



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Jennifer Bruno, Deputy Director

DATE: December 5, 2023

RE: Landscaping and Buffers Chapter Text
Amendment

PROJECT TIMELINE:

Briefing 1: Dec 5, 2023
Set Date: Dec 12, 2023
Public Hearing: Jan 9, 2024
Potential Action: TBD

ISSUE AT-A-GLANCE

The Administration's proposed ordinance rewrites and re-organizes the Landscaping and Buffers Chapter, consistent with previous Council discussions relating to various sustainability goals for Salt Lake City, and consistent with the strategies outlined in the City's Urban Forest Action Plan. The Administration's transmittal notes that the ordinance is intended to "better support the City's adopted policies related to reducing water use, enhancement of the urban forest, reduction in the urban heat island, improve air quality...". It also notes that re-organizing this section of the code to improve clarity and readability for both the public and administration. The proposed changes also include feedback from several City departments, as well as changes recommended from the Planning Commission. On April 26, 2023 the Planning Commission voted 10 to 1 to recommend a positive recommendation to the Council with two modifications (see Key Elements #2 and Policy Question #1 on page 3).

Goal of the Briefing: Review proposed changes to Landscaping and Buffers chapter, provide feedback and schedule public hearing to receive public comment.

KEY ELEMENTS

1. **Proposed Changes** – The Administration's transmittal notes the following proposed changes/additions, organized by policy goal:
 - a. **Improve water conservation by:**
 - i. Requiring a landscaping or irrigation professional letter of compliance with irrigation and landscaping standards.
 - ii. Requiring a WaterSense automatic irrigation controller.
 - iii. Prohibiting water waste.
 - iv. Creating standards for irrigation systems to be designed and maintained to maximize water efficiency.

- b. Supporting the Urban Forest/trees by:**
 - i. Allowing tree canopy to count toward vegetation coverage standards and requiring the largest tree appropriate to the landscape location in most zoning districts.
 - ii. Ensuring tree health by requiring Urban Forestry review of alterations to street trees and root zone protection.
 - iii. Improving tree survival rates by requiring a permanent irrigation system for street trees when a landscape plan is required (new construction, or a commercial property where the landscaping is being updated by 50% or more, or a commercial addition that increases the floor area by 50% or more).
 - iv. Requiring trees in the Northwest Quadrant.
- c. Reduce the urban heat island by:**
 - i. Creating parking lot landscaping standards directed at reducing the urban heat island effect.
 - ii. Establishing rock mulch limitations.
 - iii. Allowing tree canopy to count toward landscape coverage and requiring street trees where new construction is proposed.
- d. Reduce stormwater runoff by:**
 - i. Allowing stormwater curb cuts.
 - ii. Requiring bioretention for parking lots with 50 or more stalls in the Parking Chapter (21A.44)
- e. Simplify and clarify through:**
 - i. Requiring separate plans for planting, grading, and irrigation.
 - ii. Addressing artificial turf, by removing it as permitted, based on the Planning Commission recommendation (*See Planning Commission changes below and policy question #1 on Page 3*).
 - iii. Consolidating buffer sizes.
 - iv. Updating the Freeway Landscape buffer better comply with goals and intent of chapter.
 - v. Creating tables and graphics where possible.
 - vi. Removing duplicate or wordy standards that were difficult to implement.
 - vii. Quantifying, where possible, minimum landscaping standards.

2. **Planning Commission Changes** – The Planning Commission voted 10-1 to forward a positive recommendation to the Council with the following changes:
- c. Prohibiting artificial turf.** The Administration’s transmittal notes that the proposed draft before the Council includes “a statement that artificial turf is prohibited anywhere landscaping is regulated by the chapter. Where landscaping is not regulated in this chapter, artificial turf would be allowed (such as the rear yard), as it is today in unregulated landscaping areas. *The commission’s recommendation was based on a discussion centered around artificial turfs impact on stormwater runoff and possible harmful chemicals contained in the manufacturing process.*” See **Policy Question #1 on Page 3**.
 - d. Define “Landscape or Irrigation specialist”.** During the Planning Commission hearing, some commented that the general language originally proposed about a “landscape or irrigation professional” was too broad. The current draft now requires review and signature by a landscape architect (licensed with the State of Utah), or a US-EPA WaterSense Labeled Certified Professional.

5. **Elements not changing** - The Administration's transmittal notes that several current standards in the zoning code will remain:
- a. Regulated landscaping locations (Park Strips, Yard areas, Buffers, Parking Lots).
 - b. 33% vegetation standard.
 - c. 20% hard surfacing limitations.
 - d. Landscaping and irrigation designed depending on watering needs.
 - e. Drip and spray irrigation on separate valves.
 - f. Park Strip less than 36" in width are exempt from some landscaping standards.
 - g. Landscaping buffer tree and shrub quantities. –
 - h. Mulching depth and permeability standards.
 - i. And encroachment standards in the park strip or public right of way.
 - j. Maintaining the City's resident's eligibility for "rip your strip" rebate programs through the CUWCD (Central Utah Water Conservancy District) and Utah Department of Natural Resources.

POLICY QUESTIONS

1. **Planning Commission recommendations relating to turf –**
- The draft presented to the Planning Commission on April 26th, permitted artificial turf in front and corner yard landscaping locations as an impervious surface, which is limited to a maximum of 20% of the required landscaping. It was prohibited in other locations. Additionally, artificial turf would have had to meet certain material standards such as individual grass blade length and quantity as well as infill material type.
 - As noted above, the Planning Commission was concerned with this aspect of the proposal, particularly the impact of turf on stormwater runoff and harmful chemicals used in the turf manufacturing process. Therefore, **the Planning Commission recommended to prohibit turf in required landscaping areas.** Where landscaping is not regulated by this chapter, such as the rear yard, turf would be permitted.
 - Recently, some cities, including Boston and several in California have prohibited artificial turf. They have cited Poly-fluoroalkyl Substances or P-FAS, as well as bisphenol A (BPA) in the rubber crumb underlayer as a main public health reason to prohibit artificial turf.
 - According to the Environmental Protection Agency, PFAS chemicals are a known carcinogen which can interfere with hormones, reproduction, immunity and cause developmental delays in children. The EPA has not officially listed BPA on their concerned substance list but they are continuing to monitor research.
 - Turf manufacturers have been working to improve the production of artificial turf to reduce/remove chemicals, and each year of development shows improvement on this front.
 - ***Previous Council discussions asked for the Administration to evaluate artificial turf as an option for required landscaping areas. Does the Council wish to discuss this further with the Administration, including reviewing the language originally proposed to the Planning Commission?***

2. **Enforcement** – The Council may wish to ask the Administration if they have a recommendation for how to handle enforcement/grandfathering of the changing standards, particularly as it relates to turf? Currently staff understands that the Administration has paused enforcement on turf in landscaping areas, while this ordinance is working its way through the process.

CHRONOLOGY

- September 6, 2022 – Initial feedback from City Council in work session
- February 8, 2023 – Text amendment formally initiated
- February 10, 2023 – Notice emailed to recognized organizations and changes posted to Planning Division Open House webpage
- March 20, 2023 – Proposed changes presented to Sugar House Community Council
- April 26, 2023 – Planning Commission discussion and positive recommendation forwarded
- May 8, 2023 – Ordinance forwarded to Attorney’s office for review
- June 15, 2023 – Ordinance corrections forwarded to Attorney’s office
- August 29, 2023 – Corrected ordinance returned to Attorney’s office for final review
- September 26, 2023 – Final ordinance received from Attorney’s Office
- September 28, 2023 – Transmittal sent to Council Office