



**Planning and Zoning Commission
November 1, 2023 - Regular Meeting**

To: Dillon Planning and Zoning Commission
From: Jon Blank, Planner 1
Ned West, AICP, Sr. Town Planner
Subject: Prohibit Landscaping Practices for Water
Conservation
Agenda Item: 8

Discussion Item:

State legislators in the Water Resources and Agriculture Committee have introduced legislation in the Second Regular Session of the Seventy-fourth General Assembly of the State of Colorado to add Article 99 to Title 37 “Water and Irrigation” concerning “Prohibition of Nonfunctional Turf, Artificial Turf, and Invasive Plant Species”. This concerns the conservation of water in the state through the prohibition of certain landscaping practices.

Town staff are introducing this subject to gain feedback from the Planning Commission such that we may provide comments to the Colorado Municipal League (CML) related to the proposed legislation. The Planning Commission may also consider potential Dillon Municipal Code amendments related to landscaping requirements and design guidelines for the prohibition of nonfunctional turf, artificial turf, and invasive plant species to align with the work the Commission has been engaged with during the study of the Comprehensive Plan and proposed amendments related to water conservation.

Background/Time Frame:

- October 10, 2023: Draft Legislation
- October 24, 2023: CML contacted Municipal managers seeking feedback
- November 1, 2023: Planning Commission introduction
- January 1, 2025: If adopted and signed by the Governor the Bill goes into effect

Supporting Information:

The Dillon Municipal Code mentions no requirements for turf.

Currently the Code states:

“Sec. 16-7-30. – Specific requirements.

All surface areas designated on the approved site plan that will not be a hard surface shall be planted with adequate ground cover as approved by the Town and shall be top-dressed with a minimum of two (2) inches of topsoil prior to planting. In addition, irrigation systems shall be

provided in those instances where required to guarantee the proper growth of the landscaping being provided. (Ord. 19-96 §7.02; Ord. 05-04 §7)”

https://library.municode.com/co/dillon/codes/municipal_code?nodeId=DIMUCO_CH16ZO_ARTVILAVE_S16-7-30SPRE

Weeds:

The Dillon Municipal Code declares noxious weeds (invasive plant species) as being unlawful to possess in Town.

“Sec. 7-4-40. – Removal from Town.

All weeds, noxious weeds and brush cut or otherwise uprooted in accordance with [Section 7-4-30](#) above shall, immediately upon being cut or otherwise uprooted, be removed from the Town or otherwise entirely destroyed by the owner of the property upon which the weeds, noxious weeds and brush have been cut or otherwise uprooted. All weeds, noxious weeds and brush cut or otherwise uprooted in accordance with [Section 7-4-30](#) not removed from the Town or otherwise entirely destroyed by the owner of the property upon which the weeds, noxious weeds and brush have been cut or otherwise uprooted are hereby declared to be a nuisance and shall be subject to the nuisance abatement procedures as set forth in this Chapter.

(Ord. 02-02; Ord. 06-07 §6)”

https://library.municode.com/co/dillon/codes/municipal_code?nodeId=DIMUCO_CH7HESAAN_ARTIVWEBR_S7-4-40RETO

Nonfunctional Turf vs. Other forms of Groundcover:

-Kentucky Bluegrass (KBG) has a place in Dillon at the Amphitheater, Town Park, and Point Dillon Park.

-Other areas of Kentucky Bluegrass in Town require too much water and are not typically utilized as functional turf.

-Article 99 allows for all other types of ground cover such as native grasses (which can be mowed to resemble KBG), Yarrow, Tyme, Clovers, and wildflowers. Alternatives use substantially less water because they are adapted to dry climates.

Artificial Turf is Bad?

The Dillon Municipal Code does not mention artificial turf.

- Artificial turf contaminates the environment and watershed with synthetic toxic chemicals.
- Crumb rubber used for cushioning the playing field can easily erode and remain stuck to skin, shoes, and clothing. It can also leach into surface and groundwater. ⁽¹⁾
- “Numerous studies have shown that chemicals identified in artificial turf, including polycyclic aromatic hydrocarbons (PAHs), phthalates, and per- and polyfluoroalkyl substances (PFAS), are known carcinogens, neurotoxicants, mutagens, and endocrine disruptors.” ⁽²⁾
- “By January 2025, the bill prohibits the state, local governments, and HOA communities from allowing the installation of nonfunctional turf, artificial turf [*sic*] or invasive plant species on any commercial, institutional [*sic*] or industrial property. “Nonfunctional turf” is defined as turf that is predominantly ornamental and located in or on, or adjacent to, a street, sidewalk, driveway, parking lot, frontage area, or median that is not regularly used for civic, community or recreational purposes. This is intended to target medians, tree lawns etc. It does **not** require retroactive removal of turf, and it allows for continued maintenance of turf that is currently in place in those areas.” ⁽³⁾

Existing vs. Proposed:

- Landscaping requirements consistent with the existing Dillon Municipal Code do not require alternative options to save water.
- Article 99 would turn many medians, Rights-of-way, and other turf into landscapes that more resemble meadows or grasslands.
- The proposed legislation may also greatly reduce the need for maintenance.

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1. New Jersey Work Environment Council (WEC) Fact Sheet – Be Aware of Artificial Turf Hazards. NJ Work Environment Council, 142 West State Street, Third Floor, Trenton, NJ 08608.
 2. Murphy M, Warner GR. Health impacts of artificial turf: Toxicity studies, challenges, and future directions. *Environ Pollut.* 2022 Oct 1;310:119841. doi: 10.1016/j.envpol.2022.119841. Epub 2022 Aug 7. PMID: 35948114; PMCID: PMC10262297. <https://pubmed.ncbi.nlm.nih.gov/35948114/>
 3. Email from Heather Stauffer, Legislative Advocacy Manager, Colorado Municipal League. 1144 Sherman Street, Denver, CO 80203. October 24, 2023.

Colorado Municipal League questions to consider:

1. Is this a policy that your community would be generally supportive of, or generally opposed to?
2. Would it be a heavy lift for communities who would need to implement?
3. Are there any unintended consequences?
4. What other proactive work are municipalities doing in this space?