

MEMORANDUM

TO: Pepper McClenahan, Town of Milliken
CC: Waverly Klaw, Anne Miller, and Logan Sand, Colorado Department of Local Affairs
FROM: Tareq Wafaie and Matt Goebel, Clarion Associates
DATE: January 7, 2019
RE: Planning for Hazards Implementation –
Article II, Division 5 - Landscaping Standards, PUBLIC DRAFT

We are pleased to submit the public draft of the updates to Article II, Division 5 – Landscaping Standards. This memorandum provides a brief project background and summarizes the major changes proposed in the draft based on various conversations with staff and the working group. These proposed updates will be discussed with the Milliken Planning Commission and the Town Board of Trustees during a joint work session on January 30th.

Project Background

In the Fall of 2016, the Town of Milliken applied for and was accepted into a hazard mitigation technical assistance program offered by the Colorado Department of Local Affairs (DOLA). The Town of Milliken was one of only two communities selected (the other was the City of Manitou Springs). No monetary match was required by the Town, and through participation in this program, the Town receives a Hazard Identification and Risk Assessment and targeted draft updates to the land use code to mitigate hazard risk. The program is being managed by Pepper McClenahan with support from Caree Rinebarger. A local Working Group comprised of additional Town staff and subject matter experts was established and has convened four times between August 2017 and June 2018 to assess the risks in Milliken, and prioritize land use strategies for reducing or mitigating those risks. It was determined that the greatest hazard risks to Milliken are from flooding, drought, and hazardous materials release.

In July 2018, Town staff met with DOLA and Clarion Associates, DOLA's lead consultant for the project, to discuss strategies to address Milliken's risks that were prioritized during the June working group meeting. Based on that discussion the resources allocated to drafting code updates will be focused on updating the Town's landscaping ordinance, including new low-impact development standards, revised landscape design standards, and improvements to streamline the approach for evaluating landscaping in development proposals. The primary goals of the code updates are to reduce water use to stretch the Town's water supplies and to mitigate stormwater runoff during periods of flooding.

General Comments

Focus on Hazards

This project is focused on implementing hazard mitigation and is not a comprehensive rewrite. However, we did make several larger structural changes to the landscaping regulations that go beyond hazard



mitigation where we needed to improve the legibility and understanding of the regulations or to clear up any inconsistencies. As one example, we collected provisions dealing with installation and maintenance and placed them in their own section toward the end of the landscaping regulations rather than scattered throughout the various sections.

Document Format

We used the existing Milliken land use code as a basic foundation, and extracted the landscaping standards into a separate Microsoft Word document to build a base document for this project. We reformatted the entire Article II, Division 5 using a consistent format and numbering system that matches the current code. Each line of text within these documents has an assigned style – important for maintaining the overall structure and making wholesale changes more quickly.

Footnotes and Commentary

Numerous footnotes and shaded commentary boxes are included to highlight relocations, new or modified provisions, and to pose discussion questions. Please pay close attention to the footnotes as you review the draft. Some of them are marked “**DISCUSSION:**” to call your attention to priority questions. The footnotes and commentary are helpful for discussion purposes but will be removed prior to an adoption draft.

Grammar and Minor Corrections

We made several style, grammar, and formatting changes throughout this draft. Any spelling errors, typos, or grammatical errors from the current regulations were corrected in this draft Code if we noticed them, but that was not a main focus of this project – especially for sections that were not subject to substantive edits.

Specific Changes to Article II, Division 5 – Landscaping Standards

There were a substantial number of edits made to the landscaping regulations. Some of the key proposed changes are as follows:

- **Enhanced purpose and intent.** Any good ordinance starts with a solid purpose and intent statement. We expanded on the current purpose statement to include several other intended outcomes of the landscaping ordinance.
- **Clarified landscaping evaluation procedures.** We relocated the landscaping evaluation procedure to earlier in the document, and revised the language for clarity. We also added a new subsection (b) (beginning at the bottom of page 4) for authorized alternatives to allow administrative flexibility of both the plan requirements and the landscaping and buffer standards themselves.
- **New section for general landscaping requirements.** For landscaping requirements based on use type, we included a new table that summarizes the information from current Sections 16-2-460 and 463. Information in those sections related to irrigation standards was relocated to the installation and maintenance standards in Section 16-2-467. Some of the standards were removed altogether, such as building siting and orientation standards, which are already addressed in the land use code design standards more broadly (See Section 16-2-715).
- **Clarified landscape and tree requirements.** As part of the new landscaping requirements, we clarified the distinction between “site trees” (those required in the yard or otherwise on site) and “street trees” (those typically provided in a tree lawn or within the public right-of-way). Each of those is a defined term at the end of the ordinance. We also included a new minimum landscaped area requirement for multifamily and mixed-use projects of 15 percent of the gross site area, which is consistent with nonresidential requirements. The landscape standards can be adjusted by the Community Development Director in the MU-C-D district (downtown).

- **New turf grass limitations.** The current code suggests water efficient design but without firm limits on the amount of turf grass. This new draft proposes maximum amounts of high-water turf grasses (beginning on page 9) at 50 percent for residential and 20 percent for all other uses (except parks and open space). Because water is scarce, lower-water grasses such as hybrid bluegrasses, fescues, buffalo grass, and blue grama may help reduce water consumption without losing aesthetic value.
- **New tree preservation standards.** We included some basic tree preservation standards in 16-2-445 (page 11) building on the current standards for landscaping in the downtown area (which were also relocated to this new section).
- **Clarified parking lot landscaping standards.** The parking lot landscaping standards were pulled out into a standalone section for clarity. We included new and revised standards including a larger threshold for compliance at 25 spaces (rather than 15 spaces). We also clarified that parking lot buffers count toward required landscape buffers, and clarified the authority of administrative adjustments to parking lot landscaping standards within the downtown.
- **New low-impact development (LID) standards.** We included new LID options (such as bioswales, sand filters, and rain gardens) within the storm drainage facilities in Section 16-2-465(d) beginning on page 15. This draft encourages the use of these LID options through a parking reduction incentive of up to 10 percent; however, additional or alternative incentives could be considered.
- **New buffer standards.** We included specific standards for buffer widths in Section 16-2-480. The current code mentions that buffers should be provided and reviewed by the Town, but does not place minimum standards for such buffers. The new buffer table is located on page 21, and includes modest buffers along street frontages and between adjacent use types.
- **Maximum extent practicable.** We included a new term “maximum extent practicable” in a couple locations to allow flexibility for both staff and the applicant to comply with the intent of standards when site challenges may preclude full compliance. The term is defined, and sets objective parameters for the Town to make judgment calls (rather than the current code which often says “where feasible” or “is encouraged”).

Next Steps

We want your input! Please review the draft and submit any questions or comments to Pepper McClanahan at pmcclenahan@millikenco.gov. A comment form is attached to this memo. Reviewers should consider the document with the following questions in mind:

- Is something missing that should have been included?
- Were any standards removed that should have been retained for one reason or another?
- Are there any standards that are not clearly understood after a thorough read?

Following receipt of consolidated comments, we will prepare an adoption draft for consideration by the Town Planning Commission and Board of Trustees.

Attachments:

- Milliken_Landscaping_PUBLIC DRAFT.pdf
- Comment form