

Water Wise Landscaping Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

LONG TITLE**General Description:**

This bill addresses water wise landscaping requirements for public facilities.

Highlighted Provisions:

This bill:

- defines terms;
- imposes landscaping requirements related to state government facilities; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-5b-1108, as enacted by Laws of Utah 2022, Chapter 50

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

Section 1. Section **63A-5b-1108** is amended to read:

63A-5b-1108 . Water wise landscaping and state government facilities.

(1) As used in this section:

- (a) "Active use" means regular use for a community purpose, playing, exercise, recreation, or regular outdoor activities, such as:
 - (i) a sports field;
 - (ii) a social gathering area;
 - (iii) an amphitheater;
 - (iv) a park;
 - (v) the playing area, including roughs, driving ranges, and chipping and putting greens, of a golf course; or

- (vi) a cemetery.
- (b) "Canopy" means the layer of leaves, branches, and stems of trees or other plants that when viewed from above as of the sooner of maturity or five years after planting can be measured as a percentage of a land area shaded by the trees or other plants.
- (c) "Division" means the Division of Water Resources.
- (d) "Functional turf" means turf that:
- (i) is dedicated to active use; ~~§~~→ [or] and ←~~§~~
- (ii)(A) is installed or maintained on an area with a slope of not more than 25%;
- (B) is at least eight feet wide at the turf's narrowest point;
- (C) stabilizes soil, prevents erosion from wind or water, sequesters carbon, mitigates heat island effects, provides vegetative buffer strips from watersheds, captures and filters urban pollutants, or promotes community planning and safety;
- (D) is a native plant, has been hybridized for arid conditions, or has been designated as low water use by the Utah State University Extension; and
- (E) is watered to the plant's needs and does not require overhead spray irrigation.
- ~~[(b)]~~ (e) "Grounds" means the[real property, whether fenced or unfenced, of the parcel of land on which is located a state government facility, including a public or private driveway, street, sidewalk or walkway, parking lot, or parking garage on the property] portions of real property on which is located a state government facility designated for landscaping, including natural landscaping, whether fenced or unfenced, excluding building footprints, impervious surfaces, and other areas that do not require landscaping or irrigation.
- (f) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
- (g) "Park strip" means the area between the back of a curb or, if there is no curb, the edge of pavement and the sidewalk.
- ~~[(e)]~~(i) ~~Except as provided in Subsection (1)(c)(ii), "lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.]~~
- ~~[(ii) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.]~~
- ~~[(d)]~~ (h) "Reconstructed" means that a building is subject to construction that affects the exterior of the building or the building's grounds.
- ~~[(e)]~~ (i)(i) "State agency" means a department, division, office, entity, agency, or other unit of state government.

- 65 (ii) "State agency" includes an institution of higher education.
- 66 ~~[(f)]~~ (j)(i) "State government facility" means a building, structure, or other
- 67 improvement that is constructed on property owned by the state, the state's
- 68 departments, commissions, institutions, or other state agency.
- 69 (ii) "State government facility" does not include:
- 70 (A) an unoccupied structure that is a component of the state highway system;
- 71 (B) a privately owned structure that is located on property owned by the state, the
- 72 state's department, commission, institution, or other state agency; or
- 73 (C) a structure that is located on land administered by the trust lands
- 74 administration under a lease, permit, or contract with the trust lands
- 75 administration.
- 76 (k) "Turf" means a natural living ground cover that:
- 77 (i) produces a dense cover of contiguous plant coverage and an interconnected
- 78 subsurface root network;
- 79 (ii) is installed or maintained on nonagricultural land; and
- 80 (iii) is closely mowed, managed grasses.
- 81 (l) "Water wise landscaping" means:
- 82 (i) installation of plant materials suited to the microclimate and soil conditions that
- 83 can:
- 84 (A) remain healthy with minimal irrigation once established; or
- 85 (B) be maintained without the use of overhead spray irrigation;
- 86 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
- 87 and water application;
- 88 (iii) use of other landscape design features that:
- 89 (A) minimize the need of the landscape for supplemental water from irrigation; or
- 90 (B) reduce the landscape area dedicated to turf that is not functional turf; and
- 91 (iv) inclusion of an adequate canopy.
- 92 (2)(a) Unless exempted under Subsection (2)(b), a state agency that owns or occupies a
- 93 state government facility that is built or reconstructed on or after May 4, 2022, may
- 94 not have ~~[more than]~~ turf:
- 95 (i) that exceeds the lesser of:
- 96 (A) 20% of the grounds of the state government facility~~[-be lawn or turf:]~~ ; or
- 97 (B) the percentage of grounds allowed by ordinance in the municipality or county
- 98 where the state government facility is located; or

- 99 (ii) in a park strip.
- 100 (b) The division may exempt a state government facility from the restrictions of
- 101 Subsection (2)(a) if the division determines that the purposes of a state agency that
- 102 occupies the state government facility requires additional [~~lawn or turf~~] turf.
- 103 (3)(a) A state agency shall reduce the state agency's outdoor water use as compared to
- 104 the state agency's outdoor water use for fiscal year 2020:
- 105 (i) in an amount equal to or greater than 5% by the end of fiscal year 2023; and
- 106 (ii) in an amount equal to or greater than 25% by the end of fiscal year 2026.
- 107 (b) A state agency shall submit the following information to the division:
- 108 (i) by no later than October 1, 2022:
- 109 (A) the state agency's water use for fiscal year 2020; and
- 110 (B) the state agency's water use for fiscal year 2022;
- 111 (ii) by no later than October 1, 2023, the state agency's water use for fiscal year 2023;
- 112 and
- 113 (iii) by no later than October 1, 2026, the state agency's water use for fiscal year 2026.
- 114 (c) The division shall:
- 115 (i) post the information provided to the division under this Subsection (3) on a public
- 116 website; and
- 117 (ii) by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
- 118 Rulemaking Act, establish a uniform measure for purposes of this section of a
- 119 state agency's water use.
- 120 (4) Except when allowed by the division, a state agency may not use overhead spray
- 121 irrigation to water landscapes at a state government facility between the hours of 10 a.m.
- 122 and 6 p.m.
- 123 (5) A state agency shall do the following at a state government facility:
- 124 (a) follow weekly lawn watering guides if issued by the division;
- 125 (b) manually shut off overhead spray irrigation systems during rain and wind events if
- 126 the landscape irrigation system does not have rain and wind shutoff functions;
- 127 (c) implement a leak-detection and repair program for outdoor use;
- 128 (d) coordinate with the division to implement water efficient methods, technologies, and
- 129 practices; [~~and~~]
- 130 (e) at least annually:
- 131 (i) evaluate opportunities to update irrigation technology with devices that:
- 132 (A) meet national recognized standards for efficiency;

(B) include rain and wind shutoff functions; and

(C) include soil moisture sensors;

(ii) evaluate opportunities to:

(A) subject to Subsection (2), limit ~~[lawn or turf]~~ turf on the grounds of [a] an existing state government facility and replace [lawn or turf] turf with [water-wise plants] water wise landscaping, including native species; and

(B) update facility-management technology to include metering for water-consuming processes related to irrigation and mechanical systems; and

(iii) audit and repair a landscape irrigation system so that the landscape irrigation system is operating at maximum acceptable efficiency[-] ; and

(f) at the time a state government facility is built or reconstructed, consider landscaping options that include functional turf.

(6)(a) Except as provided in Subsection (6)(b), in addition to complying with the other provisions of this section, a state agency that owns or occupies a state government facility that is built or reconstructed on or after May 7, 2025, shall use water wise landscaping for the grounds of the state government facility including ensuring that canopy together with functional turf covers at least 50% of the grounds of the state government facility.

(b) The amount of canopy or functional turf installed pursuant to Subsection (6)(a) may not exceed what is allowed by ordinance in the municipality or county where the state government facility is located.

Section 2. Effective Date.

This bill takes effect on May 7, 2025.