



STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner
Date of Meeting: April 27, 2022
Type of Item: Code Amendment – Public Hearing Possible Action
Process: Legislative

RECOMMENDATION: Staff recommends that the Summit County Council review the proposed language to amend Chapter 10-4-20: Landscaping Regulations in the Snyderville Basin conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law in this staff report.

Proposal

The purpose of the amendments is to bring the landscaping regulations in Chapter 10-4-20 of the Development Code up to date with current best practices.

Background

Recently, staff has been directed by the Summit County Council to rewrite the Snyderville Basin Development Code Landscape Regulations. Specific direction was to make the new language apply to all new development in the County (currently landscape rules apply only to commercial development), and to make the regulations water wise.

The Planning Commission reviewed the language on August 24, November 9, 2021, and again on March 22, 2022. As part of their review, the Commission had a discussion with the director of Mountain Regional Water and the County Sustainability Manager to address Commission concerns and answer any questions. On March 22, the Commission forwarded a positive recommendation to the County Council. At the meeting, the Commission discussed the impacts of the provision in the amended ordinance limiting the amount of turf coverage on a residential lot to 35% of the landscaped area (any existing use that proposes an increase of 20% or more would need to meet the ordinance regulations). There was a motion made (Motion 1) and an amended motion (Motion 2). In between the two motions the Commissioners discussed specifics and sought clarification. The result is that they felt Item D. Turf Restrictions (1 and 2) needed to be thought out more. They forwarded a favorable recommendation on the

amendments to chapter 10-4-20 subject to Item D being struck in its entirety. They felt confident staff could communicate the Commissioners concerns to the Council.

(Motion 1) Commissioner Conabee moved to amend Chapter 10-4-20 Landscape Regulation of the Snyderville Basin and forward a positive recommendation to the Summit County Council for the findings of fact and conclusions of law in the staff report subject to Item D, under Turf Restrictions, and forward to the Council that the Commission would like to see a little more study done on their behalf as to effects on remodels and existing homes specifically.

(Motion 2) Commissioner Conabee amended his motion to send a positive recommendation to the County Council for amendments to the Snyderville Basin Development Code Chapter 10-4-20 Landscaping subject to Item D. Turf Restrictions being struck from the Regulation. Commissioner Mooney seconded the motion; all voted in favor (5-0)

Ordinance Highlights

Based on Planning Commission and County Council direction, the following amendments to the landscape ordinance are proposed:

1. Amend applicability requirements to include all development and modifications to existing development. Currently the Code only applies to new commercial development.
2. ~~Create turf restrictions. Limit the amount of sod/turf allowed in residential to 35% of the landscaped area and 15% for commercial~~ (This provision was removed by the Commission).
3. Included Hardscape Area regulations. These would require all hardscape areas to be built from permeable material, to enable water penetration into the soil.
4. Require “smart controllers” for irrigation systems. These controllers have multiple water saving sensors.
5. Included a provision that overrules HOA CC&Rs if they are not consistent with the requirements of this ordinance.

Analysis

Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment according to the following criteria.

Criteria 1: The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

Analysis: Chapter 5 of the Snyderville Basin General Plan States:

“Policy 5.17: Irrigation: Promote advanced irrigation techniques, including the use of wastewater on golf courses and other large, irrigated areas.”

The proposed amendments to the landscaping regulations are designed to promote sustainable land uses and promote better design throughout the Snyderville Basin.

Criteria 2: The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

Analysis: The Summit County Council has identified the update of the landscaping regulations as a priority for the upcoming year. The purpose of the regulations is to eliminate excessive water use in both residential and commercial landscaping.

Criteria 3: The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

Analysis: The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted.

Criteria 4: The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

Analysis: The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners. They are designed to enhance the existing restrictions and bring them up to date with current best practices.

Criteria 5: The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

Analysis: Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner.

Criteria 6: The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

Analysis: Everyone needs water to survive. The rules will protect and preserve Summit County's water resources for current and future users. Staff finds that there is a need to update the existing landscape ordinance to recognize best practices and the benefits of sustainable landscaping while providing clear direction for its installation.

Recommendation

Staff recommends that the Summit County Council review the proposed language to amend Chapter 10-4-20: Landscaping Regulations in the Snyderville Basin conduct a public hearing and adopt the attached ordinance per the findings of fact and conclusions of law in this staff report.

Findings of Fact

1. The Summit County Council has identified the update of the landscaping regulations as a priority for the upcoming year.
2. The purpose of the regulations is to eliminate excessive water use in both residential and commercial landscaping.
3. The goal of Chapter 5 of the Snyderville Basin General Plan is updating the landscape regulations to allow for the best practices that allow for water wise landscaping.
4. Water is a limited resource in Summit County, so designing the landscape to efficiently use water is important.
5. Conserving water in a landscaped area can be accomplished by selecting low water use plants, designing, and scheduling irrigation systems efficiently, grouping plants according to their water requirements, and using hardscaping materials (patios, stone paths, decks, etc.) appropriately to reduce the area requiring irrigation.
6. The proposed landscape regulations are designed to prevent the unnecessary waste of our water resources.
7. The Snyderville Basin Planning Commission conducted a public hearing on March 22, 2022, and forwarded a positive recommendation to the County Council.

Conclusions of Law:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change.

Exhibits

Exhibit A. Proposed Ordinance with Language

**SUMMIT COUNTY, UTAH
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN
DEVELOPMENT CODE SECTION 10-4-20: GENERAL REGULATIONS, LANDSCAPING**

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, landscaping; and,

WHEREAS, the goal of Chapter 5 of the Snyderville Basin General Plan is to encourage community site design techniques that promote sustainable land use practices by updating the landscaping regulations to allow for best practices that allow for the preservation of Summit County’s limited water resources; and

WHEREAS, In furtherance of this goal, §10-1-1 of the Snyderville Basin Development Code provides that The Snyderville Basin General Plan was developed to was developed “to ensure that the resort and mountain character of the basin is to be embraced and protected, while suburban development patterns, which erode the unique character of the basin, is discouraged and, to the extent possible, prohibited.” and,

WHEREAS, Summit County is in the midst of a sever and unprecedented drought; and

WHEREAS, because water is a limited resource in Summit County designing the landscape to conserve water is of great importance; and

WHEREAS, Conserving water in a landscaped area can be accomplished by selecting low water use plants, designing, and scheduling irrigation systems efficiently, grouping plants according to their water requirements, and using hardscaping materials appropriately to reduce the area requiring irrigation; and

WHEREAS, the Snyderville Basin Planning Commission held a public hearing on March 22, 2022; and

WHEREAS, the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on -----; and

WHEREAS, the Summit County Council held a public hearing on _____; and,

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

Section 1. **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this ___ day of _____, 2022.

ATTEST:

SUMMIT COUNTY COUNCIL

Evelyn Furst
Summit County Clerk

Chris Robinson, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Stevens	_____
Councilmember Robinson	_____
Councilmember Wright	_____
Councilmember Armstrong	_____
Councilmember Clyde	_____

EXHIBIT A
PROPOSED AMENDMENTS TO CHAPTER 4

10-4-20: LANDSCAPE

A. Purpose: The purpose of the landscape regulations is to ensure the quality and character of the landscape in the Snyderville Basin reflects the high desert nature of the area by utilizing drought tolerant plants and water conservation techniques. Landscapes should protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water, reducing water waste, and establishing a structure for the design, installation, and maintenance of water efficient landscapes.

~~B. Applicability: This section shall apply to all new and renovated landscaping for public agency projects, private development projects, and developer installed landscaping in residential projects which require review by the county. Such review includes specially planned areas, site plan review, conditional use review, low impact review, temporary use review, and building permits issued for exterior modifications to commercial, industrial, and multi-family buildings. This section also applies to renovations in excess of twenty percent (20%) of the existing landscape.~~

~~—This section does not apply to homeowner provided landscape at single-family projects, with the exception of the standards described in subsections E9 and F8 of this section, and historic sites which are processed according to section 10-8-11 of this title. In addition, landscapes that are irrigated exclusively with nonpotable water, sports fields, turf play areas in public parks, schoolyards, and golf courses are exempt from subsection E1 of this section; however, all other portions of these regulations are applicable.~~

~~Exceptions to these standards may be granted at the director's discretion if it is demonstrated that site specific constraints or conditions exist which require innovative design solutions.~~

1. **New Development:** The regulations in this Section shall apply to all new development projects.
2. **Existing Development:** The regulations in this section shall apply to all existing commercial, industrial, institutional, mixed use, Multi-Family Dwelling Unit, Two Family or Duplex Dwelling Unit, Single-Family Attached Dwelling Unit, and Single-Family Detached Dwelling Unit Development projects that increase the square footage of the footprint of the building or the parking requirement by twenty percent (20%) or more.

Exemptions: The following developments and uses are exempt from the provisions of this section unless otherwise specified:

- a. Agricultural operations as defined in this Title.
- b. Parks, athletic fields, and playgrounds.

- c. Ecological restoration projects that do not require a permanent irrigation system; and
- d. Similar uses and activities as determined by the County Manager in consultation with the Community Development Director or designee.

C. ~~Submission Requirements: A landscape plan shall be submitted to and approved by the community development department prior to the issuance of any permit.~~

~~1. Conceptual Planting Plan: At the time of development application, the application shall include a conceptual planting plan including existing conditions, general plant sizes and locations, plant massing, water conservation standards, trees to be preserved or removed, and proposed plant species.~~

1. Landscape Plan: Prior to building permit issuance, a complete landscape plan shall be submitted to and approved by the director. For Multi-Family Dwelling Units, Two-family or Duplex Dwelling Units, Commercial, industrial, and institutional landscapes, the landscape plan shall be prepared by a state of Utah registered landscape architect, or a landscape designer certified by the Utah Nursery and Landscape Association. The irrigation plan included with the landscape plan shall be prepared by an irrigation designer certified by the Irrigation Association or a landscape architect. The landscape plan shall include the following:

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

- (1) Project name and address;
- (2) Applicant or applicant's agent's name, address, phone, e-mail, and fax number;
- (3) Landscape designer/landscape architect's name, license number, address, phone, e-mail, and fax number; and
- (4) Landscape contractor's name, address, phone, e-mail, and fax number, if available at the time.
- (5) The above information may be incorporated into other portions of the landscape plan if necessary.

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

- (1) Locations of all plants, a legend with botanical and common names, and size of plants;
- (2) Property lines and street names;
- (3) Existing and proposed buildings, walls, fences, utilities, easements, impervious surfaces, and other site improvements;
- (4) Existing plants to be removed or retained;
- (5) Details and specifications for tree and shrub planting, soil preparation, and other planting work; and

(6) Where applicable, specifications for stockpiling and reapplying site topsoil and/or imported topsoil.

c. Irrigation Plan: A detailed irrigation plan shall be drawn at a scale that clearly identifies the following:

- (1) Layout of irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
- (2) Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
- (3) Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
- (4) Installation details for irrigation components.

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

- (1) Property lines and street names, existing and proposed buildings, walls, fences, utilities, easements, impervious surfaces, and other site improvements, and
- (2) Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

~~e. Soils Report: A soils report shall be required when landscape areas exceed two thousand five hundred (2,500) square feet or thirty three percent (33%) of the overall disturbed area of a site. The soils report shall be prepared by a qualified soils laboratory and shall describe the depth, composition, and bulk density of the topsoil and subsoil at the site. The report shall include recommendations for soil amendments which shall be incorporated into the planting plan.~~

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

- a. Plant type (for example, trees, shrubs, native grass, turf);
- b. Irrigation type (for example, sprinklers, drip, bubblers);
- c. Flow rate in gallons per minute;
- d. Precipitation rate in inches per hour (sprinklers only);
- e. Run times in minutes per day;
- f. Number of water days per week; and
- g. Cycle time to avoid runoff.

3. Landscape Cost Estimate and Security: For Multi-Family Dwelling Unit, commercial, industrial, and institutional landscapes, a landscape cost estimate shall be submitted along with a security in the form of a bond or escrow account for one hundred twenty percent (120%) of the total cost of the estimate. The security is to ensure the proper installation and maintenance of the landscape and irrigation system. The bond or escrow may be reduced by an amount deemed appropriate when the director determines the landscape has been adequately installed. This determination shall be based on a certificate of substantial completion completed by the contractor or landscape designer/landscape architect designer who prepared the plan and shall indicate the landscape was installed correctly with healthy plants. The remaining amount shall not be released for at least two (2) years or until the director determines the landscape is established. The landscape cost estimate and security may be submitted in conjunction with a development improvement agreement between the applicant or owner and the county council.
4. ~~Certificate Of Substantial Completion: Prior to a certificate of occupancy issuance, the landscape, including the irrigation system, shall be deemed complete by the director and a certificate of substantial completion shall be submitted. The certificate of substantial completion shall be completed by the contractor or landscape designer/landscape architect designer who prepared the plan and shall indicate that the landscape was installed correctly with healthy plants.~~

D. Turf Restrictions:

- ~~1. In Single Family or Two family developments, the turf area shall not exceed 35% of the total landscaped area.~~
- ~~2. In Multi-Family, Commercial, industrial, and institutional landscapes the turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas.~~

General Requirements

- ~~1. All areas on a site which are not covered with impervious surfaces or structures shall be landscaped. A landscape area shall be the area as designated on the landscape plan which is not covered with impervious surfaces or structures.~~
- ~~2. Hardscape such as stones, benches, arbors, picnic tables, and signs are permitted in a landscape area. Motorized vehicles and merchandise are not permitted in a landscape area.~~
- ~~3. Artificial plants, artificial grass, and other artificial materials are discouraged as a means of achieving a water efficient landscape.~~

E. Landscape Design Standards:

1. Plant Species And Size: All disturbed areas shall be amended according to the soils report and revegetated according to the approved planting plan.
 - a. Plants selected for landscape areas shall consist of plants that are well suited to the microclimate and soil conditions at the project site. Native plants which existed on the site prior to development and those in a similar plant community are most appropriate. Turf areas shall be very limited. It is more appropriate to maintain such areas in a natural setting and to use drought tolerant plants.
 - b. Plants chosen for snow storage areas shall be able to tolerate salt and shall be of the type which can accommodate the weight of snow piles.
 - c. Plants designated as a county noxious weed are not permitted. Plants and seeds shall be clean and reasonably free of weeds and noxious insects and pests.
 - d. Existing vegetation in critical areas, as defined in section 10-4-3 of this chapter, shall be disturbed only at the director's discretion. If slopes greater than thirty percent (30%) are disturbed, the area shall be landscaped with deep rooting, water conserving plants for erosion control and soil stabilization.
 - e. Projects which are located at the interface between urban areas and nonirrigated areas shall use extra drought tolerant plants which will blend with the native vegetation and are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall not be permitted.
 - f. Areas to be seeded shall be sown at no less than four (4) pounds to each one thousand (1,000) square feet of area. The seed shall be a mix approved by the director. All seed shall have been tested for germination within one year of the date of seeding, and the date of testing shall be on the label containing the seed analysis.
 - ~~g. Plant size at installation shall be a minimum of two inches (2") in caliper for deciduous trees and a minimum of six feet (6') in height for conifers. Shrubs at installation shall be at least five (5) gallon containers and perennials shall be at least four inch (4") pot containers. Plant sizes may be reduced for native vegetation which is unavailable at the minimum size.~~
2. Landscape Design: Plants with similar water needs shall be grouped together. Careful consideration shall be given to proper planting techniques ensuring that vegetation is planted in proper locations based on microclimate conditions (i.e., sun exposure, wind, water, etc.).
 - a. If vegetation is cleared from a site, the clearing created shall maintain a nonlinear edge, with the disturbed portions of the site blending effectively with the undisturbed vegetation.
 - b. Boulders over twelve inches (12") in diameter and berms over six inches (6") shall be prohibited in the right of way and shall be at least ten feet

(10') from the top back of the curb. Trees, shrubs over two feet (2'), turf, and irrigation system parts shall be placed so that they do not interfere with snow removal or storage. Trees shall not be planted in utility easements without the consent of affected utilities.

- c. Plants shall be placed so that at maturity they do not interfere with utility lines or road or parking illumination and do not obstruct the sightline from roads and pedestrian trails.
 - d. Berms shall only be provided to serve as a screen or buffer. Berms shall not exceed six feet (6') in height or thirty percent (30%) slope. Berms shall not obstruct the sightline from roads and pedestrian trails. Berms shall be designed with sufficient grade changes and plants to provide visual relief.
 - e. Water bodies for ornamental purposes are not permitted except for water bodies which do not drain into the watershed and have a nonpotable water source.
 - f. No trees shall be planted in areas less than two feet (2') in any dimension.
 - g. Areas designed to screen shall include clustered planting areas appropriately distributed to provide an effective screen at maturity.
 - ~~h. The landscape shall be in harmony with the scale and scope of the surrounding architecture and shall be designed to complement and enhance the character of the surrounding area.~~
 - i. The landscape shall enhance natural features, drainageways, and environmental resources.
 - j. Landscapes adjacent to meadowlands shall provide periphery landscape to soften the transition between the development and flat, grassy open lands. Plant selection in this area shall be consistent with subsection E1d of this section.
 - ~~k. The landscape shall preserve and frame views both in and out of the development.~~
 - l. Trees planted in parking strips should provide summer shade and prevent winter shade.
 - ~~m. Trees installed along roads which are anticipated to be widened in the future shall take into account plans for future road widening so that established trees will not be disturbed during construction.~~
3. Mulch: After completion of all planting, all irrigated nonturf areas shall be covered with a minimum four-inch (4") layer of mulch to retain water, moderate soil temperature, and inhibit weed growth. Nonporous material shall not be placed under the mulch. ~~Extensive use of mulch solely as a decorative element is not permitted. Mulched areas exceeding one hundred (100) square feet shall be planted with appropriate plants to provide coverage within three (3) years. White rocks, painted rocks, and dyed mulches are prohibited.~~
4. Soil Preparation: Soil preparation shall be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches (6")

and amending the soil per specific recommendations of the landscape designer/landscape architect based upon the soils report.

5. Weed Control: All landscape development which disturbs an area greater than one-fourth ($\frac{1}{4}$) acre which proposes to disturb existing soils and/or import soils, or any development which proposes to export more than ten (10) cubic yards of soil shall comply with the Summit County noxious weed act, title 4, chapter 4 of this code.
6. Construction Mitigation: Existing, healthy vegetation shall be preserved whenever possible. Site disturbance shall be limited to maintain existing vegetation.
 - a. All vegetation to be preserved shall be unmistakably delineated from the vegetation to be removed and shall be protected by barriers to at least the drip line of the vegetation. Equipment, material, and debris shall not be placed within the drip line. No attachment or wires of any kind, other than those of a protective nature, shall be attached to vegetation.
 - b. A limit of disturbance area shall be shown on site plans submitted for building permit review. All construction shall be contained within the limits of disturbance area. A fence, separate from an erosion control fence, clearly demarking the area shall be erected before any grading or construction begins and shall remain in place until construction is complete. The fence shall be at least four feet (4') in height and shall be a substantially built protective fence which prohibits vehicular and pedestrian access.
 - c. Topsoil shall only be removed from the site when it is an amount that is more than what can be redistributed on site after construction. Topsoil shall not be used as spoil but shall be redistributed so as to provide at least six inches (6") of cover in landscaped areas and at least four inches (4") of cover between the sidewalks and curbs and shall be stabilized by seeding and planting. (Ord. 708, 12-10-2008; amd. Ord. 730, 12-2-2009)
7. Parking Area Landscaping:
 - a. Internal landscape shall equal at least fifteen percent (15%) of the total parking area.
 - b. Landscape islands shall be a minimum of nine feet (9') in width and shall be landscaped with plants no more than four feet (4') in height or high canopy trees so as to not block sight distance.
 - c. Internal landscape shall be located so that pedestrians are not required to cross landscaped areas without pathways to reach building entrances from parked cars. This should be achieved through proper orientation of islands and spaces.
 - d. Bioretention systems or other sustainable natural drainage systems which reduce the stormwater runoff created by the development and which promote infiltration of the generated stormwater into the subsurface are

encouraged. Such systems include: stormwater planter strips, infiltration swales or trenches, stormwater curb extensions, rain gardens, etc. Exceptions to the standards in these landscape regulations may be granted in order to accommodate the design of such systems. (Ord. 730, 12-2-2009)

8. Golf Courses: All golf courses shall participate in the Audubon International's signature program or be designed and managed according to the Audubon signature program or a similar certification process. Wastewater reuse is strongly encouraged as allowed by the Utah code, as amended.
9. Prohibited Watering Practices: Washing sidewalks, driveways, parking areas, roads, or other paved areas, except to alleviate immediate fire, health, or safety hazards, is prohibited. The excessive use, loss, or escape of water through breaks, leaks, or malfunctions in the water user's plumbing for forty-eight (48) hours after the water user has discovered the break, leak, or malfunction is prohibited.
10. Lights: Lights used to enhance the landscape at night are prohibited.

11. Hardscaped Areas:

- a. Landscape features such as decks, patios and walkways shall be constructed of permeable materials. Nonpermeable concrete and asphalt are prohibited. Permeable Asphalt, pavers, concrete, aggregate, and grass paving are all allowed materials.
- b. Loose aggregates like gravel, stones and pebbles may be used as a replacement for traditional landscape areas.

F. Irrigation Design Standards: All landscape areas shall be provided with adequate irrigation systems. Native grass and wildflower areas may be provided with a temporary irrigation system only.

1. Pressure Regulation: A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty (80) pounds per square inch (psi). The pressure regulating valve shall be located between the meter and the first point of water use, or first point of diversion in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
2. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in "smart" mode.

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

3. Slopes: On slopes exceeding thirty percent (30%), the irrigation system shall consist of drip emitters, bubblers, or sprinklers with a maximum precipitation rate of 0.85 inch per hour.
4. Valves: Each valve shall irrigate a landscape with similar watering needs and similar site, slope, and soil conditions. Turf and nonturf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
5. Trees And Large Shrubs: Drip emitters or a bubbler shall be provided for each tree and large shrub. Bubbler shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the Director due to the limited number of trees on the project site.
6. Check Valves: Check valves shall be required where elevation differences will cause low head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
7. Drip Irrigation Lines: Drip irrigation lines shall be underground, except for emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
8. Spray Or Stream Sprinklers: Valves with spray or stream sprinklers shall be scheduled to operate between six o'clock (6:00) P.M. and ten o'clock (10:00) A.M. to reduce water loss from wind and evaporation.
9. Valve Programming: Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

G. Maintenance: The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape. All landscape shall be properly maintained at all times. This includes, but is not limited to, mowing turf areas of six inches (6") or higher, edging, pruning, fertilizing, watering, weeding, and other such activities common to landscape maintenance. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not part of the landscape. All plants shall be maintained in a healthy condition as is appropriate for the season of the year. Plants which die shall be replaced with plants of a similar variety and size within ninety (90) days. Replacement plantings shall comply with the approved planting plan or alternative plantings as approved by the Director.

H. Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation: Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:

1. Require turf that exceed 35% of the landscaped area; or
2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or

3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

I. Penalty: Any violation of any provisions of these regulations shall be a Class C misdemeanor, subject to penalty as provided for in section [1-4-1](#) of this Code. Each day a violation of these regulations continues shall constitute a separate offense, unless otherwise prohibited. The County Attorney reserves the right to enforce these regulations using any of the remedies provided for in the Utah Code, as amended.