

**MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR**

**PLANNING AND COMMUNITY DEVELOPMENT**

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Date: December 31, 2025

To: Staff and Users of the El Paso County Land Development Code

From: Meggan Herington, AICP, Executive Director

Re: Implementation of the Land Development Code related to House Bill 25-1113, *Concerning Limiting the use of certain Landscaping Practices in New Residential Development*

**House Bill (HB) 25-1113.** This bill amends legislation first adopted last year regarding restrictions on planting turf or installing artificial turf. This memo is intended to provide guidance with respect to recently passed legislation relating to the regulation of certain turf and invasive species installation. The bill contains two parts; the following addresses the requirements for 2026 implementation. Regulations required to be adopted by 2028, which further modify residential landscaping, will be addressed with the forthcoming LDC adoption.

Following the issuance of this memo on December 31st, 2025, staff are to be aware of the following:

- Appendix D of the Land Development Code is a Landscaping and Planting Manual.
- Section 1.9.1 of the El Paso County Land Development Code requires that in all uses and development shall comply with all other applicable city, county, state, and federal regulations.
- Section 2.2.4 also gives the Planning Director broad authority to complete actions as necessary to carry out the intent of the code.
- Section 6.2.2 establishes the Landscaping Requirements, which are further modified by HB25-1113.
- HB 25-1113 requires local governments to regulate turf installation and prohibits the installation of nonfunctional turf and certain plant species to conserve water. See CRS 37-99-103.

***Summary of new state restrictions on Landscaping:***

*As of Jan. 1, 2026, the County can't install, or allow anyone else to install:*

- *nonfunctional turf,*

- *non-functional artificial turf, or*
- *invasive plant species*

*as part of new development or redevelopment of:*

- *commercial, institutional, or industrial property,*
- *common interest community property,*
- *a road ROW, median, parking lot, or*
- *multifamily residential property with more than 12 dwelling units.*

\*Note that “turf” and other terms have specific definitions in the statute, C.R.S. 37-99-101, *et seq.* “Turf” does not include grass seed or sod that is a native plant or has been hybridized for arid conditions. Some of the more relevant definitions are included at the end of this memo.

- **Functional** turf that is used for recreational purposes, like sports fields, is not prohibited.
- **Nonfunctional turf** (such as decorative grass in medians or in unused areas of buildings) is regulated by statute and will not be allowed in certain areas.

**Impact:** Per the new legislation, as of January 1, 2026, the El Paso County Planning and Community Development Department can no longer allow nonfunctional turf, nonfunctional artificial turf, and invasive plant species from being installed on commercial, industrial, and common interest community properties, in multifamily dwelling units with more than 12 dwellings, and in areas including road ROW, medians or parking lots.

- Planning will no longer apply certain portions of the Landscaping and Planting Manual that are not consistent with this statute. (e.g., “native grasses or xeric turfgrasses are encouraged in rural areas, rather than bluegrass sod.”) The use of native grasses is still encouraged per the Landscaping Manual. Functional turf (in sports fields or recreational areas) or the installation of grass seed or sod that is a **native** plant or hybridized for arid conditions will continue to be allowed.

For future reference, HB 25-1113 also requires the regulation of turf installation on all other residential properties **by January 1, 2028**. This memo does not address turf on all residential properties. The Planning and Community Development Department anticipates addressing all residential turf regulations at a later date, on or before the January 1, 2028, deadline, or when the new Land Development Code is published.

**C.R.S. 37-99-102. Definitions.**

(1.5) "*Applicable residential real property*" means a multifamily residential housing premises property that includes more than twelve dwelling units.

(6.5) "*Functional Artificial Turf*" means artificial turf that is:

- (a) 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; or
- (b) A component of a product designed and approved by a professional engineer for civil infrastructure projects, including but not limited to:
  - (I) Covers for solid waste facilities and brownfield sites; and
  - (II) Revetments for slopes, channels, levees, and dams.

(7) "*Functional Turf*" means 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 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.

(10.5) "*Multifamily residential housing premises property*" means common interest property such as entryways, parks, and other common elements as defined in section 38-33.3-103(5).

(12.5) "*Nonfunctional artificial turf*" means artificial turf that is not functional artificial turf.

(14.5) "*Residential real property*" has the meaning set forth in section 39-1-102.

(17) "*Turf*" means 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.

(18.5) "*Urban tree*" means a perennial woody plant with a single or multiple trunks that support a canopy of branches and leaves and that provides ecological, social, and economic benefits within a built environment.