

Water Usage Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Doug Owens
Senate Sponsor:

LONG TITLE

General Description:

This bill addresses the use of overhead spray irrigation under specified circumstances.

Highlighted Provisions:

This bill:

- defines terms;
- directs a municipality or county to require compliance with a prohibition on use of overhead spray irrigation as part of land use approvals;
- requires a municipality or county to give notice of the prohibition on use of overhead spray irrigation;
- encourages a municipality or county to review certain plans, act on the plans, inspect for compliance, and address noncompliance; and
- prohibits for new development and redevelopment the use of overhead spray irrigation except under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-8-85.11, Utah Code Annotated 1953

17-50-342, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-8-85.11** is enacted to read:

10-8-85.11 . Regulation of use of overhead spray irrigation.

(1) As used in this section:

(a) "Active use" means regular use for playing, exercise, recreation, or regular outdoor

- 31 activities, such as:
- 32 (i) a sports field;
- 33 (ii) a social gathering area;
- 34 (iii) an amphitheater;
- 35 (iv) a park;
- 36 (v) the playing area, including roughs, driving ranges, and chipping and putting
- 37 greens of a golf course; or
- 38 (vi) a cemetery.
- 39 (b) "Agricultural land" means "land in agricultural use" as defined in Section 59-2-502.
- 40 (c) "Common interest community" means the same as that term is defined in Section
- 41 57-25-102.
- 42 (d) "Great Salt Lake drainage" means the area within:
- 43 (i) the surveyed meander line of the Great Salt Lake;
- 44 (ii) the drainage areas of the Bear River or the Bear River's tributaries;
- 45 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
- 46 (iv) the drainage areas of the Weber River or the Weber River's tributaries;
- 47 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
- 48 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
- 49 (vii) other water drainages lying between the Bear River and the Jordan River that are
- 50 tributary to the Great Salt Lake and not included in the drainage areas described in
- 51 Subsections (1)(d)(ii) through (vi); and
- 52 (viii) the drainage area of Tooele Valley.
- 53 (e) "Landscaped area" means those portions of specified land that are not, or will not be,
- 54 occupied by:
- 55 (i) a permanent structure; or
- 56 (ii) an impervious surface associated with vehicular or pedestrian access or use, such
- 57 as a driveway, sidewalk, or parking lot.
- 58 (f) "Land use application" means the same as that term is defined in Section 10-9a-103.
- 59 (g) "Land use permit" means the same as that term is defined in Section 10-9a-103.
- 60 (h) "New development" means a project for the conversion in use of previously
- 61 undeveloped land into a developed state.
- 62 (i) "Outdoor activity area" means a landscape area that is:
- 63 (i) dedicated to active use; and
- 64 (ii) installed or maintained on an area with a slope of not more than 25%.

- 65 (j) "Overhead spray irrigation" means above ground irrigation heads that spray water
 66 through a nozzle.
- 67 (k) "Park strip" means the area between the back of a curb, or if there is no curb, the
 68 edge of pavement and the sidewalk.
- 69 (l) "Redevelopment" means a project for renovation, alteration, improvement, or repair
 70 of developed land that affects more than 25% of the landscaped area existing before
 71 the redevelopment.
- 72 (m)(i) "Specified land" means real property within the Great Salt Lake drainage on
 73 which the owner proposes new development or redevelopment, including real
 74 property:
- 75 (A) in a common interest community; or
 76 (B) in a commercial, industrial, institutional, mixed use, or multifamily project.
- 77 (ii) "Specified land" does not mean:
- 78 (A) agricultural land;
 79 (B) a landscaped area within a common interest community that is not a common
 80 area;
 81 (C) new development or redevelopment of a single-family detached residential
 82 dwelling;
 83 (D) local entity property as defined in Section 11-39-108;
 84 (E) school property as defined in Section 53G-7-225;
 85 (F) state government grounds as defined in Section 63A-5b-1108; or
 86 (G) landscaping in a highway construction project governed by Section 72-7-112.
- 87 (n) "Undisturbed area" means that portion of the landscaped area:
- 88 (i) with existing overhead spray irrigation installed at least two years before the new
 89 development or redevelopment of the specified land; and
 90 (ii) that is undisturbed by the new development or redevelopment.
- 91 (2)(a) A municipality shall:
- 92 (i) require an owner of specified land to comply with Subsection (3) as a condition of:
- 93 (A) approval of a land use application; or
 94 (B) issuance of a land use permit; and
- 95 (ii) include a notice on or with a land use approval or land use permit for specified
 96 land stating, "Section 10-8-85.11 of the Utah Code prohibits the use of overhead
 97 spray irrigation for your project except in outdoor activity areas or undisturbed
 98 areas."

- 99 (b) A municipality is encouraged to:
- 100 (i) review and either approve or disapprove plans for outdoor activity areas proposed
- 101 for specified land for which the municipality approves a land use application or
- 102 issues a land use permit;
- 103 (ii) inspect specified land for compliance with this section upon completion of new
- 104 development or redevelopment; and
- 105 (iii) address noncompliance with this section.

106 (3)(a) An owner of specified land who undertakes new development or redevelopment

107 of specified land on or after January 1, 2026, may not:

- 108 (i) install, maintain, or use overhead spray irrigation in a landscaped area of the
- 109 specified land unless the landscaped area is an outdoor activity area or an
- 110 undisturbed area;
- 111 (ii) install, maintain, or use overhead spray irrigation to irrigate the following within
- 112 an outdoor activity area or undisturbed area described in Subsection (3)(a)(i):
- 113 (A) a park strip;
- 114 (B) an area with a width of less than eight feet; or
- 115 (C) an area that is a planting bed; or
- 116 (iii) include within an outdoor activity area under Subsection (3)(a)(i) an area that is
- 117 sized larger than reasonably required for the anticipated use the outdoor activity
- 118 area is intended to accommodate.

119 (b) This Subsection (3) does not prohibit an owner from using a reasonable amount of

120 water to spray a landscaped area for a non-irrigation purpose, such as dust control for

121 a specific event ~~in the landscaped area~~ .

121a ~~in the landscaped area~~ **→ (4) This section does not apply to a business activity regulated under Title 40,**

121b **Mines and Mining.** ~~in the landscaped area~~

122 Section 2. Section **17-50-342** is enacted to read:

123 **17-50-342 . Regulation of use of overhead spray irrigation.**

124 (1) As used in this section:

- 125 (a) "Active use" means regular use for playing, exercise, recreation, or regular outdoor
- 126 activities, such as:
- 127 (i) a sports field;
- 128 (ii) a social gathering area;
- 129 (iii) an amphitheater;
- 130 (iv) a park;

- 131 (v) the playing area, including roughs, driving ranges, and chipping and putting
132 greens of a golf course; or
133 (vi) a cemetery.
- 134 (b) "Agricultural land" means "land in agricultural use" as defined in Section 59-2-502.
135 (c) "Common interest community" means the same as that term is defined in Section
136 57-25-102.
- 137 (d) "Great Salt Lake drainage" means the area within:
138 (i) the surveyed meander line of the Great Salt Lake;
139 (ii) the drainage areas of the Bear River or the Bear River's tributaries;
140 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
141 (iv) the drainage areas of the Weber River or the Weber River's tributaries;
142 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
143 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
144 (vii) other water drainages lying between the Bear River and the Jordan River that are
145 tributary to the Great Salt Lake and not included in the drainage areas described in
146 Subsections (1)(d)(ii) through (vi); and
147 (viii) the drainage area of Tooele Valley.
- 148 (e) "Landscaped area" means those portions of specified land that are not, or will not be,
149 occupied by:
150 (i) a permanent structure; or
151 (ii) an impervious surface associated with vehicular or pedestrian access or use, such
152 as a driveway, sidewalk, or parking lot.
- 153 (f) "Land use application" means the same as that term is defined in Section 17-27a-103.
154 (g) "Land use permit" means the same as that term is defined in Section 17-27a-103.
155 (h) "New development" means a project for the conversion in use of previously
156 undeveloped land into a developed state.
- 157 (i) "Outdoor activity area" means a landscape area that is:
158 (i) dedicated to active use; and
159 (ii) installed or maintained on an area with a slope of not more than 25%.
- 160 (j) "Overhead spray irrigation" means above ground irrigation heads that spray water
161 through a nozzle.
- 162 (k) "Park strip" means the area between the back of a curb, or if there is no curb, the
163 edge of pavement and the sidewalk.
- 164 (l) "Redevelopment" means a project for renovation, alteration, improvement, or repair

165 of developed land that affects more than 25% of the landscaped area existing before
166 the redevelopment.

167 (m)(i) "Specified land" means real property within the Great Salt Lake drainage on
168 which the owner proposes new development or redevelopment, including real
169 property:

170 (A) in a common interest community; or

171 (B) in a commercial, industrial, institutional, mixed use, or multifamily project.

172 (ii) "Specified land" does not mean:

173 (A) agricultural land;

174 (B) a landscaped area within a common interest community that is not a common
175 area;

176 (C) new development or redevelopment of a single-family detached residential
177 dwelling;

178 (D) local entity property as defined in Section 11-39-108;

179 (E) school property as defined in Section 53G-7-225;

180 (F) state government grounds as defined in Section 63A-5b-1108; or

181 (G) landscaping in a highway construction project governed by Section 72-7-112.

182 (n) "Undisturbed area" means that portion of the landscaped area:

183 (i) with existing overhead spray irrigation installed at least two years before the new
184 development or redevelopment of the specified land; and

185 (ii) that is undisturbed by the new development or redevelopment.

186 (2)(a) A county shall:

187 (i) require an owner of specified land to comply with Subsection (3) as a condition of:

188 (A) approval of a land use application; or

189 (B) issuance of a land use permit; and

190 (ii) include a notice on or with a land use approval or land use permit for specified
191 land stating, "Section 17-50-342 of the Utah Code prohibits the use of overhead
192 spray irrigation for your project except in outdoor activity areas or undisturbed
193 areas."

194 (b) A county is encouraged to:

195 (i) review and either approve or disapprove plans for outdoor activity areas proposed
196 for specified land for which the county approves a land use application or issues a
197 land use permit;

198 (ii) inspect specified land for compliance with this section upon completion of new

199 development or redevelopment; and

200 (iii) address noncompliance with this section.

201 (3)(a) An owner of specified land who undertakes new development or redevelopment

202 of specified land on or after January 1, 2026, may not:

203 (i) install, maintain, or use overhead spray irrigation in a landscaped area of the
 204 specified land unless the landscaped area is an outdoor activity area or undisturbed
 205 area;

206 (ii) install, maintain, or use overhead spray irrigation to irrigate the following within
 207 an outdoor activity area or undisturbed area described in Subsection (3)(a)(i):

208 (A) a park strip;

209 (B) an area with a width of less than eight feet; or

210 (C) an area that is a planting bed; or

211 (iii) include within an outdoor activity area under Subsection (3)(a)(i) an area that is
 212 sized larger than reasonably required for the anticipated use the outdoor activity
 213 area is intended to accommodate.

214 (b) This Subsection (3) does not prohibit an owner from using a reasonable amount of
 215 water to spray a landscaped area for a non-irrigation purpose, such as dust control for
 216 a specific event ~~in~~ → [in the landscaped area] ← ~~in~~ .

216a ~~in~~ → **(4) This section does not apply to a business activity regulated under Title 40,**

216b **Mines and Mining.** ← ~~in~~

217 Section 3. **Effective date.**

218 This bill takes effect on May 7, 2025.