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SB24-005 Key Considerations Guide

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Resource
Advocates.



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Victoria Arling, WaterNow Alliance
Jenna Battson, Colorado Water Conservation Board
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Rick Schultz, Castle Rock Water
Jenna Skinner, Town of Avon
Scott Williamson, Colorado Department of Local Affairs
Tim York, Aurora Water

The **SB24-005 Implementation Project Team** includes:

Laura Belanger, Western Resource Advocates
Chelsea Benjamin, Western Resource Advocates
Lindsay Rogers, Western Resource Advocates
Sarah Kaye, Brendle Group
Abbye Neel, Brendle Group
Shelby Sommer, Brendle Group

Introduction

The primary intent of **Senate Bill 24-005 (SB5)** is to reduce outdoor water demands by limiting the amount of non-native, cool season, high water use turf in landscaping (e.g., Kentucky bluegrass, fescue). The bill intends for communities to replace the practice of installing **nonfunctional**, high water use turfgrasses (turf) with “water-wise landscaping” that reduces outdoor water consumption “without adversely impacting quality of life or landscape functionality.” **The bill does not apply to existing development or new residential development.**

This document is intended to serve as a discussion guide for community staff and stakeholders who are working to update standards and processes in alignment with the core requirements outlined in SB5. **This guide also includes changes made by House Bill 25-1113 (HB1113) to the original SB5 artificial turf requirements that must be implemented by January 1, 2026 (see HB1113 box).**



Photo courtesy of Colorado Springs Utilities.

While these regulatory elements provide a starting point, they represent just one aspect of water-wise landscaping. Communities have an opportunity to go beyond these foundational steps and take a more holistic approach — updating landscaping codes and practices in ways that reflect broader community goals such as aesthetics, water conservation, and ecological health. As you explore potential updates, consider beginning by identifying the goals that matter most to your community. Existing community plans - such as your comprehensive plan, water master plan, or parks master plan - can serve as a starting point for identifying core community values and goals.

HB1113 Limits Turf in New Residential Development

In 2025, HB1113 passed, expanding the requirements of SB5¹. While SB5 prohibited all artificial turf except on playing fields, HB1113 changes that by adding definitions for [functional artificial turf and nonfunctional artificial turf](#), and requires communities to adopt standards that prohibit nonfunctional artificial turf by the SB5 implementation date of January 1, 2026. HB1113 also requires local governments to complete the following by the later date of January 1, 2028:

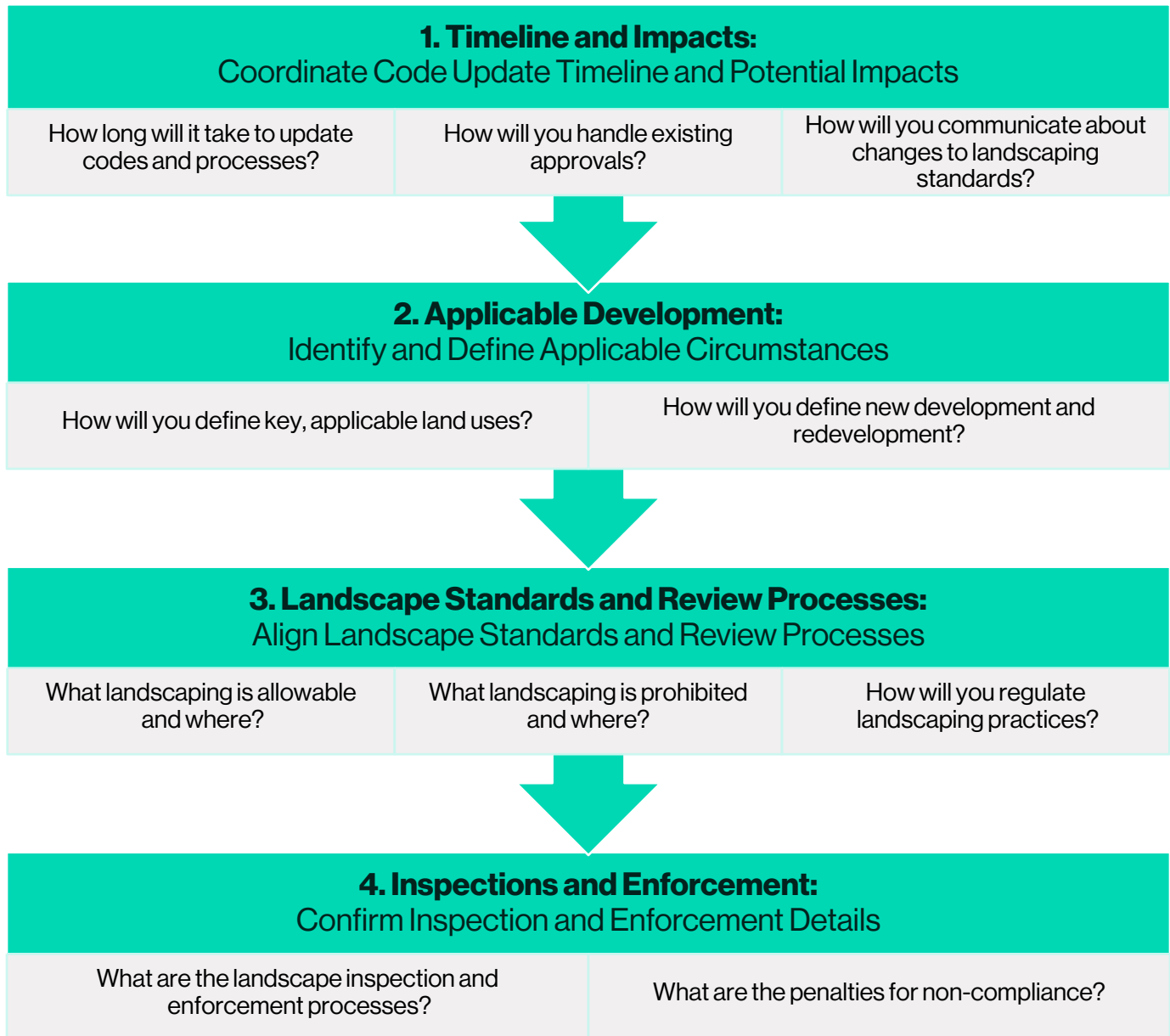
- Expand the list of applicable properties that must meet SB5 requirements to include new and redeveloped multifamily development with more than 12 units.
- Standards and/or processes to reduce irrigation demands in all other new residential developments. The bill does not specify how local communities must reduce irrigation demands in new residential development (e.g., residential turf limitations and water budget requirements).

This guide addresses HB1113 requirements that must be made by the January 1, 2026, implementation date. It does not address January 1, 2028, requirements.

¹SB5 is encompassed in C.R.S. Section 37-99, which will be updated to reflect HB1113 changes and additions.

SB5 Key Considerations at a Glance

Aligning with the core requirements outlined in SB5 will require communities to update landscaping regulations and processes. Use the following graphic as a checklist of questions to facilitate conversations and decisions that will support your community in updating regulations and processes in alignment with SB5. Details about each of these questions and other related considerations are provided in the following Key Considerations Guide.



SB5 Key Considerations Details

SB5 requires Colorado communities to establish regulations limiting nonfunctional turf, nonfunctional artificial turf, and invasive plant species for applicable properties. The purpose of this guide is to help communities update landscaping codes and processes in alignment with the intention of the bill. **The content within this guide should not be construed as formal interpretations made by the state of Colorado, or legal advice.**

This guide is broken into four key topics to help facilitate community conversations:

- **Timeline and Impacts:** Coordinate Code Update Timeline and Potential Impacts
- **Applicable Development:** Identify and Define Applicable Circumstances Identify
- **Landscaping Standards Review and Processes:** Align Landscape Standards and Review Processes
- **Inspection and Enforcement:** Confirm Inspection and Enforcement Details

1. Timeline and Impacts: Coordinate Code Update Timeline and Potential Impacts

Communities must regulate **applicable new development and redevelopment projects** in accordance with SB5 **by January 1, 2026**. This includes prohibiting the installation of nonfunctional turf, nonfunctional artificial turf², or invasive plant species on **applicable properties**.

The first step is to determine a timeline for updating codes to align with SB5, and the implications of code updates on development projects that are already approved and/or in the review process.

When developing a timeline for updating regulations and processes, consider:

- How long will it take to update codes and processes?
- How will you handle existing approvals?
- How will you communicate about changes to landscaping standards?

² SB5 prohibited all artificial turf. HB1113 modified the SB5 requirements to prohibit nonfunctional artificial turf and allow for functional artificial. For simplification, throughout this document we refer to the updated artificial turf requirements as SB5 requirements.

What Do We Mean by “Turf”

Turf refers to any “continuous plant coverage consisting of nonnative 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,” according to C.R.S. 37-60-135 (2)(i). Common examples of turf include Kentucky bluegrass and fescue. For more detailed information on allowable landscaping materials, [see the SB5 Grasses and Plants Guide](#).

How long will it take to update codes and processes?

Updating community regulations and associated processes can be a complex and time-intensive effort that often requires broad engagement. **To help you build a timeline for updating your community codes and processes, consider:**

- Who needs to be informed and consulted about the updates? Who will be directly involved in making and approving the updates? For instance, developers might be consulted, while the broader community might be informed. Planning staff, boards, and commissions will be directly involved in updates and approvals.
- What will the adoption process look like for your community? Consider key process milestones, including community engagement, staff engagement, and planning/board commission meetings. Use this to establish a process timeline to help you align with the January 1, 2026, timeline outlined in SB5.

Clear communication and inclusive participation help build trust and ensure that diverse perspectives are reflected in the final product.

How will you handle existing approvals?

In many communities, development plans are approved long before construction and landscape installation begin. Development applications are generally evaluated against the standards and regulations in place at time of application and are typically not required to comply with revised regulations after application submittal or final approval. This means there will likely be developments approved before communities have SB5 compliant codes in place.

SB5 is not intended to require all previously approved — yet to be completed — developments to comply with SB5 by the January 1, 2026, implementation date. For many communities, it would pose a substantial administrative, and potential legal burden, to prohibit the installation of nonfunctional turf, nonfunctional artificial turf, and invasive plant species on plans approved prior to adoption of SB5 compliant codes. In those cases, it may be helpful to add a note to the

development file and/or landscape plan indicating which version of the code/standards were in place at time of approval to eliminate any confusion during landscape installation or inspection.



Photo courtesy of Colorado Springs Utilities.

How will you communicate about changes to landscaping standards?

Education and outreach are essential to build support, reduce confusion, and promote smoother implementation once updates are adopted.

Revisit who you identified as important to inform, consult, and involve. For instance, staff may need training or education to effectively communicate the impetus and value of updates to decision makers, who will ultimately review and approve the ordinance.

Consider developing external-facing communication materials that focus on new redevelopment standards and processes to inform local developers and other potentially impacted community stakeholders. Materials can be developed to engage impacted stakeholders in the code update process and/or to inform stakeholders once the updates are in place.

Special care should be taken to communicate with your development community, both during and after updates. Communications to developers should focus on what standards and

processes were updated, why they were updated, and how this will affect development reviews and inspections moving forward. **Communities may consider immediately crafting and sharing comments during the development review process, notifying applicants about upcoming changes and encouraging early compliance.**

Plan Review Comment Template

The following language can be amended and used as a plan review comment to encourage development approvals that are processed prior to January 1, 2026, to comply with SB5 standards:

“New state legislation prohibits the installation of nonfunctional turf, nonfunctional artificial turf, and invasive plant species in new development and redevelopment projects on or after January 1, 2026. Nonfunctional turf is turf that is not regularly used for civic, community, or recreational purposes. [Jurisdiction] is actively revising its [legal mechanism (e.g., development code)] to meet this deadline. Projects approved after the [Jurisdiction’s] effective date, currently anticipated to be on or before January 1, 2026, must comply with these requirements. In anticipation of forthcoming [legal mechanism] updates, you are encouraged to reduce or eliminate the nonfunctional turf, nonfunctional artificial turf, and invasive plant species in your current proposal. To learn more about the proposed changes, or for information on how to stay involved in shaping the updated landscaping standards, please visit [Insert Website/Contact]”

2. Applicable Development: Identify and Define Applicable Circumstances

SB5 prohibits **nonfunctional turf, nonfunctional artificial turf, and invasive plant species** in **new development and redevelopment projects** that are commercial, institutional, or industrial property; common interest community property; and/or street rights-of-way, parking lots, or medians. Additionally, **functional turf** is permitted in areas that are regularly used for “civic, community, or recreational” purposes. **SB5 does not provide a definition of civic, community, or recreational use — it is up to communities to define these uses.**

As you identify and define applicable circumstances, consider:

- How will you define key, applicable land uses?
- How will you define new development and redevelopment?

How will you define key, applicable land uses?

SB5 only applies to certain, applicable land uses (for **new development and some redevelopment** only). As defined in **Colorado Revised Statutes** (C.R.S.) 37-99-102(1)(a), applicable property means:

- commercial, institutional, or industrial property;
- common interest community property; or
- a street right-of-way, parking lot, median, or transportation corridor.

Applicable property does not include residential private property.

Below are key terms related to applicable property from the bill, as well as suggestions for defining terms not defined in the bill. **Communities will need to review existing codes and standards to determine how key terms are defined in comparison to the definitions below.**

Commercial, institutional, or industrial property

- **Commercial, institutional, or industrial property**
“commercial, institutional, or industrial (CII) sector in the state and includes local governments³, schools, and businesses,” according to C.R.S. 37-60-135 (2)(b).

Common interest community property

- **Common interest community property**
“property within a *common interest community* that is owned and maintained by a *unit owners' association*, such as entryways, parks, and other *common elements*,” according to C.R.S. 37-99-102 (5).
- **Common interest community**
“real estate described in a declaration with respect to which a person, by virtue of such person’s ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. Ownership of a unit does not include holding a leasehold interest in a unit of less than forty years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences,” according to C.R.S. 38-33.3-103 (8).
- **Association or unit owners’ association:** “a unit owners’ association organized under C.R.S. 38-33.3-301,” according to C.R.S. 38-33.3-103 (3).

³ State property falls under the definition of applicable property within this bill. Per SB5, the State is responsible for state properties and must comply with the provisions by an earlier January 1, 2025, implementation date. This guide focuses on supporting communities developing standards and processes for other properties in alignment with SB5.

- **Common elements:** “(a) In a condominium or cooperative, all portions of the condominium or cooperative other than the units; and (b) In a planned community, any real estate within a planned community owned or leased by the association, other than a unit,” according to C.R.S. 38-33.3-103 (5).

Street right-of-way, parking lot, median, or transportation corridor

- **Transportation corridor:** “a transportation system that includes all modes and facilities within a described geographic area, having length and width,” according to C.R.S. 37-99-102 (16).
- **Street rights-of-way:** While not formally defined in the bill, it may also be defined as parkways, curbside landscaping, tree lawns, or other similar terms in your community. These areas reflect the traditionally narrow landscaped areas between a street and sidewalk.

Landscaping Standards May Exist in Multiple Code Sections

Landscaping standards for transportation corridors, medians, and rights-of-way often live in the street standards portion of code and may fall outside of routine development review processes, especially for improvements projects led by a state or local government.

How will you define new development and redevelopment?

SB5 only applies to new development and some redevelopment (only for **applicable land uses**). SB5 defines new development and redevelopment as follows:

- **New development project:** “a new construction project that requires a building or landscaping permit, plan check, or design review,” according to C.R.S. 37-99-102 (12).
- **Redevelopment project:** “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,” according to (C.R.S. 37-99-102 (14)).

Communities should review how their redevelopment definition(s) compare to SB5’s redevelopment definition (above) to determine whether the existing community definition(s) meet or exceed its definition. If your community’s current definition(s) of redevelopment do not meet or exceed the SB5 definition, or it is unclear, consider whether you will:

- Modify the current definition(s) to align to the state’s definition
- Add the state’s definition to the code’s current definition
- Take another approach

Redevelopment definitions and triggers vary by community. For communities with redevelopment definitions and triggers tied to the percentage of landscaped area being redeveloped, it will be easy to determine whether existing definitions align with SB5. For communities that define redevelopment based on some other metric, like building area or valuation, the community will need to determine whether its existing definitions are in alignment with SB5. Communities may choose to add a secondary landscaped area-based trigger (e.g., if 25% or more of a building is redeveloped and 50% or more of the landscaped area is disturbed). In addition to updating code language, communities may need to update or establish processes to evaluate if a project is redeveloping more than 50% of the landscaped area. Note, some communities may choose to adopt definitions that go above and beyond SB5's definition.

Considering Unintended Consequences

In some communities, redevelopment requirements may necessitate additional upgrades to the property. For example, if an HOA proposes relandscaping 51% of its common area, local code will need to specify if that HOA would be required to bring the entire common area into alignment with SB5 standards. If so, the community should consider the potential barriers this might pose for redevelopment. While not clearly specified in SB5, the intention of the bill was to only require the portion of the landscape that is actively being modified to come into compliance.

3. Landscape Standards and Review Processes: Align Landscape Standards and Review Processes

SB5 **prohibits nonfunctional turf, nonfunctional artificial turf, and invasive plant species** in **applicable new development and some redevelopment projects**. Communities will need to define the allowable and/or prohibited types and location of landscaping materials. Additionally, communities will need to consider how these standards will be codified and what development review processes need to be updated or added.

When defining landscape standards and review processes consider:

- What landscaping is allowable and where?
- What landscaping is prohibited and where?
- How will landscaping practices be regulated?

What landscaping is allowable and where?

SB5 allows for the use of functional turf, functional artificial turf, water-wise landscaping practices, and grass sod/seed that has been hybridized for arid conditions. The following subsection explores the key definitions and considerations for allowable landscaping. See the [**prohibited landscaping**](#) section for a summary of what is not allowed.

For more detailed information on allowable landscaping materials, [**see the SB5 Grasses and Plants Guide**](#).

Functional turf

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 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,” according to C.R.S. 37-99-102 (7).

Each community is empowered to define “civic, community, or recreational purposes.” For instance, some communities include cemeteries in the definition of community uses. For an example of community-specific and compliant definitions of functional and nonfunctional turf, see the [**Compliant Code Matrix**](#).



Children playing at a park that includes functional turf.

Functional artificial turf

Artificial turf: “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,” according to C.R.S. 37-99-102 (6.5)(a).

Functional artificial turf also includes artificial turf that is “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,” according to C.R.S. 37-99-102 (6.5)(b). In functional turf areas, any grass, including Kentucky bluegrass, fescue, and artificial turf is allowed.

New Legislation Updates Artificial Turf Definition

In 2025, HB1113 passed, expanding the requirements of SB5. HB1113 adds definitions for functional artificial turf and nonfunctional artificial turf and requires communities to adopt related standards by the SB5 implementation date of January 1, 2026.

Water-wise landscaping practices

SB5 allows water-wise landscaping that does not adversely impact “quality of life or landscape functionality,” according to C.R.S. 37-99-101 (1)(d).

SB5 also allows the planting of any grass sod or seed that is a “native plant or has been hybridized for arid conditions” in nonfunctional turf areas C.R.S. 37-99-103 (4)(c).

For more detailed information on allowable landscaping materials, [see the SB5 Grasses and Plants Guide.](#)

Turf Areas in Parks

Parks play a critical role in all communities. While they typically include large sections of [functional turf](#), they may also include [nonfunctional turf](#) areas, which are areas where landscape materials other than turf could be installed without impacting function. Consider working closely with your parks department to understand the implications of identifying and eliminating nonfunctional turf areas as part of new park development and park redevelopment projects.

What landscaping is prohibited and where?

SB5 prohibits **nonfunctional turf, nonfunctional artificial turf, and invasive plant species** for **applicable new development and redevelopment**. The following subsection explores the key definitions and considerations for prohibited landscaping. See “**What landscaping is allowable and where**” section for a summary of what is allowed.

Reminder

Existing developments are NOT required to comply with SB5 unless there is a major change that qualifies as redevelopment.

Nonfunctional turf

Nonfunctional turf: “means turf that is not **functional turf**,” according to C.R.S. 37-99-102 (13). That includes “turf located in a street right-of-way, parking lot, median, or transportation corridor.” Communities might think of nonfunctional turf areas as areas that “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,” according to C.R.S. 37-99-101 (1)(d). Communities may choose to adopt additional criteria for nonfunctional turf, like turf that is on a significant slope. See the **Compliant Codes Matrix** for examples of how different communities define nonfunctional turf.

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,” according to C.R.S. 37-99-102 (13).

Nonfunctional artificial turf

Nonfunctional artificial turf: “artificial turf that is not functional artificial turf,” according to C.R.S. 37-99-102 (12.5).

Artificial turf: “an installation of synthetic materials developed to resemble natural grass,” according to C.R.S. 37-99-102 (2). According to HB1113, nonfunctional artificial turf is prohibited for all applicable property types defined in the bill.

Research on Artificial Turf

Across the West there is an ongoing debate around the benefits of artificial turf. While there may be some water savings benefits, “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,” according to C.R.S. 37-99-101 (1)(d). Western Resource Advocates explores the viability of artificial turf as a water-saving strategy in its report [Is Artificial Turf a Beneficial Water Conservation Tool in the West?](#)

Invasive plant species

Invasive Plant Species: “plants that are not native to the state and that: (I) Are introduced into the state accidentally or intentionally; (II) Have no natural competitors or predators in the state because the state is outside of their competitors’ or predators’ range; and (III) Have harmful effects on the state’s environment or economy or both,” according to C.R.S. 37-60-135 (2)(e). SB5 prohibits invasive plant species for all applicable property types defined in the bill, not just for nonfunctional turf areas.

While not specified in SB5, invasive plant species are synonymous with noxious weeds. 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. Colorado’s 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:

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

While lists of invasive plant species are not readily available, noxious weeds are regulated through Colorado’s Noxious Weed Act (C.R.S. 35-5.5-101 – 35-5.5-119). 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](#).

For more detailed information on allowable and prohibited landscaping materials, [see the SB5 Grasses and Plant Guide](#).



Photo courtesy of Colorado Springs Utilities.

How will you regulate landscaping practices?

When implementing new regulations, communities must thoughtfully design both the standards and the processes that support them. The following sections outline example regulatory approaches and key considerations to help identify the best fit for your community's goals and capacity.

Examples of regulatory approaches

There are several approaches communities may take to regulate allowed and prohibited landscape materials. Approaches can be classified as prescriptive-based or performance-based. Prescriptive-based approaches outline precisely what is or is not allowed to be installed for landscaping. Performance-based approaches state the desired end goal and allow for multiple pathways for achieving those end goals. The following subsections outline example prescriptive-based and performance-based approaches.

Prescriptive-based approaches

- **Adopting approved and/or prohibited plant lists.** Communities may adopt approved and/or prohibited plants and grasses lists. Approved plants are typically those that align with communities' desired landscaping goals (e.g., low water, locally adapted, pollinator-friendly, water-wise). Prohibited plant lists are typically those that do not support community landscaping goals (e.g., high water, disease prone, maladapted to local conditions, invasive). Communities may need to specify if certain plants are acceptable or prohibited entirely, or if they can be used or are prohibited only in certain use cases. For instance, a community may need to specify that Kentucky bluegrass is approved only for functional turf spaces. Approved and/or prohibited plant lists can be adopted as code standards or by reference to a separately maintained list. There are many existing resources that can serve as a start in developing approved and/or prohibited plant lists, though appropriate plant species can vary by region and subregion. Consider establishing a process for plants and turf not on approved lists to be submitted for review. **See the SB5 Grasses and Plants Guide for examples and additional information.**
- **Providing approved landscaping templates.** Communities may provide preapproved landscaping templates to ensure developers install approved alternatives to nonfunctional turf. For examples of approved landscaping templates, see **Northern Water's Sustainable Landscape Templates, Northern Water Waterwise Templates, or Plant Selects' Downloadable Designs.** Note, most of these templates are intended for residential use, but may serve as examples for templates that could be developed for commercial areas, HOA common spaces, transportation corridors, medians, rights-of-way, and parking lots.

Performance-based approaches

- **Adopting a general statement in development regulations.** Communities can adopt statements in their development regulations and/or landscaping codes that prohibit nonfunctional turf, nonfunctional artificial turf, and invasive plant species. Communities may also adopt statements to define what is allowed (e.g., grass seed or sod hybridized for arid conditions; turf used for recreational, civic, or community purposes). This approach may afford more flexibility for developers but may place an administrative burden on communities to determine if the proposed landscaping plan meets these general criteria. Communities may request that developers explain how proposed landscaping plans meet general criteria. For examples of this approach (see Department of Local Affairs [DOLA] Template Code and City of Aurora code language in the **Compliant Codes Matrix**).

- **Establishing clear performance criteria for landscaping regulations.** Communities may establish a clear purpose or intent for general landscaping and specific landscaping elements. This approach allows developers to exercise creativity while keeping community goals at the forefront (e.g., reducing outdoor water demands, maximizing ecological value, etc.). Other examples of performance criteria include defining “high water use grasses” with regionally specific irrigation values (e.g., gallons per square foot per season), establishing water budgets and/or requiring hydrozones. For examples of this approach, view the town of Avon and city of Castle Rock code language in the [**Compliant Codes Matrix**](#).



Photo courtesy of Colorado Springs Utilities.

Considerations for selecting the best approach for your community

New landscape standards and associated processes must be developed in coordination. It is important to ensure both standards and review processes are clear and well understood by both developers and reviewers. Before selecting a strategy, consider the following:

- **As a first step, review your community codes and regulations to identify potential challenges and opportunities.** Before selecting one or more of the above strategies for your community, complete a thorough review of your code to identify barriers, challenges, and opportunities. For instance, look for areas in your code that conflict with

the requirements outlined in SB5 (e.g., turf minimums). Common standards/sections that could include relevant information include, but are not limited to: landscaping, definitions, street design, subdivisions, zoning, open space, wildland urban interface, stormwater, urban forestry/tree canopy, erosion control, revegetation of disturbed areas, and civil engineering (e.g., landfill cover, revetments).

- **Think about staff expertise.** Consider who will be reviewing development applications. What are their capabilities? This can help you determine an approach that is right-sized for your community. A prescriptive approach might require less staff expertise, while a performance-based approach may require that staff have the ability to interpret whether individual landscaping projects meet defined performance criteria.
- **Think through unintended consequences.** Without adequate guidance, prescriptive standards can lead to the installation of landscaping that does not match the community's goals. For instance, a community that simply prohibits nonfunctional turf without requiring viable alternatives may receive landscaping plans that rely heavily on hardscapes or pavement.
- **Consider using non-codified documents to house detailed landscaping guidance.** Plant lists, landscaping templates, and other detailed landscaping best practices and standards can be adopted as administrative documents or as specific code standards. Adopting these lists as administrative documents can make it easier to update them as needed.
- **Consider establishing alternative compliance pathways.** Alternative compliance pathways are a helpful option for combining prescriptive and performance-based approaches. Alternative compliance pathways allow developers to propose a different type of landscaping if the developer shows how the alternative landscaping achieves community goals. Proposed designs can be approved administratively, circumventing the need for a time-intensive variance process that may require board or commission meetings and approvals.
- **Variance processes can help accommodate special scenarios but require clear evaluation criteria and processes.** If communities do not wish to allow for administrative alternative compliance pathways, communities should consider establishing a variance process to accommodate special scenarios. Variances may require additional staff time, as well as a tracking methodology. If a community decides to include variances, it is important to consider who approves the variance (e.g.,

planning/community development director, boards, commissions, etc.), as well as how an applicant would seek out a variance and how it will be evaluated (e.g., evaluation criteria). Unless there is a well thought out process, allowing variances can create inconsistencies in how projects are approved, creating actual or perceived inequities.

- **Consider which development review processes must be updated.** Based on the selected approach, consider which code sections, additional documents, and review processes should be updated. For example, adopting an approved/prohibited plant list may require a community to establish or amend a plant list, either as part of code or administratively. Communities may need to amend requirements to request detailed landscaping plans that specify which species will be used and where. These requirements may need to be updated in multiple places (e.g., site plan review, minor amendment process).

For additional best practices and resources for implementing water-wise codes beyond SB5, see the [Colorado WaterWise Best Practices Guidebook](#).



Photo courtesy of Colorado Springs Utilities.

4. Inspections and Enforcement: Confirm Inspection and Enforcement Details

Development codes are only one piece of implementation success. Communities must also think through inspection and enforcement of development/redevelopment in the context of updated standards. Inspection allows communities to confirm installed landscaping matches what was approved on plans. Enforcement (e.g., fine, withholding certification of occupancy) allows communities to require corrections if installed landscaping do not match what was approved on plans. Each community's approach to inspection and enforcement will depend on existing processes and available resources.

When updating regulations and processes, consider:

- What are the landscaping inspection and enforcement processes?
- What are the penalties for noncompliance?

What are the landscaping inspection and enforcement processes?

If a landscaping inspection process already exists to confirm the installed landscape matches what was on approved plans, communities should consider if any processes should change. This may include involving other departments (e.g., building review, code compliance, water conservation, or parks) that are part of enforcing code violations or issuing certifications of occupancy.

If no process exists, communities can consider adding a process for inspection and enforcement. However, if resources are limited a complaint-based system can be considered. In a complaint-based system, inspection and enforcement would only occur if a community complaint were filed. This will require staff to follow up and verify if the complaint is valid, and if valid, to issue guidance for coming into compliance with relevant standards.

In any case, additional staff training may be necessary, especially if the enforcement process requires knowledge of specific plants and species. The following list of recommendations and resources can help communities develop or refine inspection and enforcement processes.

- Encourage staff to become certified in water efficient landscaping practices to support the inspection process (e.g., Qualified Water Efficient Landscaper [QWEL] certification).
- DOLA offers **technical assistance** to support inspection and enforcement.
- WaterNow offers funding to communities to support code updates through its **Project Accelerator** program.

- The Sonoran Institute offers **technical assistance grants** for code updates to past participants of Growing Water Smart trainings.
- Consider connecting with other communities to better understand existing practices and lessons learned. Explore the Compliant Codes Matrix as a starting point to identify communities that have started this journey.

What are the penalties for noncompliance?

In either a compliant based system or a system with a more formal inspection and enforcement process, communities will need to decide if any penalties should be issued if the installed landscape does not comply with approved plans. Many communities will already have a process for this. Examples of penalties include, but are not limited to:

- Requiring the landscape to be replanted to align with what is outlined on the plan
- A monetary fine
- Withholding the certification of occupancy until the proper landscaping has been installed



Photo courtesy of Colorado Springs Utilities.

Project Resources

WRA and the Brendle Group developed the following resources to further assist communities as they work to update their codes and processes to come into compliance with SB5.

Local Compliance with Colorado Senate Bill 24-005 Fact Sheet

This fact sheet provides a high-level overview of key SB5 information including timeline, applicability, prohibitions, and key definitions. It also includes a section on frequently asked questions.

Colorado Senate Bill 24-005 Compliant Code Matrix

This matrix includes examples of code language from Colorado communities and the DOLA model code that complies with SB5. It also includes example waterwise best practice language from the referenced codes for communities that may wish to go beyond SB5 requirements in their code update.

Colorado Senate Bill 24-005 Grasses and Plants Guide

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.