

MEETING AGENDA

Southern Nevada Water Authority Nonfunctional Turf Removal Advisory Committee



Wednesday, September 22, 2021

3:00 p.m.

**Colorado River Conference Rooms, Southern Nevada Water Authority
100 City Parkway, Seventh Floor, Las Vegas, Nevada**

View this meeting live at www.snwa.com

All items on the agenda are for action by the Advisory Committee, unless otherwise indicated. Items may be taken out of order. The committee may combine two or more agenda items for consideration, and the committee may remove an item from the agenda or delay discussions relating to an agenda item at any time.

Visit our website at www.snwa.com for agenda postings, copies of supporting material and approved minutes. Public comment can be provided in advance of the meeting and submitted to PublicComment@snwa.com. Public Comment received through September 21, 2021, will be included in the meeting's minutes. To receive meeting information, contact Mitch Bishop at (702) 822-8317 or agendas@snwa.com.

CALL TO ORDER

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: This is a period devoted to comments by the general public pertaining to items on this agenda. If you wish to speak to the Advisory Committee about items within its jurisdiction, but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Please limit your comments to three minutes or less. No action may be taken upon a matter not listed on the posted agenda.

1. *For Possible Action:* Approve agenda and minutes from the August 18, 2021 meeting.
2. *For Information Only:* Receive a presentation on Assembly Bill 356 and the Nonfunctional Turf Removal Advisory Committee.
3. *For Information Only:* Receive a presentation on functional and nonfunctional turf in Southern Nevada.
4. *For Possible Action:* Discuss defining functional and nonfunctional turf.

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: At this time, the Advisory Committee will hear general comments from the public on matters under the jurisdiction of the committee. Please limit your comments to three minutes or less. No action may be taken upon a matter not listed on the posted agenda.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

City of Boulder City, City Hall
401 California Avenue
Boulder City, NV

City of North Las Vegas, City Hall
2250 Las Vegas Boulevard North
North Las Vegas, NV

City of Henderson, City Hall
240 Water Street
Henderson, NV

Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, NV

Las Vegas Valley Water District
1001 S. Valley View Boulevard
Las Vegas, NV

Southern Nevada Water Authority
100 City Parkway
Las Vegas, NV

Clark County Water Reclamation District
5857 East Flamingo Road
Las Vegas, NV

City of Las Vegas, City Hall
495 South Main Street
Las Vegas, NV

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NONFUNCTIONAL TURF REMOVAL ADVISORY COMMITTEE MEETING SUMMARY

August 18, 2021, 3:00 p.m.

*Colorado River Conference Rooms, Southern Nevada Water Authority
100 City Parkway, 7th Floor, Las Vegas, Nevada*

NTRAC members present:	David Strickland	Tena Cameron
	Larry Fossan	Scott Black
	Brian Walsh	Mauricia Baca
	Stephanie Bressler	Tom Burns

NTRAC members absent:	Dale Hahn
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Staff present:	John Entsminger	Colby Pellegrino
	Zane Marshall	Katie Horn
	Tabitha Simmons	Mitch Bishop

PUBLIC COMMENT

Maryann Goodsell, a representative from the Peccole Ranch Homeowners Association (HOA), asked if definitions will be addressed during the committee process. She also stated that the paseos are a greenbelt area controlled by flood channels and asked if considerations will be made to accommodate unique properties such as the Paseos. John Entsminger, General Manager, noted that one of the committee's main charges will be to define nonfunctional turf. He added that he couldn't presuppose where future committee discussions will lead, but informed Ms. Goodsell that the meetings are also being streamed on the internet and invited her to monitor them to see how discussions progress.

SUMMARY OF ACTIVITIES

The Southern Nevada Water Authority's (Authority) Nonfunctional Turf Removal Advisory Committee (NTRAC) met on Wednesday, August 18, 2021. The meeting began at 3 p.m.

#1 Approve agenda.

Scott Black moved to approve the meeting agenda. The agenda was approved.

#2 Welcome and introductions.

Mr. Entsminger introduced himself and staff. Committee introductions were made.

#3 Receive an overview of Nevada's Open Meeting Law.

Tabitha Simmons, Director of Legal Services, provided an overview of Nevada Open Meeting Law, which ensures that decisions affecting the public are made through transparent, public processes. She noted the main components of the law, including posting procedures, public comment, conducting activities in the public, and quorums.

#4 Receive an overview of the SNWA's background and Colorado River Basin drought status.

Colby Pellegrino, Deputy General Manager of Resources, provided an overview of the Authority and its core responsibilities, which include water resource planning, infrastructure, conservation, water quality and stewardship. Ms. Pellegrino also provided information on Southern Nevada's reliability on the

Colorado River, drought and climate change impacts, current and projected Lake Mead water elevations, banked water resources and return-flow credits. She also talked about the recent federally mandated water shortage declaration and the probability of future shortages if Lake Mead water levels continue to decline.

#5 Receive an overview of SNWA's conservation initiatives.

Ms. Pellegrino provided a history of the Authority's water conservation and drought response efforts since 2002, which include:

- Drought planning
- Landscape development codes
- Golf course water budgets
- Mandatory watering schedules
- Water waste enforcement
- Tiered water rates
- Incentive and rebate programs
- Evaporative cooling studies

She stated these initiatives have resulted in significant water savings over the past 20 years, but progress has stalled.

Ms. Pellegrino also provided information on additional actions that the Authority has taken to protect the community's water supply. These include the construction of a third intake and pumping station at Lake Mead; banked water resources in Arizona, California and Nevada; and a 50-year water resource plan.

Ms. Pellegrino then talked about the recommendations made by the Integrated Resources Planning Advisory Committee in 2020, one of which was the reduction of existing nonfunctional turf throughout Southern Nevada. She explained that there are currently 5,000 acres of nonfunctional turf throughout the community that, if removed, would save approximately 12 billion gallons of water annually. She then provided information on the Nevada Assembly Bill 356 (AB) legislation, which prohibits the use of Colorado River water for unused grass and calls for the formation of this committee.

#6 Receive and overview of the committee process and administrative items relating to the committee.

Zane Marshall, Director of Water Resources, reviewed the scope of the NTRAC. He reminded the committee that recommendations are made on a consensus basis and do not require unanimous agreement, and that the goal of the committee is to make mutually beneficial recommendations regarding non-functional turf removal to present to the SNWA Board of Directors. He also reviewed committee member and SNWA commitments as well as future meeting dates.

David Strickland asked whether the committee will be generating language or examples of nonfunctional turf. Mr. Marshall responded that the goal is to develop definitions that can be used broadly throughout the community, which will inform recommendations for the SNWA Board's consideration.

Tena Cameron asked if the committee will be developing a recommendation on a process for waivers. Mr. Marshall confirmed that it will.

Brian Walsh asked how a committee member can introduce a topic to be discussed at a future meeting. Mr. Entsminger responded that committee members can make topics known to staff ahead of time, so that they can be included on the agenda for discussion, per Nevada Open Meeting Law. Mr. Walsh noted that a review of AB 356 would be helpful in understanding the committee's charges.

Stephanie Bressler asked if the committee will be able to make recommendations to change existing programs and incentives. Mr. Entsminger responded that this committee has a narrow charge to comply with the legislation that appointed the committee. He added that feedback outside the scope of committee discussion can be recorded by staff for future consideration.

PUBLIC COMMENT

John Musik complimented the work the Authority has done over the years, specifically the information provided in various reports that have been generated by staff. He asked if committee meeting materials will be made available to the public and if a “data room” will be provided for the public to retrieve Authority reports or make recommendations on specific topics. Mr. Entsminger responded that NTRAC meetings will be broadcast and that all materials will be available to the public. He added that materials or comments can be made available to the committee members. Ms. Pellegrino added that the Authority’s Water Resource Plan and Water Conservation plan are both available at snwa.com.

Lisa Parry asked how members of the public can submit ideas and comments, especially pertaining to unique neighborhoods. Katie Horn, Management Service Manager, responded that members of the public can send comments to publiccomment@snwa.com.

Leslie Weller asked if backyards can be grandfathered in under the current requirement of no more than 50 percent of grass allowed in backyards. She also asked if the seasonal watering schedule can be made mandatory. Mr. Entsminger responded that the development codes limiting backyards to 50 percent grass was put in place in 2002, so it is effective for homes constructed after that date. He added that the seasonal water schedules are mandatory and that people are breaking law by not abiding by them.

ADJOURNMENT

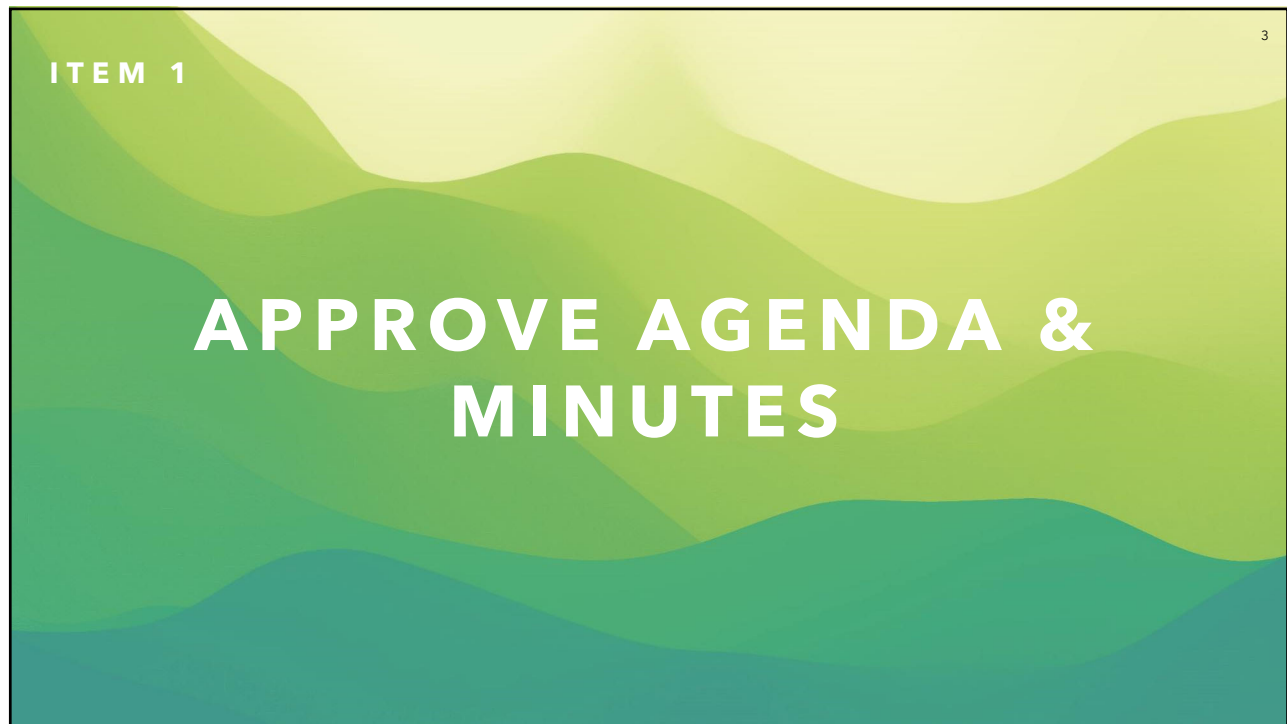
The meeting was adjourned at 4:23 p.m.



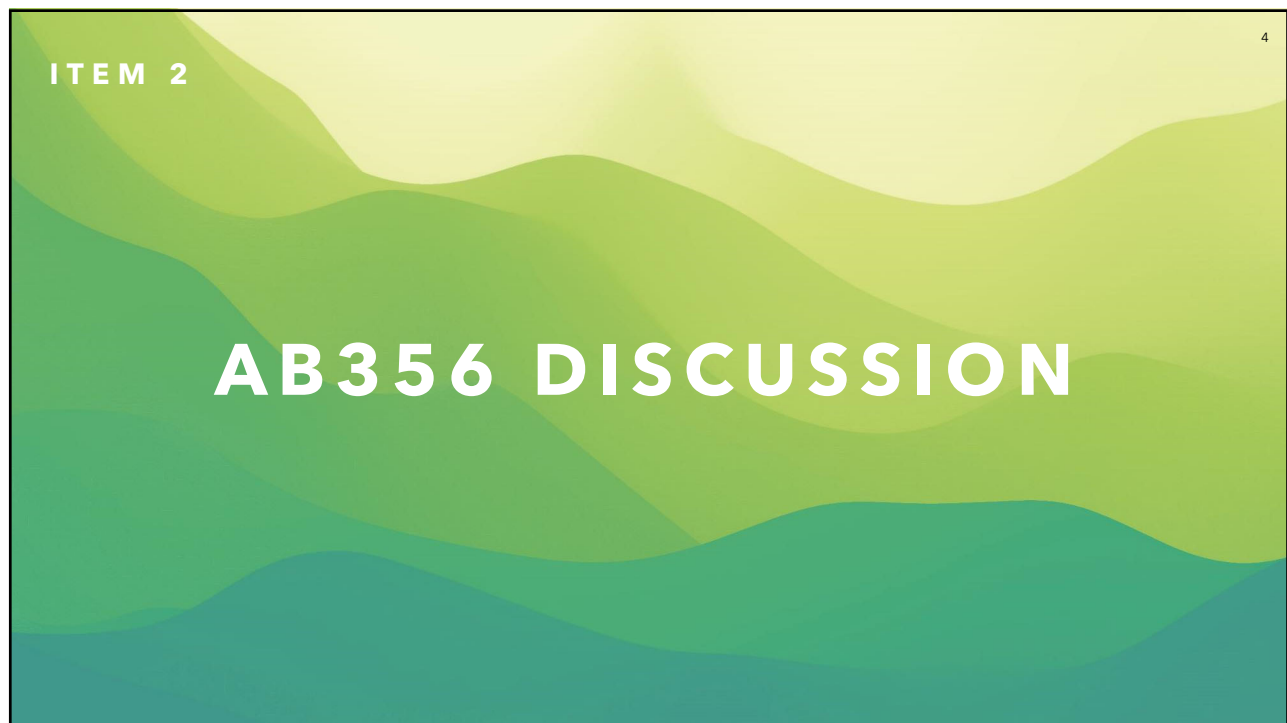
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In June, Governor Sisolak signed into law Assembly Bill 356 (AB 356).

“On and after January 1, 2027, the **waters of the Colorado River** distributed by the Southern Nevada Water Authority or one of the member agencies of the SNWA **may not be used to irrigate nonfunctional turf** on any property that is not zoned exclusively for a single-family residence.”



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The bill also set forth a number actions and responsibilities to the SNWA Board:

- Define “functional turf” and “nonfunctional turf” and promulgate the definitions in the service rules of SNWA member agencies
- Develop a plan to identify and facilitate the removal of nonfunctional turf
- The plan must:
 - Establish phases for the removal of nonfunctional turf based on categories of water users
 - Establish deadlines for the removal of nonfunctional turf



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The bill established the Nonfunctional Turf Removal Advisory Committee.

Set forth the committee's number of members (9 voting members) and makeup:

- Office park
- Business
- Industrial or commercial business
- Common-interest community (two members)
- Multi-family housing
- Environmental organization
- Local government
- Golf course



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AB 356 outlines the responsibilities of the NTRAC.

- Discuss issues related to the use and removal of nonfunctional turf by each water sector
- May provide written recommendations to the Board regarding the plan developed
 - Recommendations must be approved by a majority vote of all voting members of the Advisory Committee
 - Dissenting opinions must be fully documented and included with the recommendations



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The bill established provisions related to turf removal.

- The bill established a waiver or extension process but did not define it
- The bill explicitly does not prohibit:
 - Complying with requirements adopted by the governing body of a county or city to maintain open space



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While AB 356 was specific in NTRAC's responsibilities, other public processes are working to address:

- Water Smart Landscapes (WSL) Program requirements
- WSL Program incentives
- WSL annual budget
- WSL program staff levels
- Capital expenses
- Other conservation opportunities
- Manmade lakes



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The SNWA Board is working to address other program-related initiatives:

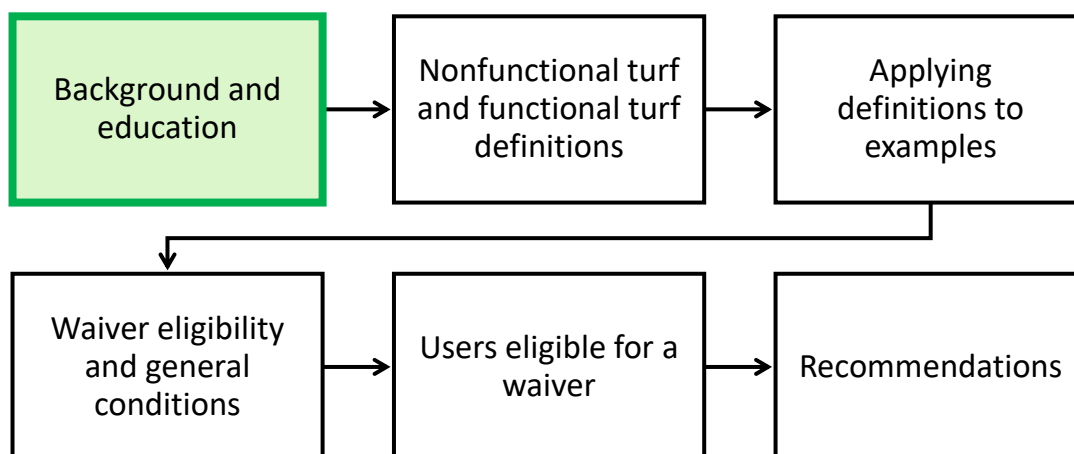
- **Program Administration:** Approved 7/15, the Board removed the \$500,000 annual incentive cap
- **Program Cap:** Approved 7/15, the Board removed the 10,000 square-feet program cap, reducing administrative process times
- **Rebate Flexibility:** Approved 7/15, the Board authorized the General Manager to modify program incentive rates and annual cap after January 1, 2024 to meet future budget requirements
- **Staffing Needs:** Approved 9/18, the Board authorized the use of temporary labor to meet program demands



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NTRAC PROCESS



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ITEM 3

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NONFUNCTIONAL TURF IN SOUTHERN NEVADA

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BACKGROUND

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Throughout the 1980s and 1990s, Southern Nevada experienced significant growth.

During the same time, the Colorado River was experiencing a period of high inflows into Lake Mead.



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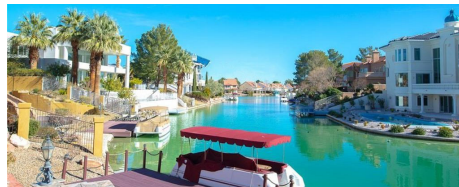
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There were no water efficient principles guiding new home development.

Turf was permitted in all commercial and residential applications.



New home, North Las Vegas, 1990



The Lakes Community, constructed late 1980s-1990s



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Drought conditions forced the community to rethink how it grew.

2004: Turf restrictions put into municipal codes

- No turf in front yards
- 50% turf in backyards
- No turf in commercial/industrial applications



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Development codes helped, but existing unusable turf remained from prior development.

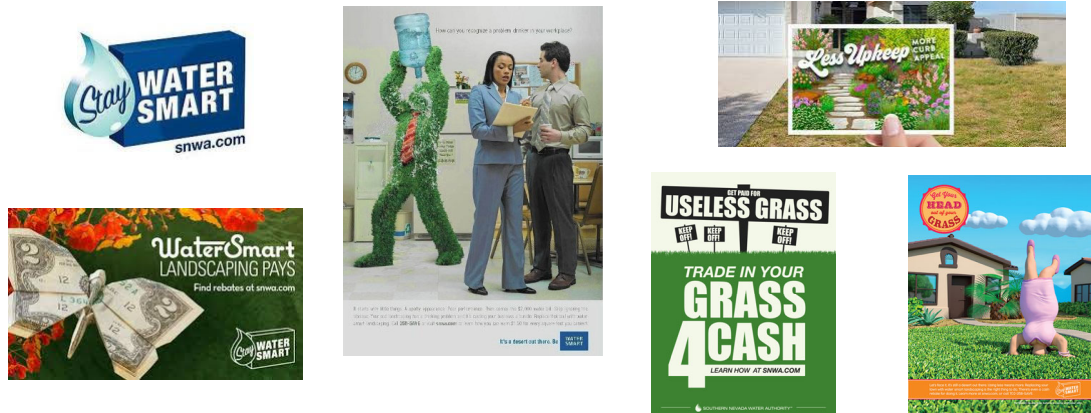


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The SNWA focused efforts on incentivizing unused turf removal.

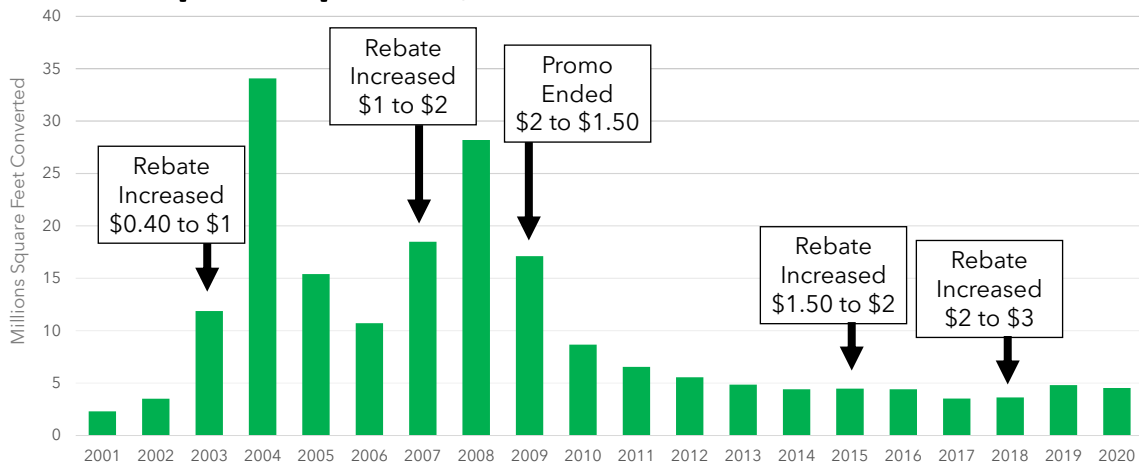


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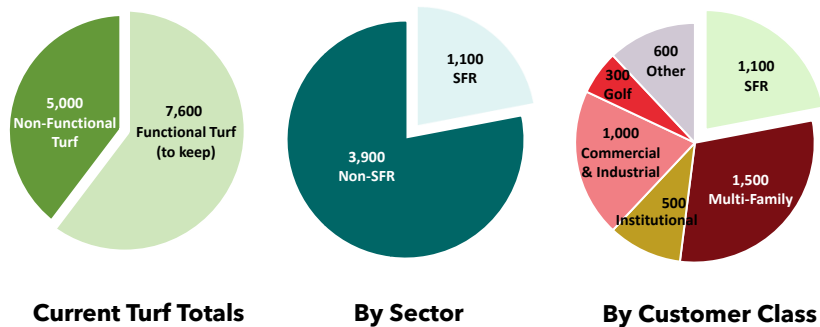
Incentives are helpful in stimulating participation, but holdouts remain.



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Incentives are no longer effective. AB356 gives the community assurance that resources will not continue to be wasted.



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The Water Smart Landscapes Program poses challenges for many non-residential settings.

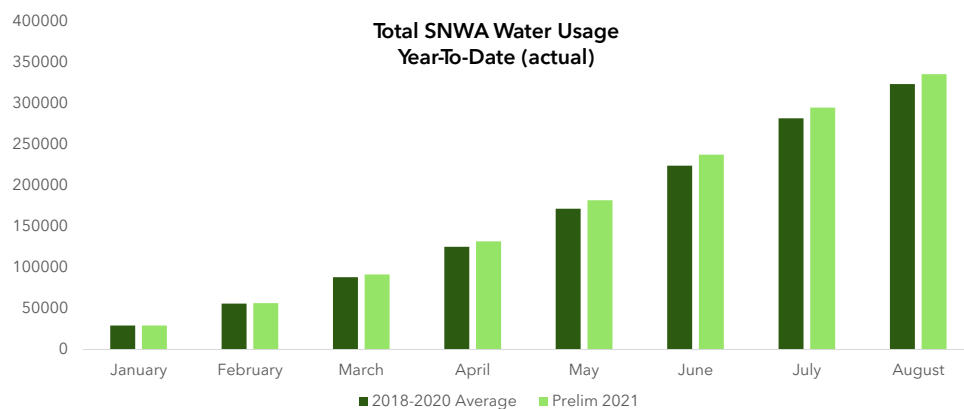
- Decisions are disconnected
- Limited sensitivity to price
- Ownership versus management versus tenants



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Southern Nevada must continue to make progress removing unused turf.



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In fall 2018, the SNWA Board directed staff to work with municipal agencies to prohibit nonfunctional turf installations

- Southern Nevada's municipalities came together to identify how to enact codes that eliminated loopholes
- Further refinement of development codes was needed



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NONFUNCTIONAL TURF RESOLUTION

- The installation of turf on public and private parks and schools is limited to active or programmed recreation areas such as sport fields
- Turf should not be installed in areas less than 1,500 contiguous square feet
- Turf cannot be less than 30 feet in any dimension
- Turf cannot be installed closer than 10 feet to a street
- Turf cannot be installed in front of entryways to residential neighborhoods or subdivisions where other recreational amenities do not exist
- The maximum slope of a turf area will not exceed 25 percent and turf areas should be graded to prevent runoff, except in designated drainage areas



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The installation of turf on public and private parks and schools is limited to active or programmed recreation areas such as sport fields.

- Ensures usability
- Doesn't proliferate grass as a ground covering
- Easier to maintain
- Maintains quality of life
- Supports park planning principles (safety, access)



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Turf should not be installed in areas less than 1,500 contiguous square feet

- Promotes usability
- Provides enough space for meaningful recreational opportunities
- Easier to maintain
- Supports efficient watering principles



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Turf cannot be less than 30 feet in any dimension



- Maximizes recreational opportunities
- Ensures usability
- Prevents inefficient watering practices
- Protects adjacent structures and surface areas from water damage

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Turf cannot be installed closer than 10 feet to a street

- Maximizes recreational opportunities
- Ensures usability
- Prevents runoff
- Prevents damages to roadways
- Enhances safety of recreational users and vehicles



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Turf cannot be installed in front of entryways to residential neighborhoods or subdivisions where other recreational amenities do not exist

- Maximizes recreational opportunities
- Ensures usability
- Prevents damages to roadways
- Enhances safety of recreational users and vehicles



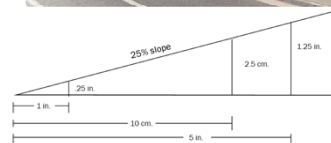
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The maximum slope of a turf area will not exceed 25 percent and turf areas should be graded to prevent runoff, except in designated drainage areas

- Prevents damages to roadways and sidewalks
- Ensures usability
- Promotes efficient watering practices
- Easier to maintain



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30

31

NTRAC

The majority of grass that exists today would not be installed under today's codes. Developing committee recommendations to implement AB 356 will follow a 3-part process:

1. Consider and develop definitions by sector
2. Waivers
3. Reviewing the plan and recommendations



31

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SECTOR DEFINITIONS

- The committee will identify how nonfunctional turf exists within major sectors (commercial, multifamily, municipal, public services, churches, HOAs, etc.)
- The committee work to finalize definitions, which will ultimately be provided to the SNWA Board for approval



32

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WAIVERS

AB 356 outlined a process for a waiver but did not define who can apply and the parameters under how one would be granted.

The committee will review:

- Who is eligible for a waiver
- Where waivers are appropriate
- The process for granting a waiver



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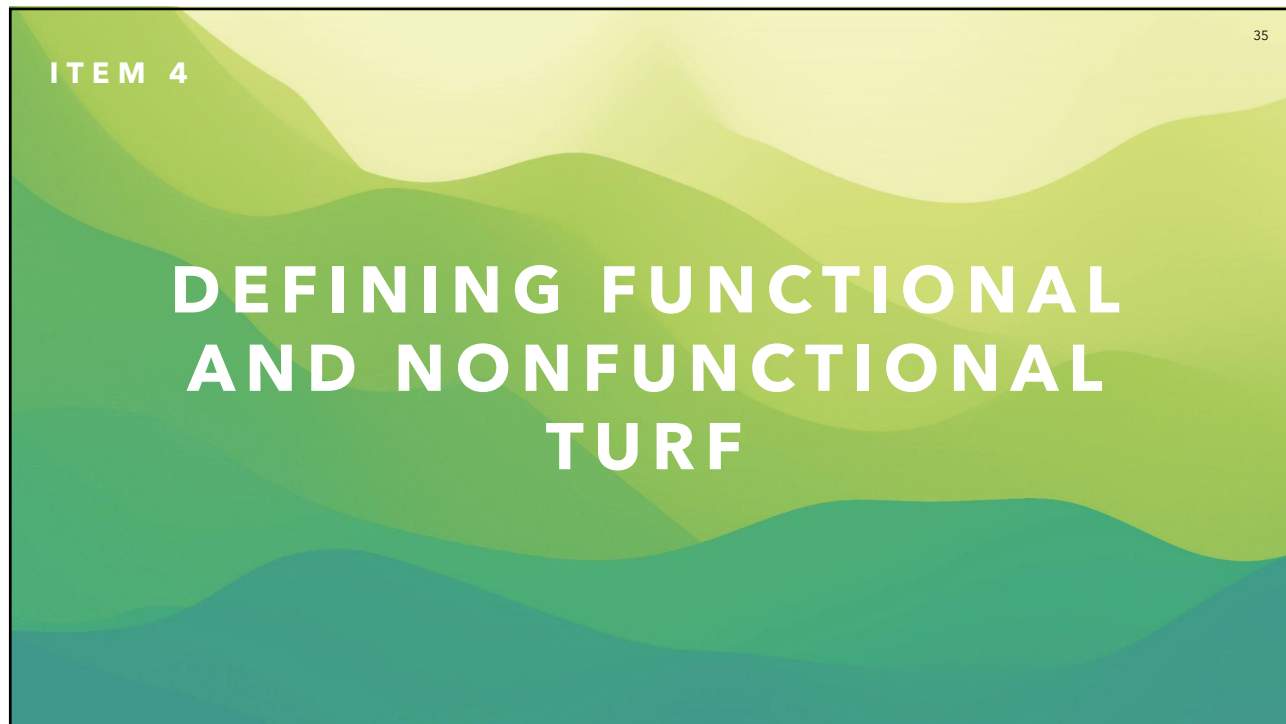
RECOMMENDATIONS REPORT / PLAN FOR REMOVAL

The Recommendations Report will:

- Summarize committee meetings and discussions
- Highlight key decisions points
- Include the committee's final recommendations
- Be drafted by staff, and provided to the committee with sufficient time for their review
- Be available for comment and edits by any committee member
- Be considered for final approval at the last committee meeting



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WHAT IS FUNCTIONAL TURF?

- Used on a **near daily** basis
- People are **actively** using it for recreation (not walking through it)
- Safe and easy to **access**
- Large enough to **irrigate efficiently**
- Offers **multipurpose** use (sport fields excluded)
- Adjacent to other **amenities** (benches, restrooms, shade)

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36

37

WHAT IS NONFUNCTIONAL TURF?

- Not being used in a recreational application
- Too small to offer meaningful benefit
- Located adjacent to streets or thoroughfares that affect its use
- Located in areas difficult to access or limited access
- Difficult to irrigate efficiently (sloped, oddly shaped)
- Without nearby amenities



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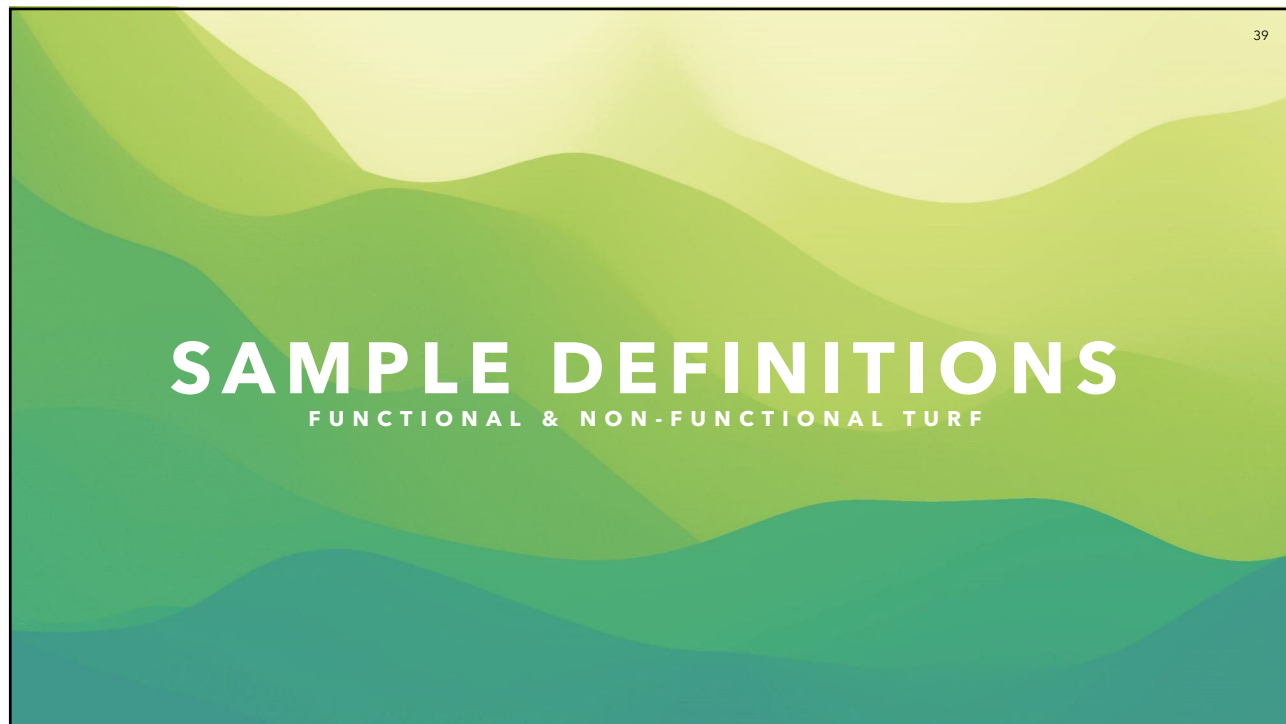
DRAFTING DEFINITIONS

Goals for creating a regulatory framework:

- **Consistency** in the application of the law to avoid allegations of favoritism, discrimination or inequity;
- **Clear definitions** that can be uniformly and objectively applied in order to protect against inconsistent, subjective or arbitrary application; and
- **Thorough definitions that inform**, to the maximum extent possible, whether turf will or will not be permitted under the law.



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FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF:
"Functional Turf" means an irrigated lawn grass area that provides a recreational benefit to the community and is:

- (a) located at least 10 feet from a street (except as otherwise specified), installed on slopes less than 25 percent, and not installed within street medians, along streetscapes or at the front of entryways to parks, commercial sites, neighborhoods or subdivisions; and
- (b) Active/Programmed Recreation Turf, Athletic Field Turf, Designated Use Area Turf, Golf Course Play Turf, Pet Relief Turf, Playground Turf or Resident Area Turf, as these terms are further defined and qualified below.


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40

FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF TYPES:

“Active/Programmed Recreation Turf” means irrigated lawn grass in an active/programmed recreation area on homeowner association-owned or managed property or at a public park or water park (excluding park streetscape and community frontage areas).

Active/programmed recreation turf at existing properties must be:

- 1,500 contiguous square feet or greater.
- Co-located with facilities, including but not limited to trash bins, benches, tables, walking paths and/or other recreational amenities.
- Located at least 10 feet from a public or private street or interior facing parking lot unless:
 - The contiguous turf area is at least 30 feet in all dimensions; or
 - The turf is immediately adjacent to an athletic field; or
 - The turf is fenced.



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41

FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF TYPES:

- **“Athletic Field Turf”** means irrigated lawn grass used as a programmed sports field or for physical education and intermural use that is 1,500 contiguous square feet or greater, not less than 30 feet in any dimension, and located at a school, daycare, youth recreation center, senior center, public park, private park, water park or religious institution.
- Athletic Field Turf may be located less than 10 feet from a public or private street if fenced and/or when adjacent to an interior-facing parking lot.



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42

FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF TYPES:

“Designated Use Area Turf” means irrigated lawn grass designated for special use at cemeteries and mortuaries.



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43

FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF TYPES:

“Golf Course Play Turf” means irrigated lawn grass at a golf course in driving ranges, chipping and putting greens, tee boxes, greens, fairways and rough.



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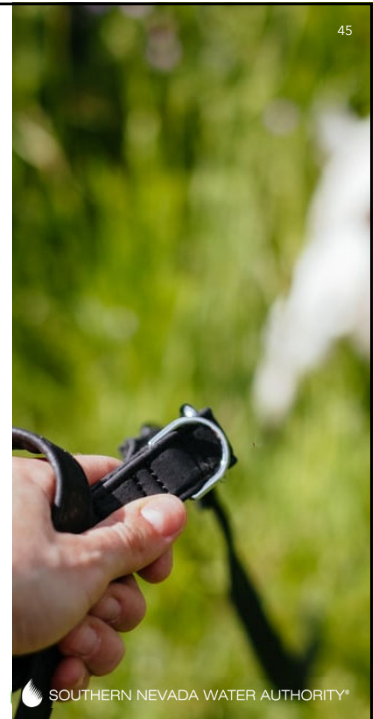
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FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF TYPES:

“Pet Relief Turf” means irrigated lawn grass in a property providing commercial and retail services for pets that is designated for pet use (such as veterinarians or boarding facilities).

Pet Relief Turf may not exceed 200 square feet.



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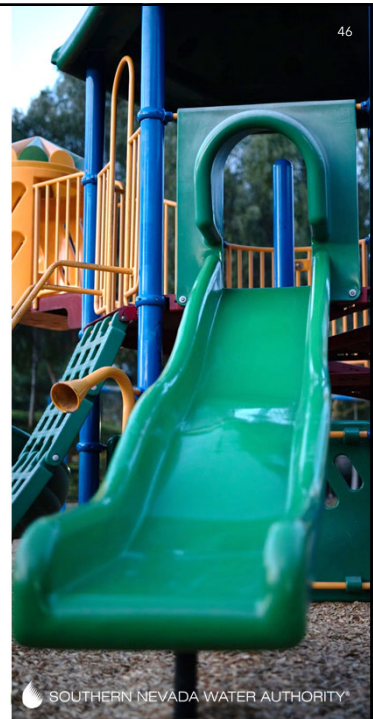
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FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF TYPES:

“Playground Turf” means irrigated lawn grass in designated play areas with playground amenities, including but not limited to slides, swings and climbing structures on homeowner association-owned or managed property or at a public park, water park, school, daycare, youth recreation center, senior center or religious institution.

Playground Turf may be located less than 10 feet from a public or private street if fenced.



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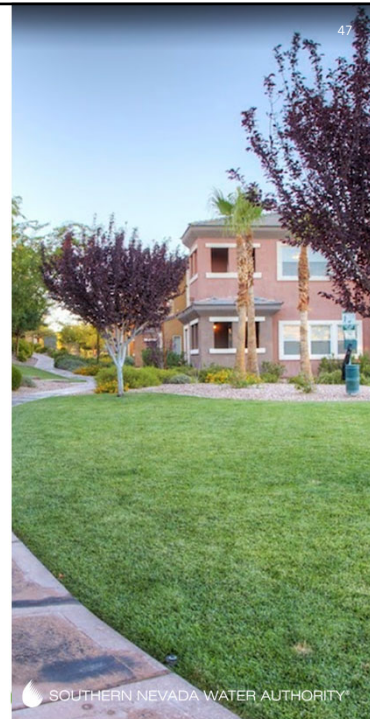
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FUNCTIONAL VS. NON-FUNCTIONAL TURF

FUNCTIONAL TURF TYPES:

“Resident Area Turf” means up to 150 square feet of irrigated lawn grass per dwelling unit at multi-family residential properties or assisted living and rehabilitation centers used by tenants for recreation and leisure.

Resident Area Turf must be in areas reasonably accessible for active use by residents and therefore may not be located in streetscape frontages, parking lots, roundabouts, medians, driveways and other non-accessible areas.



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47

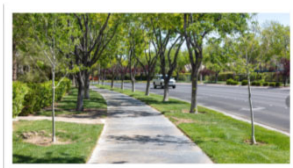
FUNCTIONAL VS. NON-FUNCTIONAL TURF

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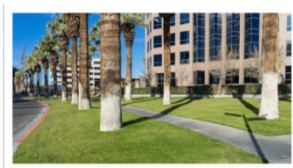
NON-FUNCTIONAL TURF:

“Nonfunctional Turf” means irrigated lawn grass area not meeting the definition of Functional Turf, including without limitation, such areas in the following locations:

- Streetscape Turf: except as otherwise specified turf located along public or private streets, streetscape sidewalks, driveways and parking lots, including but not limited to turf within community, park and business streetscape frontage areas, medians and roundabouts.
- Frontage, Courtyard, Interior and Building Adjacent Turf: turf in front of, between, behind or otherwise adjacent to a building or buildings located on a property not zoned exclusively as a single-family residence, including but not limited to maintenance areas and common areas.
- Certain HOA-Managed Landscape Areas: turf managed by a homeowner association that does not provide a recreational benefit to the community or that otherwise does not qualify as Functional Turf, regardless of the property zoning.



No streetscape turf



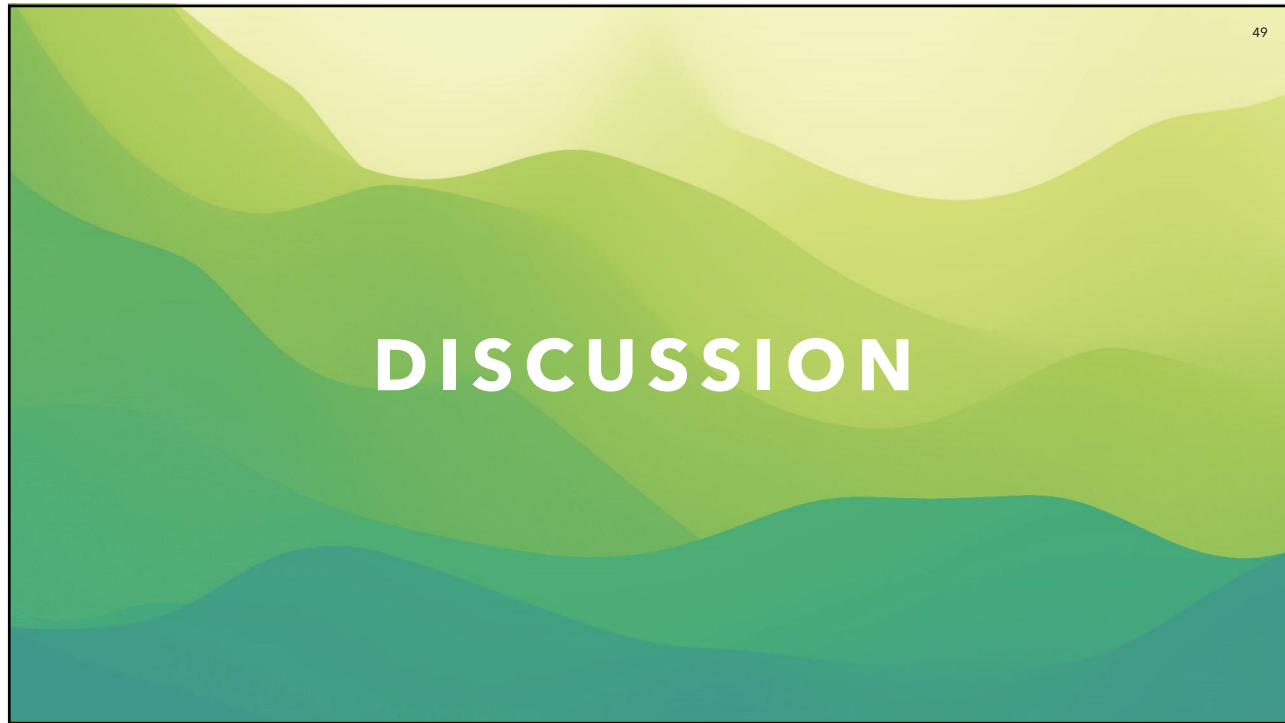
No frontage or courtyard turf



No median/entryway turf

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48



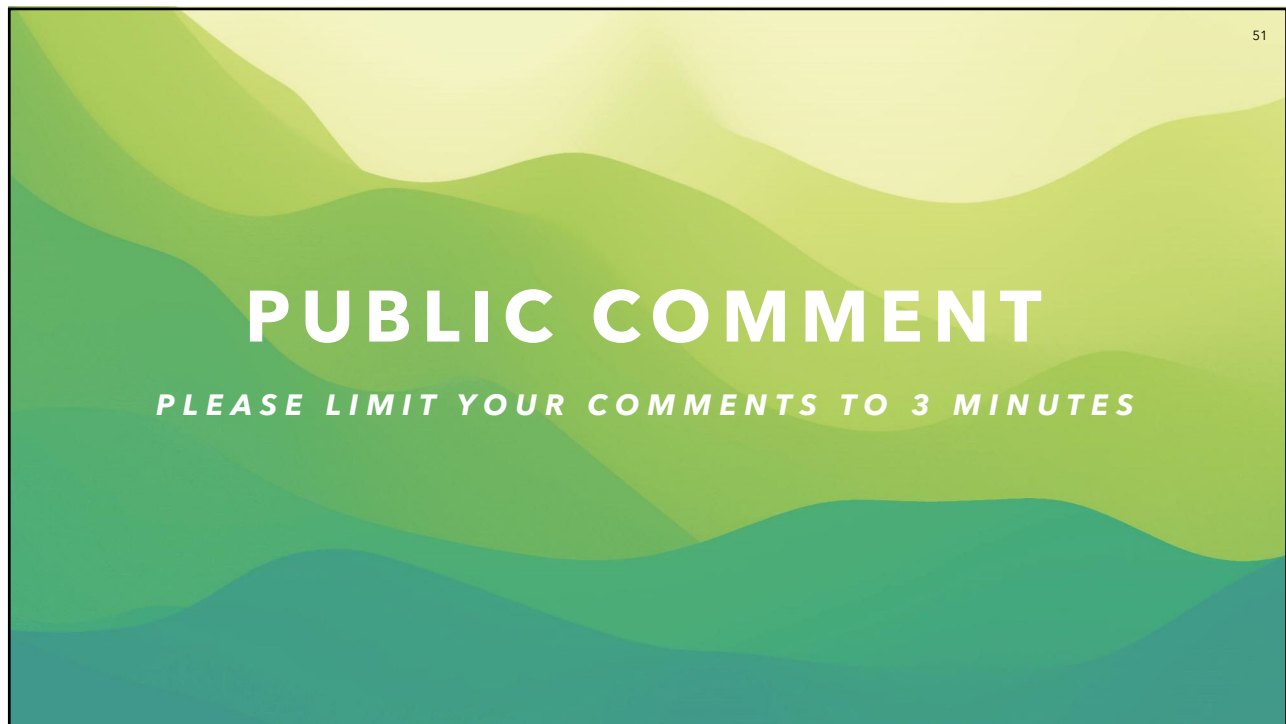
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NEXT MEETINGS

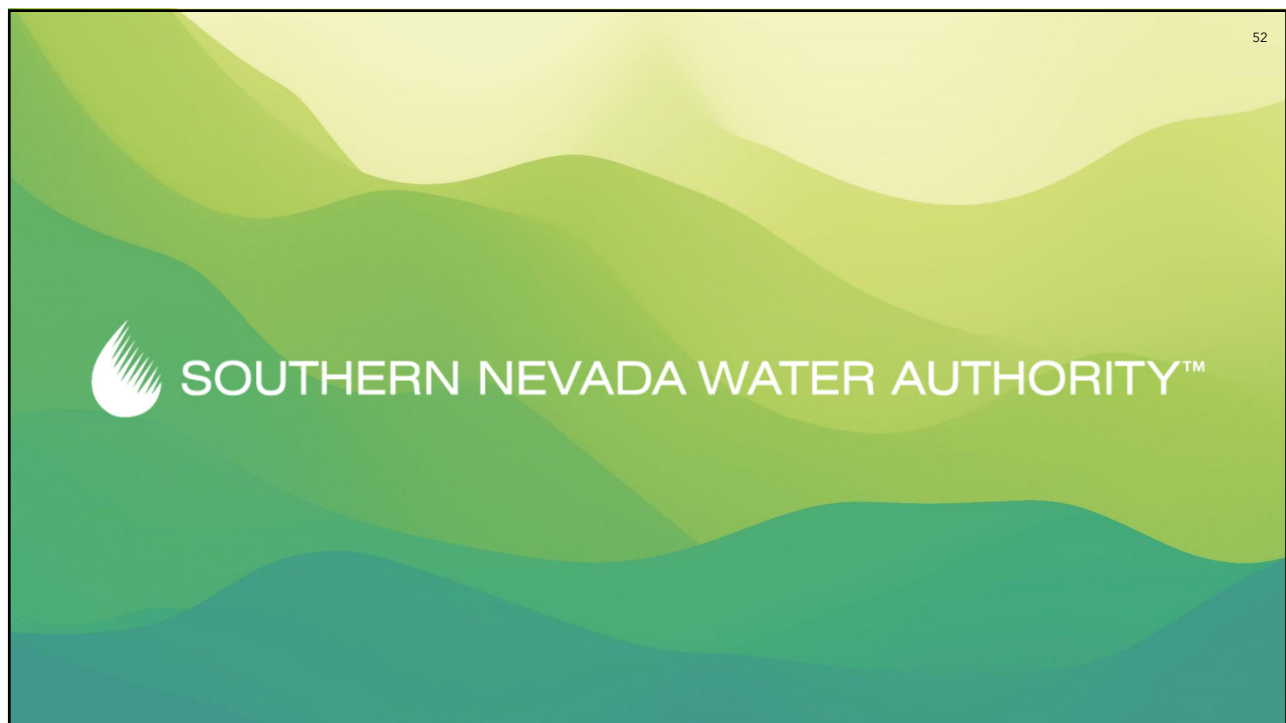
- Wednesday, October 27
- Wednesday, November 17
- Wednesday, December 8 – *if needed*
- *January 20, 2022: SNWA Board considers committee recommendations*

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50



51



52