

HB0328S02 compared with HB0328S01

~~{Omitted text}~~ shows text that was in HB0328S01 but was omitted in HB0328S02
inserted text shows text that was not in HB0328S01 but was inserted into HB0328S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Water Usage Modifications
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Clinton D. Okerlund
Senate Sponsor: Michael K. McKell



2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the use of overhead spray irrigation to irrigate ~~{nonfunctional}~~ turf that is not
6 functional turf.

7 **Highlighted Provisions:**

8 This bill:

- 8 ▶ defines terms;
- 9 ▶ ~~{directs}~~ permits municipalities and counties to provide notice of a prohibition on the use of overhead irrigation under certain circumstances;
- 11 ▶ encourages municipalities and counties to take certain actions related to land use regulation; and
- 13 ▶ prohibits an owner of specified land who undertakes new development or redevelopment of specified land from using overhead irrigation under certain circumstances, with exceptions.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

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21 **Utah Code Sections Affected:**

22 ENACTS:

23 **10-20-625** , Utah Code Annotated 1953

24 **17-79-621** , Utah Code Annotated 1953

25

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

27 Section 1. Section **1** is enacted to read:

28 **10-20-625. Regulation of use of overhead spray irrigation.**

28 (1) As used in this section:

29 (a) "Active use" means regular use for a community purpose, playing, exercise, recreation, or regular
30 outdoor activities, such as:

31 (i) a sports field;

32 (ii) a social gathering area;

33 (iii) an amphitheater;

34 (iv) a park;

35 (v) the playing area, including a rough, driving range, or chipping or putting green of a golf course; or

36 (vi) a cemetery.

37 (b) "Agricultural land" means "land in agricultural use" as defined in Section 59-2-502.

38 (c) "Common interest community" means the same as that term is defined in Section 57-25-102.

40 (d) {"Frontage" means the portion of a lot or parcel that abuts a highway or other public right-of-
41 way, extending inward from the edge of the right-of-way or sidewalk along the right-of-way, where
42 present, to the nearest parking area, structure, or fence on the lot or parcel.} }

42 (d) "Functional turf" means turf that:

43 (i) is dedicated to active use; or

44 (ii)

45 (A) is installed or maintained on an area with a slope of not more than 25%;

46 (B) is at least eight feet wide at the turf's narrowest point;

47 (C) is a native plant, has been hybridized for arid conditions, or has been designated as low water use by
48 the Utah State University Extension; and

49 (D) is watered to the plant's needs and does not require overhead spray irrigation unless the overhead
50 spray irrigation system has activated weather or soil based monitoring technology.

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- 45 (e) "Great Salt Lake drainage" means the area within:
- 46 (i) the surveyed meander line of the Great Salt Lake;
- 47 (ii) the drainage areas of the Bear River or the Bear River's tributaries;
- 48 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
- 49 (iv) the drainage areas of the Weber River or the Weber River's tributaries;
- 50 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
- 51 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
- 52 (vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the
Great Salt Lake and not included in the drainage areas described in Subsections (1)(e)(ii) through
(vi); and
- 55 (viii) the drainage area of Tooele Valley.
- 56 ~~{(f) {"Highway" means the entire width between boundary lines of every way or place of whatever~~
~~nature, when any part of the way or place is open to the use of the public for vehicular travel.}}~~
- 59 (g) ~~{(f)}~~ "Landscaped area" means those portions of specified land that are not, or will not be, occupied
by:
- 61 (i) a permanent structure; or
- 62 (ii) an impervious surface associated with vehicular or pedestrian access or use, such as a driveway,
sidewalk, or parking lot.
- 64 (h) ~~{(g)}~~ "Land use application" means the same as that term is defined in Section 10-20-102.
- 65 (i) ~~{(h)}~~ "Land use permit" means the same as that term is defined in Section 10-20-102.
- 66 (j) ~~{(i)}~~ "New development" means a project for the conversion in use of previously undeveloped land
into a developed state.
- 68 ~~{(k) {"Nonfunctional turf" means turf that:}}~~
- 69 ~~{(t) {is primarily used for aesthetic purposes;}}~~
- 70 ~~{(ii) {is not primarily for active use; and}}~~
- 71 ~~{(iii) {includes one or more of the following that is:}}~~
- 72 ~~{(A) {installed within a highway median;}}~~
- 73 ~~{(B) {restricted by a physical barrier that prohibits accessibility;}}~~
- 74 ~~{(C) {not used as an outdoor activity area;}}~~
- 75 ~~{(D) {an area with a slope greater than 25%;}}~~
- 76 ~~{(E) {installed in a park strip;}}~~

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- 77 {~~(F)~~ {~~installed in a parking lot island;~~} }
- 78 {~~(G)~~ {~~installed in the frontage of a commercial, industrial, or institutional property; or~~} }
- 80 {~~(H)~~ {~~installed in an area with a width of less than eight feet at the area's widest.~~} }
- 81 {~~(I)~~ {"Outdoor activity area" means a landscape area that is: } }
- 82 {~~(i)~~ {~~dedicated to active use; and~~} }
- 83 {~~(ii)~~ {~~installed or maintained on an area with a slope of not more than 25%.~~} }
- 84 (m){~~(j)~~ "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
- 86 {~~(n)~~ {"Park strip" means the area between the back of a curb, or if there is no curb, the edge of pavement and the sidewalk. } }
- 88 {~~(o)~~ {"Parking lot island" means a designated area within the interior of a parking lot that is separated from paved aisles and parking spaces, typically by curbing or grade change, and planted or landscaped to provide aesthetic benefits. } }
- 91 (p){~~(k)~~ "Redevelopment" means a project for renovation, alteration, improvement, or repair of developed land that affects more than 25% of the landscaped area existing before the redevelopment.
- 94 (q){~~(l)~~
- (i) Subject to Subsection {~~(1)(q)(ii)~~ } ~~(1)(l)(ii)~~, "specified land" means real property within the Great Salt Lake drainage on which the owner proposes new development or redevelopment, including real property:
- 97 (A) in a common interest community; or
- 98 (B) in a commercial, industrial, institutional, mixed use, or multifamily project.
- 99 (ii) "Specified land" does not mean:
- 100 (A) agricultural land;
- 101 (B) a landscaped area within a common interest community that is not a common area;
- 103 (C) new development or redevelopment of a single-family detached residential dwelling;
- 105 (D) local entity property as defined in Section 11-39-108;
- 106 (E) school property as defined in Section 53G-7-225;
- 107 (F) state government grounds as defined in Section 63A-5b-1108; or
- 108 (G) landscaping in a highway construction project governed by Section 72-7-112.
- 109 (r){~~(m)~~ "Turf" means a {~~diverse set of~~ } natural living {~~perennial grass species~~ } ground cover that:

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- 110 {~~(i) {forms a maintained ground cover for active use or aesthetic purposes; and}~~}
- 92 (i) produces a dense cover of contiguous plant coverage and an interconnected subsurface root network;
- 111 (ii) is installed or maintained on nonagricultural land{~~;~~} ; and
- 95 (iii) is closely mowed, managed grasses.
- 96 (n) "Weather or soil based monitoring technology" means one of the following technologies that allow watering schedules to better match a plant's water needs:
- 98 (i) a weather-based irrigation controller that uses local weather and landscape conditions to tailor watering schedules; or
- 100 (ii) a soil moisture-based irrigation controller or soil moisture sensor that monitors moisture levels in the soil to prevent irrigation when water is not needed.
- 112 (2)
- (a) A municipality {~~shall~~} may include a notice on or with a land use approval or land use permit for specified land stating, "Section 10-20-625 of the Utah Code may prohibit the use of overhead spray irrigation for your project to irrigate {~~nonfunctional~~} turf that is not functional turfunless the overhead spray irrigation system has activated weather or soil based monitoring technology."
- 115 (b) A municipality is encouraged to:
- 116 (i) review and either approve or disapprove a plan for new development or redevelopment of specified land with {~~nonfunctional~~} turf that is not functional turf for which the municipality approves a land use application or issues a land use permit;
- 119 (ii) inspect specified land for compliance with this section upon completion of new development or redevelopment; and
- 121 (iii) address noncompliance with this section.
- 122 (3)
- (a) An owner of specified land who undertakes new development or redevelopment of the specified land on or after January 1, {~~2027~~} 2028, may not install, maintain, or use overhead spray irrigation unless the overhead spray irrigation system has activated weather or soil based monitoring technology to irrigate {~~nonfunctional~~} turf that is not functional turf in a landscaped area of the specified land.
- 126 (b) This Subsection (3) does not prohibit an owner from using a reasonable amount of water to spray a landscaped area for a non-irrigation purpose, such as dust control for a specific event.
- 129 (4) This section does not apply to a business activity regulated under Title 40, Mines and Mining.

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124 Section 2. Section 2 is enacted to read:

125 **17-79-621. Regulation of use of overhead spray irrigation.**

133 (1) As used in this section:

134 (a) "Active use" means regular use for a community purpose, playing, exercise, recreation, or regular
outdoor activities, such as:

136 (i) a sports field;

137 (ii) a social gathering area;

138 (iii) an amphitheater;

139 (iv) a park;

140 (v) the playing area, including a rough, driving range, or chipping or putting green of a golf course; or

142 (vi) a cemetery.

143 (b) "Agricultural land" means "land in agricultural use" as defined in Section 59-2-502.

144 (c) "Common interest community" means the same as that term is defined in Section 57-25-102.

146 ~~{(d) {"Frontage" means the portion of a lot or parcel that abuts a highway or other public right-of-
way, extending inward from the edge of the right-of-way or sidewalk along the right-of-way, where
present, to the nearest parking area, structure, or fence on the lot or parcel.}}~~

139 (d) "Functional turf" means turf that:

140 (i) is dedicated to active use; or

141 (ii)

(A) is installed or maintained on an area with a slope of not more than 25%;

142 (B) is at least eight feet wide at the turf's narrowest point;

143 (C) 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

145 (D) is watered to the plant's needs and does not require overhead spray irrigation unless the overhead
spray irrigation system has activated weather or soil based monitoring technology.

150 (e) "Great Salt Lake drainage" means the area within:

151 (i) the surveyed meander line of the Great Salt Lake;

152 (ii) the drainage areas of the Bear River or the Bear River's tributaries;

153 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;

154 (iv) the drainage areas of the Weber River or the Weber River's tributaries;

155 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;

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- 156 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
157 (vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the
Great Salt Lake and not included in the drainage areas described in Subsections (1)(e)(ii) through
(vi); and
160 (viii) the drainage area of Tooele Valley.
- 161 ~~{(f) {"Highway" means the entire width between boundary lines of every way or place of whatever~~
~~nature, when any part of the way or place is open to the use of the public for vehicular travel.}}~~
- 164 (g){(f)} "Landscaped area" means those portions of specified land that are not, or will not be, occupied
by:
- 166 (i) a permanent structure; or
167 (ii) an impervious surface associated with vehicular or pedestrian access or use, such as a driveway,
sidewalk, or parking lot.
- 169 (h){(g)} "Land use application" means the same as that term is defined in Section 17-79-102.
170 (i){(h)} "Land use permit" means the same as that term is defined in Section 17-79-102.
171 (j){(i)} "New development" means a project for the conversion in use of previously undeveloped land
into a developed state.
- 173 ~~{(k) {"Nonfunctional turf" means turf that:}}~~
174 ~~{(i) {is primarily used for aesthetic purposes;}}~~
175 ~~{(ii) {is not primarily for active use; and}}~~
176 ~~{(iii) {includes one or more of the following that is:}}~~
177 ~~{(A) {installed within a highway median;}}~~
178 ~~{(B) {restricted by a physical barrier that prohibits accessibility;}}~~
179 ~~{(C) {not used as an outdoor activity area;}}~~
180 ~~{(D) {an area with a slope greater than 25%;}}~~
181 ~~{(E) {installed in a park strip;}}~~
182 ~~{(F) {installed in a parking lot island;}}~~
183 ~~{(G) {installed in the frontage of a commercial, industrial, or institutional property; or}}~~
185 ~~{(H) {installed in an area with a width of less than eight feet at the area's widest.}}~~
186 ~~{(I) {"Outdoor activity area" means a landscape area that is:}}~~
187 ~~{(i) {dedicated to active use; and}}~~
188 ~~{(ii) {installed or maintained on an area with a slope of not more than 25%.}}~~

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- 189 (m){(j)} "Overhead spray irrigation" means above ground irrigation heads that spray water through a
nozzle.
- 191 ~~{(n) {"Park strip" means the area between the back of a curb, or if there is no curb, the edge of~~
~~pavement and the sidewalk.}}~~
- 193 ~~{(o) {"Parking lot island" means a designated area within the interior of a parking lot that is separated~~
~~from paved aisles and parking spaces, typically by curbing or grade change, and planted or~~
~~landscaped to provide aesthetic benefits.}}~~
- 196 (p){(k)} "Redevelopment" means a project for renovation, alteration, improvement, or repair
of developed land that affects more than 25% of the landscaped area existing before the
redevelopment.
- 199 (q){(l)}
- (i) Subject to Subsection ~~{(1)(q)(ii)}~~ (1)(l)(ii), "specified land" means real property within the Great
Salt Lake drainage on which the owner proposes new development or redevelopment, including real
property:
- 202 (A) in a common interest community; or
- 203 (B) in a commercial, industrial, institutional, mixed use, or multifamily project.
- 204 (ii) "Specified land" does not mean:
- 205 (A) agricultural land;
- 206 (B) a landscaped area within a common interest community that is not a common area;
- 208 (C) new development or redevelopment of a single-family detached residential dwelling;
- 210 (D) local entity property as defined in Section 11-39-108;
- 211 (E) school property as defined in Section 53G-7-225;
- 212 (F) state government grounds as defined in Section 63A-5b-1108; or
- 213 (G) landscaping in a highway construction project governed by Section 72-7-112.
- 214 (r){(m)} "Turf" means a ~~{diverse set of}~~ natural living ~~{perennial grass species}~~ ground cover that:
- 215 ~~{(i) {forms a maintained ground cover for active use or aesthetic purposes; and}}~~
- 189 (i) produces a dense cover of contiguous plant coverage and an interconnected subsurface root network;
- 216 (ii) is installed or maintained on nonagricultural land{:} ; and
- 192 (iii) is closely mowed, managed grasses.
- 193 (n) "Weather or soil based monitoring technology" means one of the following technologies that allow
watering schedules to better match a plant's water needs:

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- 195 (i) a weather-based irrigation controller that uses local weather and landscape conditions to tailor
watering schedules; or
- 197 (ii) a soil moisture-based irrigation controller or soil moisture sensor that monitors moisture levels in
the soil to prevent irrigation when water is not needed.
- 217 (2)
- (a) A county ~~{shall}~~ may include a notice on or with a land use approval or land use permit for
specified land stating, "Section 17-79-621 of the Utah Code may prohibit the use of overhead
spray irrigation for your project to irrigate ~~{nonfunctional}~~ turf that is not functional turf unless the
overhead spray irrigation system has activated weather or soil based monitoring technology."
- 220 (b) A county is encouraged to:
- 221 (i) review and either approve or disapprove a plan for new development or redevelopment of specified
land with ~~{nonfunctional}~~ turf that is not functional turf for which the county approves a land use
application or issues a land use permit;
- 224 (ii) inspect specified land for compliance with this section upon completion of new development or
redevelopment; and
- 226 (iii) address noncompliance with this section.
- 227 (3)
- (a) An owner of specified land who undertakes new development or redevelopment of the specified
land on or after January 1, ~~{2027}~~ 2028, may not install, maintain, or use overhead spray irrigation
unless the overhead spray irrigation system has activated weather or soil based monitoring
technology to irrigate ~~{nonfunctional}~~ turf that is not functional turf in a landscaped area of the
specified land.
- 231 (b) This Subsection (3) does not prohibit an owner from using a reasonable amount of water to spray a
landscaped area for a non-irrigation purpose, such as dust control for a specific event.
- 234 (4) This section does not apply to a business activity regulated under Title 40, Mines and Mining.
- 221 Section 3. **Effective date.**
Effective Date.
This bill takes effect on May {6, 2026} 5, 2027.

3-6-26 9:39 AM