has been properly installed. ~~A temporary Certificate of Occupancy may be issued if completion of landscaping improvements is delayed by winter weather.~~

- (4) All standards and policies adopted within the Town of Ridgway Water Conservation and Management Plan, Master Plan, and Land Use Regulations should be implemented with the landscape regulations ~~of this chapter.~~

(5) Where conflict exists between these regulations and an adopted Wildfire Resiliency Code, the Wildfire Resiliency Code shall govern.

(C) Site and Landscape Plan Development.

(1) Landscape Plan Requirements.

~~(a) — A landscape plan, as set forth in this Section, shall be required for all projects identified in Subsection and shall be submitted to the Town for approval.~~

(a) The landscape plan shall be drawn to scale of one inch equals 40 feet, or larger, and may be included on the Site Plan. The landscape plan shall include the following information:

- (i) Property lines and dimensions;
- (ii) Building footprint, driveways, and vehicle circulation;
- (iii) A grading plan with contour lines depicting ~~Existing~~ elevations and proposed finished grade;
- (iv) North arrow and scale;
- (v) Name of applicant and landscape consultant or architect (if applicable);
- (vi) Legend indicating all proposed plant materials with ~~common and~~ botanical names, indication of drought tolerant plants, size (maturity)s, maximum spacing, caliper size, and quantities;
- (vii) The existing or proposed m~~M~~ethod of establishing and maintaining plant materials;
- (viii) Surface drainage characteristics and ~~any proposed~~ structures, including, but not limited to, inlets, retention/detention ponds, swales, permeable surfaces, down spouts;
- (ix) Location of all plant material
- (x); ~~Other~~ natural features, including, but not limited to, wetlands, water bodies, rock outcroppings, detention areas, retaining walls, and buildings and paved areas (existing and proposed);
- (xi) Plantings should be shown as they would be at full maturity;
- ~~(xi) — Identification and percentage of ground surfaces and materials by types, such as paving, sod, mulch, edger, seed mixes, shrubs, and flower beds;~~
- (xii) Clearly labeled locations and calculations for amounts of required landscaping, including the square footage and percentage of required landscape area, live~~ving~~ materials, and non-live ~~ing~~ materials ~~as well as required and provided number of trees, drought tolerant plantings, and any required landscaping, including islands and trees, within parking areas;~~
- (xiii) Identify any existing trees, shrubs, or live groundcover that will remain on the property and how they will be protected from damage during construction;
- ~~(xiv) — The location and square footage of all areas;~~
- (xv) ~~C~~Identify construction debris storage and staging areas; and

(xvi) Additional information as may be required by the Town.

(D) Water Conservation.

(1) Water Conservation Planting: ~~All landscaping~~Landscaping should be designed to incorporate water conservation materials and techniques through ~~application~~the application of water-wise landscape principles. In general, water-wise landscaping ~~with~~and drip irrigation ~~are~~is required, while large, irrigated areas requiring spray heads are strongly discouraged.

(2) Regionally Appropriate: All landscaping should be regionally appropriate, and materials shall be suitable for local soil conditions and climate. ~~To help guide plant selection~~

(a) Preferred Species: Lists of recommended species for use in Colorado is available from the Ouray County Weed Manager and the Colorado State University Extension Service. The lists are not all inclusive but do recommend a variety of plants known to do well in our region of Colorado. In general, plants that are not recognized as hardy or suited to the local climate should be kept to a minimum. Water-wise, drought-tolerant plants are to be used whenever possible. Regionally appropriate or native species are preferred.

(b) Prohibited Species.

(i) Invasive Plant Species are prohibited. Siberian elm and Chinese elm (Ulmus); Cottonwoods that bear cotton (Populus); Purple Loosestrife (Lythrum slaicaria); Russian Olive (Elaeagnus angustifolia); and Kentucky Blue Grass (Poa pratensis) are included in the prohibited species.

(ii) Trees with aggressive root structures that are incompatible with pavement should be avoided in areas that are paved or may become paved. Narrowleaf Cottonwood (Populus angustifolia) and Lanceleaf Cottonwood (Populus x acuminata) shall not be installed in areas in close proximity to sidewalks, streets, paved pathways, etc.

(ii) The Town Manager or designee is authorized to prohibit additional species with nuisance properties.

~~, a list of recommended and prohibited species is included in Subsection 7-4-8(j), Species List.~~

(E) Landscaping Required.

(1) Purpose: The purpose of this section is to establish minimum landscaping requirements. This section is not intended as a build/install-to-for residential, nonresidential, and mixed uses.

(a) All areas on a lot must be ~~treated with landscaping~~landscaped. At least 25 percent of the minimum required landscape area shall be provided in the front yard of the property.

(b) Landscaped area may include a combination of trees, shrubs, groundcovers (live and non-live), planters/planting beds, decorative landscape stone or rock, or other landscaping material that does not conflict with other provisions of this Chapter.

(i) Live ground cover is considered to be material such as native grasses, wildflowers, functional turf, and planting beds.

(ii) Non-live ground cover is considered to be material such as ~~bark~~ mulch, flagstone, rock, gravel, permeable pavers, etc. ~~artificial turf or the like.~~

~~(iii)~~(iii) The minimum live and non-live ground cover percentages, as seen in the landscaping requirements table, count as part of the overall minimum landscaped area, not in addition to.

~~(2) — At least 25 percent of the required landscape area shall be provided in the front yard of the property. The landscaping requirements table below demonstrates the required landscape area for all parcels in all zoning districts. The landscaping requirements table below demonstrates the required landscape area for all parcels in all zoning districts.~~

Landscaping Requirements					
Zoning District	Min. <del>Required</del> <del>Landscaped Area</del> <sup>2</sup> <u>Requiring</u> <u>Landscaping</u>	Min. % of <del>Required</del> <del>Landscaped Area</del> Live Ground Cover <u>of the Area</u> <u>Requiring</u> <u>Landscaping</u>	Min. % of <del>Required</del> <del>Landscaped Area</del> Non-Live Ground Cover <u>of the Area</u> <u>Requiring</u> <u>Landscaping</u>	Min. # of Trees for <del>Required</del> <del>Landscaped the</del> Area <u>Requiring</u> <u>Landscaping</u> <sup>3</sup>	Min. # of Shrubs for <del>Required</del> <del>Landscaped the</del> Area <u>Requiring</u> <u>Landscaping</u> <sup>4</sup>
<u>Residential Use Zones</u> <del>Uses</del>					
R	50%	20%	30%	1 <del>for every</del> per 2,000 sq. ft.	2 <del>for every</del> per 3,000 sq. ft.
HR	40%	20%	20%	1 <del>for every</del> per 2,000 sq. ft.	2 <del>for every</del> per 3,000 sq. ft.
MR	30%	20%	20%	1 <del>for every</del> per 2,000 sq. ft.	2 <del>for every</del> per 3,000 sq. ft.
FD <sup>1</sup>	50%	20%	30%	1 <del>for every</del> per 2,000 sq. ft.	2 <del>for every</del> per 3,000 sq. ft.
DS	50%	20%	30%	1 <del>for every</del> per 2,000 sq. ft.	2 <del>for every</del> per 3,000 sq. ft.
<u>Nonresidential or Mixed Use Zones</u> <del>Uses</del>					
HB	See 7-4-8(E)(3) Below				
GC	30%	10%	20%	1 <del>for every</del> per 2,000 sq. ft.	2 <del>for every</del> per 3,500 sq. ft.
LI	30%	5%	15%	1 <del>for every</del> per 2,500 sq. ft.	2 <del>for every</del> per 4,000 sq. ft.
GI	30%	5%	15%	1 <del>for every</del> per 2,500 sq. ft.	2 <del>for every</del> per 4,000 sq. ft.

<sup>1</sup> See Subsection 7-4-8(I)(2) for exemptions for uses that are nonresidential in the FD zoning district.

<sup>2</sup> For all residential uses that are single-family and duplex dwellings, a maximum of one acre of area shall be used to calculate the minimum required landscape area.

<sup>3</sup> The minimum number of trees is a sum of all required trees. Any additional tree requirements (such as street trees) shall be counted as part of this minimum number of required trees.

<sup>4</sup> Four shrubs can be counted for one required tree. A minimum of one tree is always required per lot.

- (3) Historic Business (HB) District Exceptions. This district is intended to provide for zero lot lines and full lot coverage. Therefore, there is no minimum required landscaped area as defined in this chapter. However, the following shall apply:
  - (a) Right-of-way landscaping shall be required pursuant to Subsection 7-4-8(H).
  - (b) If a parking lot is provided on-site, parking lot landscaping shall be required pursuant to Subsection 7-4-8(G)

- (c) Required landscaped area for properties zoned HB is required for any area not used for a building or parking lot.

(F) General Landscape Standards.

- (1) Trees: Trees shall have a minimum caliper of one and one-half inches for deciduous trees and a five-foot minimum height for evergreens. In the case of fractional requirements for the number of trees, the number required shall be rounded up to the next whole number. Existing trees that are in good health, as determined by the Town Manager or designee, shall be counted as one and one-half trees for the minimum tree requirement.

(a)(5) Species Diversity: To prevent uniformity and insect or disease susceptibility, species diversity is required, and extensive monocultures of trees are prohibited. Species diversity does not apply to existing trees. The following requirements shall be met:

<u>Number of required trees on site</u>	<u>Maximum percentage of any one species</u>
<u>1—5</u>	<u>No diversity</u>
<u>6—19</u>	<u>33%</u>
<u>20 or more</u>	<u>25%</u>

- (2) Shrubs: Shrubs shall be a minimum ~~five~~three-gallon size. Decorative grasses in a minimum size of three gallons are to be counted as shrubs. In the case of fractional requirements for the number of shrubs, the number required shall be rounded up to the next whole number.
- (3) Groundcover: Area can be made up of vegetative materials, organic or inorganic mulch, flowerbeds, or other acceptable landscape material. Groundcover must be adequate to ensure that dust cannot blow from the property and that the soil is stabilized to ensure that erosion is kept to a minimum, it must also remain free of noxious weeds as defined as Ouray County Weed Manager.
- (4) Turf: No more than 1,500 square feet or ten percent of ~~the required landscaped area~~ requiring landscaping, whichever is less, can be high water turf. High water turf should only be used in areas of high use, also known as “functional turf”. ~~Native, non-irrigated grass may be used in area of low use, low visibility areas.~~ The limitation shall not apply to any public recreation area or sports field owned or operated by the town/city or any public or quasi-public entity. Artificial turf is prohibited except for use on any public recreation area or sports field owned or operated by the town/city or any public or quasi-public entity.

~~(5) Species Diversity: To prevent uniformity and insect or disease susceptibility, species diversity is required, and extensive monocultures of trees are prohibited. Species diversity does not apply to existing trees. The following requirements shall be met:~~

<del>Number of required trees on site</del>	<del>Maximum percentage of any one species</del>
<del>1—5</del>	<del>No diversity</del>
<del>6—19</del>	<del>33%</del>
<del>20 or more</del>	<del>25%</del>

- (6) Irrigation: To ensure best practices for water conservation, all new landscaping shall comply with the following irrigation standards:

- 
- (a) Irrigation should be limited to between the hours of 6:00 P.M. and 9:00 A.M.
  - (b) All irrigation systems shall be automatic and have moisture sensors installed.
  - (c) Where possible, non-potable irrigation systems should be used to irrigate landscape.
- (7) Screening and Buffering:
- (a) Screening and landscape buffers soften the less desirable impacts of development and can provide a certain element of safety in commercial areas where significant pedestrian interactions are more likely to occur. Buffers should be constructed to mitigate the view, light pollution (including light trespass and glare), noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses, and other potential negative effects of development.
  - (b) Buffering shall be provided when a nonresidential use is adjacent to a residential use. It shall be the responsibility of ~~the nonresidential~~non-residential use to provide the adequate buffer from the residential use in a manner consistent with these regulations. The buffer should include a mix of trees, fencing, landscape berms, and other materials appropriate to mitigate visual, audible, and other impact the nonresidential use may have on the residences.
  - (c) Mechanical Equipment: Ground-mounted or rooftop equipment shall be screened from public rights-of-way on all sides to its full height. Ground level mechanical equipment shall be screened with landscaping, berms, fences, or architectural walls. Rooftop units shall be screened with materials and colors to match the building.
  - (d) Storage Areas: All open storage areas shall be screened from public rights-of-way and adjacent property by use of landscaping, berms, fencing, or a combination of landscaping and other structural elements to a height of six feet. Fencing must meet the requirements of Section 7-4-6(F).
  - ~~(e) Fencing can be used as a method for screening and buffering, provided the fencing meets the requirements of Section 7-4-6(F).~~
  - (f) Additional landscape screening above the minimum requirements of this Section may be required when it is determined by the Town Manager, Town Manager's designee, Planning Commission, or Town Council to be in the best interest of the affected properties.
- (8) Sight Triangles: All plant material, walls, fences, berms and/or structures shall not exceed 24 inches in height when located on any corner within a triangular area formed by the curb lines and a line connecting them at points 15 feet from the intersection of the curb lines.
- (9) Existing Plantings: Existing trees, shrubs, and live ~~groundcover~~groundcovers that are in good health should be retained and not destroyed during the construction process. The health of the trees shall be determined by the Town Manager or designee. These plants will be counted towards the required landscaping.
- (10) Revegetation: Development activities should only disturb, clear, or grade the area necessary for construction. All areas disturbed by grading or construction, not being formally landscaped, shall be revegetated with native seeding and/or other approved plant materials in a method acceptable to the Town.
- (11) Slopes: Removal of existing vegetation, including ground cover and trees, is strongly discouraged on slopes greater than 30 percent. Development on slopes greater than 15 percent shall maintain the maximum vegetative cover possible to protect soils, prevent land slippage, and retain wildlife habitat and open space resources. A minimum of 50 percent of vegetation on slopes greater than 15 percent shall not be disturbed during development.



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(G) Parking Lot Landscape Standards.

- (1) Islands or Rain Gardens: A landscape island and/or rain garden shall be provided in parking lots along the ends of the parking rows. Islands shall be a minimum of six feet wide and as long as the adjacent parking space(s). ~~Trees shall be incorporated with parking lot design to provide parking lot shading.~~  
(a) Islands for parking lots in residential ~~and mixed-use areas~~ uses shall be used to separate rows of six or more parking spaces and shall include a minimum of one tree.  
(b) For ~~nonresidential~~ non-residential uses, islands shall be used to separate rows of 12 or more parking spaces and shall include a minimum of two trees. ~~Islands shall be a minimum of six feet wide and as long as the adjacent parking space(s).~~
- (2) ~~Trees shall be incorporated with parking lot design as to provide parking lot shading.~~
- (3) Catchment areas: Landscaped ~~or grassed~~ catchments areas and similar designs should be used for managing, controlling, and filtering parking lot and site drainage and should be included as part of an overall site drainage plan.

(H) Right-of-Way Landscape Standards.

- (1) Street trees: A landscape area shall be established along the public right-of-way for all ~~nonresidential~~ non-residential uses and shall be a minimum of five feet wide. Such trees shall be placed in the center of the landscape area, not within the site triangle, and 20 feet away from any streetlight. A minimum of one tree per 50 linear feet of right-of-way is required. Street trees shall have a minimum caliper of two and one-half inches for deciduous trees and a six-foot minimum height for evergreens.

(I) Exceptions or Deviations.

- (1) Affordable Housing: Landscaping requirements for affordable housing projects may be reduced, based on the determination of the Town Manager or designee. Whenever possible, deviations from these standards for the purpose of preserving affordable housing or deed restricted housing should be identified and provided for in the appropriate document establishing the affordability and/or deed restricted provisions for the projects.
- (2) Non-residential Uses on Properties Zoned FD: If the proposed use in the FD zone district is intended to be permanent, these landscape ~~standards~~ regulations shall apply. If, however, an existing use is intended to be redeveloped, the Town Manager or designee may waive these requirements until such time the property redevelops. Such ~~decision~~ a decision is the sole discretion of the Town Manager or designee.
- (3) High-Water Turf: High-water turf may be allowed in areas of high-water ~~use~~ contact such as drainages, swales, or downspout locations.
- (4) Administrative approval for deviations from a required standard: Deviations from the landscape requirements may be granted by the Town Manager or designee for up to ten percent (10%) from the applicable requirement. ~~percent may be considered for administrative approval by the Town.~~ To request a deviation, a letter explaining the unique situation or hardship preventing the project from meeting the minimum landscape requirements shall be submitted with the application material to the Town Clerk and will be at the subject to the sole discretion of the Town Manager or designee ~~for approval.~~

~~(J) Species List.~~

- ~~(1) Preferred Species: A list of recommended species for use in Colorado is available from the Ouray Country Weed Manager and the Colorado State University Extension Service. The lists are not all inclusive but do recommend a variety of plants known to do well in our region of Colorado. In general, plants that are not recognized as hardy or suited to the local climate should be kept to a minimum.~~

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~~Water-wise, drought-tolerant plants are to be used whenever possible and appropriate and regionally appropriate species are preferred.~~

~~(2) Prohibited Species.~~

~~(a) Siberian elm and Chinese elm (Ulmus); Cottonwoods that bear cotton (Populus); Purple Loosestrife (Lythrum slaicaria); Russian Olive (Elaeagnus angustifolia); and Kentucky Blue Grass (Poa-pratensis) are prohibited.~~

~~(b) The Town Manager or designee is authorized to prohibit additional species with similar nuisance properties.~~

(K) Installation Standards.

- (1) Living materials shall be adequately watered and maintained to become established. Once established, watering ~~requirements~~ should be minimized as appropriate.
- (2) Trees should ~~also~~ be installed in such a way that they will not infringe on solar access, views from the adjoining properties, or block a sight distance triangle.
- (3) Easements shall remain clear of all obstacles which may prevent such easement from operating within its intended purpose.
  - (a) Retaining walls are prohibited from being located in any established easement.
  - (b) Trees may only be permitted in utility easements upon written approval of the easement holder.

(L) Maintenance Requirements.

- (1) Following completion of the landscaping, the owner or occupant of the property shall maintain it in good condition thereafter. Failure to ~~so~~ maintain the landscaping is unlawful and is hereby declared to create a nuisance.
- (2) Where approved trees, shrubs, or other landscaping materials die or are removed, it shall be the responsibility of the property owner to replace them with materials of a comparable nature and size to those originally approved. This ~~continuing~~ obligation shall continue until the property is redeveloped, at which time the redeveloper shall comply with the requirements of this ~~Chapter as they apply to the~~ code as they apply to the proposed development at that time.

(Ord. 03-2023)

# An Act

SENATE BILL 24-005

BY SENATOR(S) Roberts and Simpson, Bridges, Hinrichsen, Buckner, Cutter, Exum, Fields, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F., Fenberg;

also REPRESENTATIVE(S) McCormick and McLachlan, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Duran, Epps, Froelich, Garcia, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lukens, Mabrey, Martinez, Marvin, Mauro, Ortiz, Parenti, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Weissman, Willford, McCluskie.

CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH THE  
PROHIBITION OF CERTAIN LANDSCAPING PRACTICES.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** article 99 to title 37 as follows:

## **ARTICLE 99**

### **Prohibition of Nonfunctional Turf, Artificial Turf, and Invasive Plant Species**

**37-99-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

FINDS THAT:

(a) AS COLORADO CONTINUES TO GRAPPLE WITH THE IMPACTS OF CLIMATE CHANGE, GREEN URBAN SPACES, SUCH AS URBAN TREE CANOPIES, ARE A VITAL ADAPTATION TOOL FOR MITIGATING THE IMPACTS OF CLIMATE CHANGE, ESPECIALLY FOR MITIGATING THE URBAN HEAT ISLAND EFFECT, WHICH CAN INCREASE ENERGY COSTS, AIR POLLUTION, AND HEAT-RELATED ILLNESSES AND DEATHS;

(b) HOWEVER, WATER SUPPLY IN THE WESTERN UNITED STATES IS UNDER INCREASING PRESSURE DUE TO CLIMATE CHANGE AND INCREASING DEMAND;

(c) MANY COMMUNITIES IN THE STATE OVERUSE NONNATIVE GRASS FOR LANDSCAPING PURPOSES, WHICH REQUIRES LARGE AMOUNTS OF WATER TO MAINTAIN;

(d) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR TURF, INCLUDING FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES SUCH AS USE IN PARKS, SPORTS FIELDS, AND PLAYGROUNDS, MUCH OF THE TURF IN THE STATE IS NONFUNCTIONAL, LOCATED IN AREAS THAT RECEIVE LITTLE, IF ANY, USE, AND COULD BE REPLACED WITH LANDSCAPING THAT ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES WITHOUT ADVERSELY IMPACTING QUALITY OF LIFE OR LANDSCAPE FUNCTIONALITY;

(e) PROHIBITING THE INSTALLATION, PLANTING, OR PLACEMENT OF NONFUNCTIONAL TURF IN APPLICABLE PROPERTY IN THE STATE CAN HELP CONSERVE THE STATE'S WATER RESOURCES;

(f) INSTALLED VEGETATION THAT ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES CAN HELP REDUCE OUTDOOR DEMAND OF WATER; AND

(g) ADDITIONALLY, ARTIFICIAL TURF CAN CAUSE NEGATIVE ENVIRONMENTAL IMPACTS, SUCH AS EXACERBATING HEAT ISLAND EFFECTS IN URBAN AREAS AND RELEASING HARMFUL CHEMICALS, INCLUDING PLASTICS, MICROPLASTICS, AND PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS, INTO THE ENVIRONMENT AND WATERSHEDS.

(2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT

PREVENTING THE INSTALLATION, PLANTING, OR PLACEMENT OF NONFUNCTIONAL TURF, ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES IN APPLICABLE PROPERTY IN THE STATE IS:

(a) A MATTER OF STATEWIDE CONCERN; AND

(b) IN THE PUBLIC INTEREST.

**37-99-102. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) (a) "APPLICABLE PROPERTY" MEANS:

(I) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY;

(II) COMMON INTEREST COMMUNITY PROPERTY; OR

(III) A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR TRANSPORTATION CORRIDOR.

(b) "APPLICABLE PROPERTY" DOES NOT INCLUDE RESIDENTIAL PROPERTY.

(2) "ARTIFICIAL TURF" MEANS AN INSTALLATION OF SYNTHETIC MATERIALS DEVELOPED TO RESEMBLE NATURAL GRASS.

(3) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(b).

(4) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (8).

(5) "COMMON INTEREST COMMUNITY PROPERTY" MEANS PROPERTY WITHIN A COMMON INTEREST COMMUNITY THAT IS OWNED AND MAINTAINED BY A UNIT OWNERS' ASSOCIATION, SUCH AS ENTRYWAYS, PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION 38-33.3-103 (5).

(6) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL CREATED IN SECTION 24-1-128 (1).

(7) "FUNCTIONAL TURF" MEANS TURF THAT IS LOCATED IN A RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE PLAYGROUNDS; SPORTS FIELDS; PICNIC GROUNDS; AMPHITHEATERS; PORTIONS OF PARKS; AND THE PLAYING AREAS OF GOLF COURSES, SUCH AS DRIVING RANGES, CHIPPING AND PUTTING GREENS, TEE BOXES, GREENS, FAIRWAYS, AND ROUGHS.

(8) "INVASIVE PLANT SPECIES" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(e).

(9) "LOCAL ENTITY" MEANS A:

(a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY, TERRITORIAL CHARTER CITY, OR TOWN;

(b) SPECIAL DISTRICT; AND

(c) METROPOLITAN DISTRICT.

(10) "MAINTAIN" OR "MAINTAINING" MEANS AN ACTION TO PRESERVE THE EXISTING STATE OF NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR AN INVASIVE PLANT SPECIES THAT HAS ALREADY BEEN INSTALLED, PLANTED, OR PLACED.

(11) "NATIVE PLANT" MEANS A PLANT SPECIES THAT IS INDIGENOUS TO THE STATE OF COLORADO.

(12) "NEW DEVELOPMENT PROJECT" MEANS A NEW CONSTRUCTION PROJECT THAT REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN CHECK, OR DESIGN REVIEW.

(13) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS NOT FUNCTIONAL TURF.

(b) "NONFUNCTIONAL TURF" INCLUDES TURF LOCATED IN A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR TRANSPORTATION CORRIDOR.

(c) "NONFUNCTIONAL TURF" DOES NOT INCLUDE TURF THAT IS DESIGNATED TO BE PART OF A WATER QUALITY TREATMENT SOLUTION

REQUIRED FOR COMPLIANCE WITH FEDERAL, STATE, OR LOCAL AGENCY WATER QUALITY PERMITTING REQUIREMENTS THAT IS NOT IRRIGATED AND DOES NOT HAVE HERBICIDES APPLIED.

(14) "REDEVELOPMENT PROJECT" MEANS A CONSTRUCTION PROJECT THAT:

(a) REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN CHECK, OR DESIGN REVIEW; AND

(b) RESULTS IN A DISTURBANCE OF MORE THAN FIFTY PERCENT OF THE AGGREGATE LANDSCAPE AREA.

(15) "SPECIAL DISTRICT" HAS THE MEANING SET FORTH IN SECTION 32-1-103 (20).

(16) "TRANSPORTATION CORRIDOR" MEANS A TRANSPORTATION SYSTEM THAT INCLUDES ALL MODES AND FACILITIES WITHIN A DESCRIBED GEOGRAPHIC AREA, HAVING LENGTH AND WIDTH.

(17) "TURF" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(i).

(18) "UNIT OWNERS' ASSOCIATION" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (3).

(19) "WATER-WISE LANDSCAPING" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(1).

**37-99-103. Prohibition of nonfunctional turf, artificial turf, and invasive plant species - local entities - construction or renovation of state facilities.** (1) ON AND AFTER JANUARY 1, 2026, A LOCAL ENTITY SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTY WITHIN THE LOCAL ENTITY'S JURISDICTION.

(2) ON OR BEFORE JANUARY 1, 2026, A LOCAL ENTITY SHALL ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS

REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(3) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH PROJECT DESIGN COMMENCES ON OR AFTER JANUARY 1, 2025.

(4) NOTHING IN THIS SECTION PROHIBITS:

(a) A LOCAL ENTITY FROM MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED BEFORE JANUARY 1, 2026;

(b) THE DEPARTMENT FROM MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED AT A STATE FACILITY BEFORE JANUARY 1, 2025;

(c) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR ALLOWING ANY PERSON TO INSTALL, GRASS SEED OR SOD THAT IS A NATIVE PLANT OR HAS BEEN HYBRIDIZED FOR ARID CONDITIONS;

(d) A LOCAL ENTITY OR THE DEPARTMENT FROM ESTABLISHING PROHIBITIONS ON, OR REQUIREMENTS FOR, NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION; OR

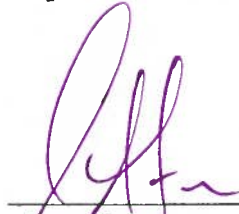
(e) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR ALLOWING ANY PERSON TO INSTALL, ARTIFICIAL TURF ON ATHLETIC FIELDS OF PLAY.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or



part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act does not apply to projects approved by the department of personnel or a local entity before the effective date of this act.



Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

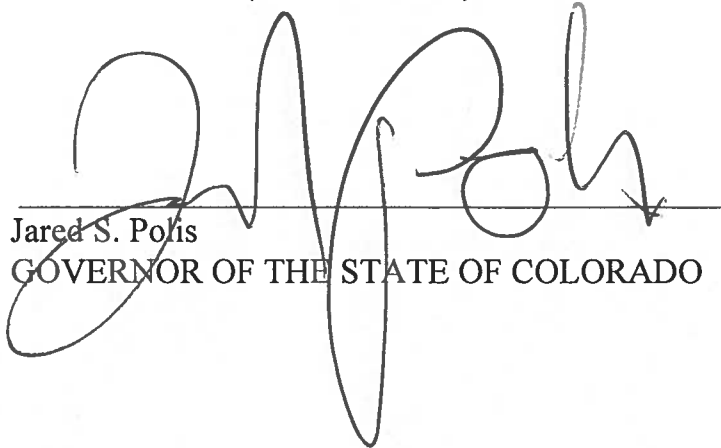


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED Friday March 15<sup>th</sup> 2024 at 2:15 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

# Local Compliance with Colorado Senate Bill 24-005

## Prohibition of nonfunctional turf, nonfunctional artificial turf<sup>1</sup>, and invasive plant species



[Senate Bill 24-005 \(SB5\)](#) passed with bipartisan support and was signed into law by Governor Jared Polis on March 15, 2024. The bill addresses the impacts of both climate change and increased demands on Colorado's water supplies by limiting specific uses of water-intensive turfgrass (turf) in Colorado landscapes. Specifically, **SB5 prohibits the installation of nonfunctional turf, artificial turf, and invasive plant species on nonresidential properties for new development and some redevelopment projects on or after January 1, 2026.** The bill acknowledges the community benefits of turf in appropriate locations and the importance of tree canopy and green spaces. On or before January 1, 2026, local entities shall enact or amend ordinances, resolutions, regulations, or other laws in accordance with SB5.

In 2025, **House Bill 25-1113 (HB1113)** passed, expanding and modifying the requirements of SB5<sup>2</sup>. While SB5 prohibited all artificial turf, **HB1113 changes that by adding definitions for functional artificial turf, which is allowed, and nonfunctional artificial turf, which communities will need to incorporate into their codes by the SB5 implementation date of January 1, 2026.** HB1113 also requires local entities to adopt additional changes, not addressed here, by the later date of January 1, 2028. Those changes include adding multifamily residential properties with more than 12 units to the applicable properties that SB5 applies to and requiring local entities to regulate turf on all residential properties, allowing local entities to determine how they will do that.

## Where does this bill apply?

### SB5 applies to all new and some redevelopment\* projects on:



Commercial, institutional, or industrial properties



State-owned properties



Common interest community property, i.e., homeowner association (HOA) common areas



Street rights-of-way, parking lots, medians, and transportation corridors

*\*Redevelopment is defined as projects that require a building permit or landscaping permit, plan check, or design review and that result in a disturbance of more than 50% of the aggregate landscape area.*

### Residential properties are not subject to SB5 requirements.

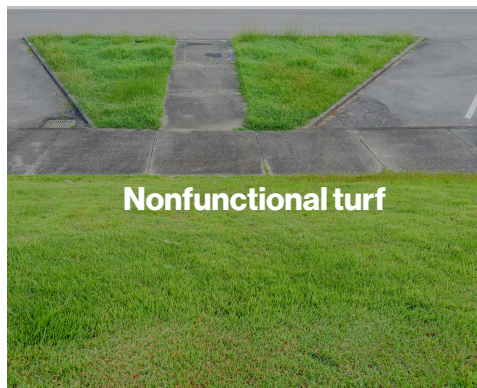
<sup>1</sup>SB5 prohibited all artificial turf. HB1113 modified that to only prohibit nonfunctional artificial turf.

<sup>2</sup>SB5 is encompassed in C.R.S. Section 37-99, which will be updated to reflect HB1113 changes and additions.



# What does the bill prohibit?

SB5 (as modified by HB1113) prohibits the use of:



Nonfunctional turf



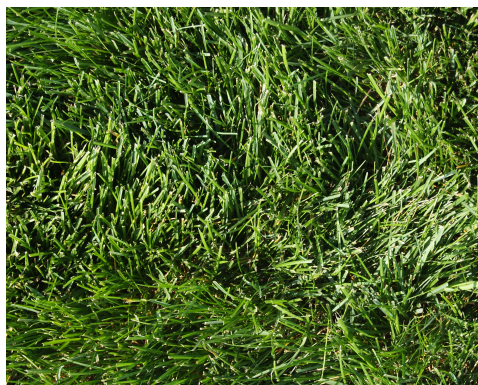
Nonfunctional artificial turf



Invasive plant species

myrtle spurge (*Euphorbia myrsinites*)

## Key SB5 Definitions



### Turf

Continuous plant coverage consisting of non-native grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.

*Per Colorado Revised Statutes (C.R.S.) Section 37-60-135(2)(i).*



### Functional turf

Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough.



### Nonfunctional Turf

Turf that is not functional turf. Nonfunctional turf includes but is not limited to turf located in a street right-of-way, parking lot, median, or transportation corridor.





## Functional artificial turf

Artificial turf that is:

- Located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough;
- Or a component of a product designed and approved by a professional engineer for civil infrastructure projects, including but not limited to: covers for solid waste facilities and brownfield sites; and revetments for slopes, channels, levees, and dams.



## Nonfunctional artificial turf

Artificial turf that is not functional artificial turf.

### For more information

#### Laura Belanger

Senior Policy Advisor

Western Resource Advocates

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303.215.9122



Published  
July 2025





## Frequently Asked Questions

### Why does the legislation prohibit nonfunctional artificial turf when it doesn't use any water?

The aim of this restriction is to ensure that turf is not replaced with landscape material that could cause other environmental or health concerns. While artificial turf can reduce water use and eliminate the use of pesticides, herbicides, and fertilizers for landscape maintenance, it can have considerable drawbacks. The legislative declarations in SB5 includes the finding that artificial turf can cause negative environmental impacts, such as exacerbating heat island effects in urban areas and releasing harmful chemicals, including plastics, microplastics, and perfluoroalkyl and polyfluoroalkyl chemicals into the environment and watersheds.

### What are invasive plant species?

Invasive plant species are plants that are not native to Colorado, can have negative environmental or economic impacts, and spread readily, outcompeting native plants for space. A complete definition of "invasive plant species" can be found in Colorado Statutes Section 37-60-135(2)(e). While not specified in SB5, invasive plant species are synonymous with noxious weeds that are regulated under the Colorado Noxious Weed Act (C.R.S. Section 35-5.5)

### What types of grass are restricted under SB5?

The legislation defines turf as, "Continuous plant coverage consisting of non-native grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots." Generally, turf restricted under SB5 will be cool season grass varieties that have high water demands, such as Kentucky bluegrass or fescues. Native or climate-adapted grasses are not restricted under SB5 and may be a viable alternative to nonfunctional turf. Examples of native or climate-adapted turfgrasses include blue grama and buffalo grasses propagated as turf, and cold-hardy Bermuda grass. Learn more about alternative grasses in our [\*\*Colorado Senate Bill 24-005 Grasses and Plants Guide\*\*](#).

### How will SB5 be enforced?

SB5 directs each city and county to enact or amend its local code requirements to be compliant with SB5. Implementing the nonfunctional turf prohibition is the responsibility of each local jurisdiction. The legislation does not specify reporting requirements or penalties for noncompliance; however, SB5 is state law as of January 1, 2026.



**JULY 2025**

# **Colorado Senate Bill 24-005 Grasses and Plants Guide**

**wra** Western  
Resource  
Advocates®



**COLORADO**  
Colorado Water  
Conservation Board  
Department of Natural Resources



# Introduction

Colorado Senate Bill 24-005 (SB5) prohibits turf in nonfunctional areas of new and redeveloped commercial, industrial and institutional (CII) properties, and homeowner association (HOA) common area properties<sup>1</sup> referred to as “applicable properties,” with an implementation date of January 1, 2026. Additionally, street rights-of-way, parking lots, medians, and transportation corridors are identified as specific examples of nonfunctional areas.

The intention of the bill is that cool season, high water use turf is not installed on applicable properties in areas where lower water use grasses and/or **water-wise landscaping** would serve just as well without impacting community use of the area. Additionally, SB5 prohibits invasive plant species throughout new and redeveloped applicable properties. **SB5 does not apply to single-family and similar residential properties.**

This guide is intended to help clarify what grasses and plants can and can't be planted in compliance with SB5. Communities may need to create or amend existing development review processes to request landscaping plans that demonstrate the type and location of grasses and plants.

## Colorado House Bill 25-1113

Colorado House Bill 25-1113 (HB1113) adds multifamily properties with more than 12 units to the list of applicable properties, with a later implementation date of January 1, 2028. SB5 is encompassed in C.R.S. Section 37-99, which will be updated to reflect HB1113 changes and additions.

# Nonfunctional Turf and Grasses for Nonfunctional Areas

SB5 states “Turf” has the meaning set forth in [Colorado Revised Statutes (C.R.S.)] Section 37-60-135 (2)(i), which is defined as a continuous plant coverage consisting of non-native grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.

Cool season turf grasses, which are not native or climate adapted to Colorado, require more water to stay green and healthy. SB5 prohibits the use of cool season grasses, including mixes/blends and hybrids, in nonfunctional areas of properties.

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<sup>1</sup> SB24-005 also required the state – not communities – to implement SB5 for state facilities by an earlier January 1, 2025, date, which is not the focus of this guide.

SB5 states that warm season native and climate adapted grasses that require significantly less water can be used in nonfunctional areas along with a range of plants, shrubs, and trees that are native or adapted to Colorado's climate. **Reminder: Any grass may be used in functional areas of CII and HOA common area properties that are regularly used for civic, community, or recreational purposes.** See the [Key Considerations Guide](#) for functional and nonfunctional definitions.

## Grass and Turf

The grass family is one of the largest plant families on Earth and different grasses serve as human food, animal fodder, wildlife shelter, ground cover, lawns, and playing fields among many other functions. Turf is defined in C.R.S. Section 37-60-135 (2)(i) and turfgrasses tend to be dense, pleasing to the touch, and comfortable to recreate on. Traditional turfgrasses, like Kentucky bluegrass, are not native to Colorado and require a lot more water than native grasses. SB5 limits turf where active recreation is not occurring and where other water-wise grasses or plants are appropriate as they will not affect area use. Some of these grasses may have characteristics similar to turf, and others may not — growing taller, preferring not to be mowed as short as turf, being less dense, and having different texture and color, among other differences.

## Hybridized Grasses

It is important to note that plants and grasses can be hybridized for many reasons. In fact, the vast majority of turf grasses on the market today are hybrids. **Just because grass is a hybrid does not mean it is adapted to arid conditions and allowable in nonfunctional areas.**

While not specified in SB5, communities may identify grasses that have been “hybridized for arid conditions” as those with irrigation water needs — to stay healthy and not go dormant — that are comparable to native grasses. It is important to note that drought or heat tolerant grasses are not necessarily low water use. Being tolerant may mean grasses can go dormant in hot and dry conditions and recover but still require moderate to high levels of irrigation to stay a vibrant green.

Communities can require developers to provide information on the irrigation needs of grasses proposed for use in nonfunctional areas. Communities can also refer to local or regional data for the irrigation needs of specific grasses, and local scientific or extension resources can be helpful. For example, Kentucky bluegrass along Colorado's Front Range needs approximately 24–30 inches of irrigation water, while the grasses included in the [Colorado Native Grass Guide](#) require only 8-12 inches (60-67% less water). Each community can establish a threshold that best meets their needs. Consider requiring that grasses in nonfunctional areas meet a threshold of needing 60% less irrigation water than Kentucky bluegrass.



## Nonfunctional Area Grasses Overview

The number of grass species and varieties are large, and new options are introduced to the market all the time. Rather than attempting to categorize the many grass species, varieties, blends, and brands, this guide identifies grasses commonly used for turf, and whether they are allowable in nonfunctional areas under SB5 requirements.

Selecting the right grass option for a landscaped area is complex and should include considerations such as irrigation needs, foot traffic tolerance, appearance, maintenance requirements, shade tolerance, and salt tolerance. Additionally, communities should be aware that water-wise grasses will often not look like, or have the same maintenance needs, as traditional high water-use cool season grasses. The **Colorado Native Grass Guide** provides valuable guidance for selecting, installing and maintaining native, Colorado climate adapted, and water-wise species.

### Turf and other Grasses in CII and HOA Common Area Property Nonfunctional Areas<sup>2,3</sup>

Not Allowed: High Irrigation Need		Allowed: Low/No Irrigation Need Use	
Cool season non-native turf grasses		Native, warm season and climate adapted grasses	
Common examples include, but are not limited to:		Common examples include, <sup>4</sup> but are not limited to:	
<ul style="list-style-type: none"><li>• Kentucky bluegrass, including blends and hybrids</li><li>• Tall fescue</li><li>• Fine fescue</li><li>• Perennial ryegrass</li><li>• Texas hybrid bluegrass</li><li>• Hybrids of the species above, including those selected for “drought” or “heat” tolerance</li></ul>		<ul style="list-style-type: none"><li>• Buffalograss</li><li>• Blue grama</li><li>• Buffalograss/blue grama grass mixture</li><li>• Native shortgrass prairie mixture<sup>5</sup></li><li>• Cold-hardy bermudagrass</li><li>• Other native and low water use grasses, including mixes</li></ul>	

<sup>2</sup> Any of the grasses listed here may be used in functional areas regularly used for civic, community, or recreational purposes.

<sup>3</sup> Irrigation needs are post-establishment irrigation.

<sup>4</sup> The Colorado Native Grass Guide was used to inform this list.

<sup>5</sup> Often includes grasses like buffalograss, blue grama, sideoats grama, western wheatgrass, and green needle.

# Resources for Water-Wise Plants and Prohibited Invasive Plants

This section provides guidance for:

- Water-wise plants that may serve as alternatives to nonfunctional turf in nonfunctional areas, and;
- Prohibited plant species that must be avoided.

## Water-Wise Plants

SB5 supports the use of water-wise landscaping in nonfunctional turf areas. Colorado's statutory definition of "water-wise landscaping" (C.R.S. 37-60-135(2)) emphasizes the use of plants that require lower supplemental water, such as native and drought-tolerant plants, and specifies that landscaping is intended to be functional and attractive.

Many resources regarding plant materials exist, with new resources regularly being developed and updates made to existing resources. The following is a selection of Colorado-specific resources that may be helpful to consider, but it is not meant to be exhaustive. Local gardens and extension offices often have additional resources available.

### **Colorado Native Plant Society Low-water Native Plants by Region**

Colorado Native Plant Society's website has many resources, including downloadable guides on native low water plants for Colorado gardens for the following areas:

- **Front Range & Foothills**
- **Western Slope – Below 7,000'**
- **Mountains 7,500' and Above**
- **Southeastern Colorado**
- **Prairie and Plains**

### **Colorado State Extension Plant Guides**

Colorado State Extension has developed factsheets that include plant lists, several that are specific to mountain communities. List contents vary, but include information like plant irrigation water needs, size, color, and maximum elevation, among other details.

- **Native Shrubs for Colorado Landscapes**
- **Native Herbaceous Perennials for Colorado Landscapes**
- **Wildflowers for Colorado**
- **Flowers for Mountain Communities**
- **Trees and Shrubs for Mountain Communities**
- **Groundcovers and Rock Garden Plants for Mountain Communities**

### **Colorado Plant Database**

The Colorado Plant Database can be filtered to search for native plants and by locations from around the state. It was created and is maintained by the staff of **Colorado State Extension's Native Plant Master Program**.

### **Glenwood Springs Landscaping Guide**

Glenwood Springs does not have an approved plant list, but this guide provides residents and others with a list of locally appropriate plants that can survive in the Glenwood Springs climate.

### **Town of Castle Rock 2025 Approved Plant List**

Castle Rock has an approved plant list of trees, shrubs, perennial plants (including grasses, and annual plants). The list is a selection of water-wise native and regionally adapted plants organized by the plant type with its hydrozone, size, exposure, and fire rating information for each species.

### **Colorado Springs Utilities 2023 Landscape Policy Manual, Including Plant List**

Appendix A of the manual is a list of approved plants selected for Colorado Springs geographic location that are intended to be water efficient, horticulturally sustainable, and have balanced diversity. Colorado Springs requires that a minimum of 70% of plants in CII property landscape plans come from this list, which is being updated in 2025.

### **City of Westminster's List of Recommended and Prohibited Plants (November 2024)**

A spreadsheet file that includes trees, shrubs, lawn grasses, and native plants. Plant information includes hydrozone, sun tolerance, mature height and width, and if it is a regional native plant. The file also includes a list of prohibited plants.

### **Northern Water's Plant List**

The list includes a variety of plants that are recommended because they grow well in the northern Colorado region. This list includes plant details such as mature height and width, flowering season, sun requirements, water needs, and hardiness zone, among other information. Northern Water also has a **Plant List for Hot & Dry Street Strips**, which is the narrow green space between streets and sidewalks that can be found in many neighborhoods and can be challenging to maintain.

### **Plant Select**

Plant Select is a nonprofit and brand of plants designed to thrive in the High Plains and intermountain regions with less water. The website includes lists of plants and a search function to find the right plant for the right place.

## Prohibited Plants

In addition to limiting nonfunctional turf and artificial turf, SB5 prohibits the planting of invasive plant species.

SB5 defines invasive plant species (C.R.S. 37-60-135(2)(e)) as plants that are not native to the state and that:

- Are introduced into the state accidentally or intentionally;
- Have no natural competitors or predators in the state because the state is outside of their competitors' or predators' range; and
- Have harmful effects on the state's environment or economy or both.

While not specified in SB5, invasive plant species are synonymous with noxious weeds. Additionally, while lists of invasive plant species are not readily available, noxious weeds are regulated through Colorado's Noxious Weed Act (C.R.S. 35-5.5). When incorporating SB5 invasive plant prohibitions into code, it may be helpful to use both the terms "noxious weeds" and "invasive plant species" for clarity.

The **Colorado Noxious Weed Act** (C.R.S. 35-5.5) defines noxious weeds as an alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria:

- Aggressively invades or is detrimental to economic crops or native plant communities;
- Is poisonous to livestock;
- Is a carrier of detrimental insects, diseases, or parasites;
- The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

Under the act, each county in Colorado is required to have a weed management plan that includes lists of noxious weeds being regulated (see **County Weed Programs**). Statewide lists of noxious weeds are provided on the **Colorado Department of Agriculture Noxious Weeds website**. Noxious weeds should not be available for sale and are already regulated under Colorado law. These lists can serve to identify plant species prohibited under SB5.

Additional information can be found on the **Colorado Weed Management Association's Weed Information website**.

## Implementation Considerations

There are many approaches communities may consider to align with SB5 requirements. A community's existing regulatory landscape, staff capacity, and staff expertise will likely inform which approach is taken. Developing high-level code requirements that are consistent with SB5, and that refer to more detailed landscape policy guidance materials or administrative documents that live outside of code, can provide useful flexibility. Policy guidance materials that provide detailed landscaping requirements, including lists of grasses that can and can't be

used in nonfunctional areas, and lists of approved and/or prohibited plants, can be updated more easily and frequently than code. **It is important to consider community goals, geography, and climate in selecting appropriate grasses and plant lists, which can vary by community.**

Additionally, designers aiming to choose the right plant for the right location should also consider plant irrigation needs, soil preference, height, width, color, pollinator benefits, shade tolerance, salt tolerance, and climate zone, among other things. Some plant lists provide these additional details to assist in plant selection. For additional flexibility, communities may want to allow for custom grass mixes and/or plants not on approved plant lists to be submitted for approval without requiring a variance. For more information, see the [\*\*SB5 Key Considerations Guide\*\*](#) and the [\*\*Compliant Code Matrix\*\*](#).

## AGENDA ITEM #2

## AGENDA ITEM #3

## AGENDA ITEM #4



## RIDGWAY PLANNING COMMISSION

### MINUTES OF REGULAR MEETING

MAY 21, 2025

#### CALL TO ORDER

The meeting was held in person and via virtual meeting portal Zoom Meeting, pursuant to the Town's Electronic Participation Policy.

The Chairperson called the meeting to order at 5:30 p.m. Commissioners Nelson, Liske, Petruccelli, Mayor Clark, and Chairperson Montague were in attendance. Commissioner Foyster was present electronically and Commissioner Meyer was absent.

#### PUBLIC HEARING

1. Application: Riverfront Village Condominium Plat; Location: Lot 1, Triangle Subdivision; Zone: General Commercial (GC); Applicant: Jake Cantor, Alpine Homes-Ridgway, LLC; Owner: Alpine Homes-Ridgway, LLC

Staff Report dated May 16, 2025, from Planner Kemp provided background for the application which is the final land use entitlement step in the Riverfront Village development. It was intended to be subdivided into individually saleable units from the onset. Staff recommended approval with conditions.

The applicant, Jake Cantor, was present online. Commissioner Montague asked him if the sewer that did not meet the Town Standards and Specifications and was therefore required to be part of the Homeowner's Association (HOA), was budgeted for maintenance by the developer. Mr. Cantor confirmed that it was part of the Association's Declarations and would be in the HOA budget. Commissioner Foyster asked if the Town Engineer's recommendation for sewer flushing was part of the HOA budget. Mr. Cantor confirmed that it was budgeted to be flushed two times per year.

The Chairperson opened the hearing for public comment. There was no public comment, and the Chairperson closed the hearing for public comment.

#### ACTION:

Commissioner Nelson moved to approve the Condominium Plat for the Riverfront Village PUD finding that the criteria set forth in Section 7-5-2 (H)(3) of the RMC have been met, with the following conditions:

1. Prior to the Town recording the Condominium Plat with the Ouray County Clerk and Recorder's Office, all remaining fees shall be paid by the developer, as applicable.
2. Utility service shall be installed as appropriate to serve the development ahead of Certificates of Occupancy being issued for each building (or unit); and
3. Prior to the Town recording the Condominium Plat with the Ouray County Clerk and Recorder's Office, all clerical, grammatic, technical, and procedural non-material amendments to application materials be made as necessary to ensure the ability to enforce and administer the provisions pursuant to the Ridgway Municipal Code standards. Mayor Clark seconded the motion carried and it carried unanimously.

2. Application: RidgSix Townhomes PUD Final Plat; Location: 283 N. Cora Street, Lots 16-20 of Block 28, Town of Ridgway; Zone: Historic Residential (HR); Applicant: Matt Mclsaac, North Cora Street, LLC; Owner: North Cora Steet, LLC

Staff Report dated May 16, 2025, from Planner Kemp provided background of the conditional approval for the Planned Unit Development and the Preliminary Plat on August 10, 2022. Conditions have been adequately addressed, and modifications made to the site design to address issues raised in a letter from Town to the applicant dated August 5, 2022. The Sketch Plan was approved on July 28, 2021.

Planner Kemp noted the application was processed under the old code, so there are a few differences in the process between the Final Plat and the Townhome Subdivision Plat.

The current proposal includes dividing the parcel into seven different lots-one with the existing single-family home over an attached garage, and the other six as townhouse lots facing Charles Street. Commissioner Nelson asked about the storm drainage plan in the SW corner of the parcel. Planner Kemp noted that ownership, maintenance, and repair of the stormwater is addressed in the staff recommended conditions for approval.

Planner Kemp read two letters from neighbors in support of the plan, one from Spencer Fuller and Erin Graham and one from Andy Nasisse.

The applicant, Matt Mclsaac, was present and shared that the only common element in the development is the common walls and there would be no HOA.

The Chairperson opened the hearing for public comment.

Resident Michael Moore asked the Council whether there was adequate fire blocking in the common walls and Mayor Clark replied that fire safety requirements were addressed in the permitting process.

The Chairperson closed the hearing for public comment.

#### ACTION:

Commissioner Foyster moved, and Commissioner Nelson seconded, the motion to approve the Final Plat for RidgSix Townhome Subdivision, Planned Unit Development, finding compliance with the regulations of the Municipal Code and general conformance with The Master Plan with the following conditions:

1. Prior to the Town recording the Final Plat with the Ouray County Clerk and Recorder's Office, all remaining excise tax, tap fees, and other fees shall be paid by the developer, as applicable.
2. Prior to the Town recording the Final Plat with the Ouray County Clerk and Recorder's Office, all clerical, grammatical, technical, and procedural non-material amendments to application materials be made as necessary to ensure the ability to enforce and administer the provisions pursuant to the Ridgway Municipal Code standards.
3. The Plat shall be modified to include clear language to identify ownership, maintenance and repair of the stormwater system in a format that is acceptable to the Town Engineering Department. The motion carried unanimously.

3. Application for Dalwhinnie Sketch Plan and Preliminary Plat; Location: Dalwhinnie-Athletic Park Annexation; Zone: General Commercial (GC) and Residential ®; Applicant: Chris Hawkins, Alpine Planning, LLC; Owner: Dalwhinnie Group, LLC

Staff Report dated May 16, 2025 from Planner Kemp provided the background for both the Annexation approved on September 6<sup>th</sup>, 2024 by the Town Council, and the neighboring and connected Preserve PUD approved in 2006 by the Town Council.

The planning staff has determined that the request meets the intent of the current Municipal Code by meeting the approval criteria for a Minor Subdivision, although it is procedurally being processed under the prior code to be at the same stage as The Preserve with conditional approval of a Preliminary Plat. This application serves to “catch up” the newly annexed portion of the Preserve PUD project to the Preserve which has already received conditional Preliminary Plat Approval.

The applicant, Chris Hawkins, was present. Planner Kemp shared the recommendation of staff who determined the Sketch Plan and Preliminary Plat for the Dalwhinnie Annex portion of the project is a vital step in compliance with the conditions of approval for the Preliminary Plat and PUD known as The Preserve.

The Chairperson opened the hearing for public comment. There was no public comment, and the Chairperson closed the hearing for public comment.

#### ACTION:

Mayor Clark moved to approve the Sketch Plan for the Dalwhinnie Annex Subdivision finding compliance with the regulations of the Municipal Code and general conformance with the Master Plan. Commissioner Liske seconded the motion, and it was carried unanimously.

Mayor Clark moved to recommend approval of the Preliminary Plat for the Dalwhinnie Annex Subdivision finding compliance with the regulations of the Municipal Code and general conformance with the Master Plan. Commissioner Liske seconded the motion, and it was carried unanimously.

4. Ordinance 03-2025 Establishing Ridgway Municipal Code 7-7 “Affordable Housing Regulations” and amending 7-9-2 “General Definitions” to define “Community Housing”

Staff Report dated May 16, 2025 from Planner Angie Kemp gave background on the Town’s ongoing initiative to create Community Housing requirements to be adopted in the Ridgway Municipal Code. Planner Kemp reminded the Commissioners of the numerous community engagement and outreach efforts surrounding housing. She also noted the housing Needs Assessment was sent out for bids and was awarded to Points Consulting. Staff has secured a grant from the Department of Local Affairs to partially fund the Regional Housing Needs Assessment for the Town and Ouray County.

The Chairperson opened the hearing for public comment. There was no public comment, and the Chairperson closed the hearing for public comment.

## ACTION

Mayor Clark moved to recommend Ordinance 3-2025 establishing Section 7-7 “Affordable Housing Regulations” of the Ridgway Municipal Code and Amending Section 7-9-2 “General Definitions” to Define “Community Housing” be introduced at the next Town Council meeting for which it can be properly noticed and recommend approval of the Text Amendment finding that the criteria set forth in RMC 7-4-3 (D) have been met. Commissioner Nelson seconded the motion, and it was carried unanimously.

## WORK SESSION

5. Master Plan Review Work Session #4. Group Review and discussion about the 2019 Ridgway Master Plan: Part V Action Plan

There was consensus to delay the Work Session until the June meeting.

## APPROVAL OF THE MINUTES

6. Approval of the Minutes from the Meeting of March 19, 2025

## ACTION:

Commissioner Foyster moved to approve the March 19, 2025 minutes. Mayor Clark seconded the motion, and it was carried unanimously.

## OTHER BUSINESS

7. Updates from Planning Commission Members

Mayor Clark announced that there were two applicants for the vacant Planning Commission seat and that he appointed Russ Meyer to fill the vacancy. There was consensus to delay a discussion of chairmanship of the Planning Commission until Commissioner Meyer was present.

## ADJOURNMENT

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Julie Huun  
Administrative Assistant

## AGENDA ITEM #5

## RIDGWAY PLANNING COMMISSION

### MINUTES OF REGULAR MEETING

June 18, 2025

#### CALL TO ORDER

The meeting was held in person and via virtual meeting portal Zoom Meeting, pursuant to the Town's Electronic Participation Policy.

The Chairperson called the meeting to order at 5:40 p.m. Commissioners Nelson, Liske, Meyer, and Chairperson Montague were in attendance. Commissioners Foyster, Petrucelli, and Mayor Clark were absent.

#### WORK SESSION

1. Master Plan Review Work Session #4. Group Review and discussion about the 2019 Ridgway Master Plan: Part V Action Plan

Planner Kemp gave a review of prior work sessions and explained that the work session tonight would cover the action plan, or the "bread and butter" of the 2019 Plan. She explained that the action plan is:

- a list of actions to support the implementation of the Master Plan;
- a tool to guide annual Town Council Strategic Planning; and
- a reference for community partners to support Plan implementation.

Her slides showed each action item categorized by the five Community Values. To determine current levels of action, she color-coded each action item either green for lots of action, yellow for some action, orange for little action, and red for no action.

The commissioners provided the following feedback and questions.

On Action ENV-2A, it was noted that the trail around Highway 62 needs to be improved to better facilitate the goal of completing the Uncompahgre Riverway Trail from Montrose to Ouray.

A process question was asked on whether a consultant would be used to complete the Master Plan process and Planner Kemp responded that it was likely, especially if there were lots of updates. She added that the Planning Commission is the guiding authority behind the Master Plan. Others commented that the process will likely not be as extensive as the 2019 Master Plan update because not as many years have elapsed between updates.

On Action ENV-4, it was asked if there are ways to improve compliance with the dark sky initiative without making lighting compliance complaint driven.

On Action ENV-5A, it was noted that some wording may need to be changed to make the action items more realistic. For example, Cottonwood Creek is not a consistent water supply and cleanout is seasonal. Planner Kemp noted that suggestions on wording changes are welcome and necessary in the updating process.

Action COM-6A, item mentions holding a “Local Government 101” course which led to a discussion about resuming trainings for Planning Commission members. Planner Kemp said she would inform members about the upcoming Western Slope Colorado Planning Conference.

Action GRO-3D, which addresses contingency water plans in the event of a disruption to the water supply, spurred a discussion about needing more information on current water storage, supply and usage.

The Commission also indicated that they would like to see more detail on the Town tree inventory.

The group agreed that the Town Clerk, Town Manager, and Public Works should be consulted to give more detailed feedback on individual action item progress.

Planner Kemp closed out the work session by giving members the opportunity to highlight any areas on the Future Land Use Map where they had questions or comments.

#### APPROVAL OF THE MINUTES

There was not a quorum to approve the May 21, 2025, minutes because Commissioner Meyer was not present at the May meeting.

#### OTHER BUSINESS

#### ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Julie Huun  
Administrative Assistant