

**Senator Scott K. Jenkins** proposes the following substitute bill:

**WATER CONSERVATION AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: Mike K. McKell

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to landscaping and water conservation plans.

**Highlighted Provisions:**

This bill:

- ▶ addresses a municipality's or a county's authority to require certain types of landscaping in certain zoning districts;
- ▶ modifies the required contents of a water conservation plan; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-10-32**, as last amended by Laws of Utah 2007, Chapter 329

ENACTS:

**10-9a-526**, Utah Code Annotated 1953

**17-27a-525**, Utah Code Annotated 1953



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

Section 1. Section **10-9a-526** is enacted to read:

**10-9a-526. Landscape regulation.**

A legislative body may not require that more than 5% of a property be landscaped with vegetation if the property is within a zoning district that is primarily intended for commercial or industrial uses.

Section 2. Section **17-27a-525** is enacted to read:

**17-27a-525. Landscape regulation.**

A legislative body may not require that more than 5% of a property be landscaped with vegetation if the property is within a zoning district that is primarily intended for commercial or industrial uses.

Section 3. Section **73-10-32** is amended to read:

**73-10-32. Definitions -- Water conservation plan required.**

(1) As used in this section:

(a) "Board" means the Board of Water Resources created under Section [73-10-1.5](#).

(b) "Division" means the Division of Water Resources created under Section [73-10-18](#).

(c) "Retail" means the level of distribution of culinary water that supplies culinary water directly to the end user.

(d) "Retail water provider" means an entity which:

(i) supplies culinary water to end users; and

(ii) has more than 500 service connections.

(e) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a, Part 10, Water Conservancy District Act.

(f) "Water conservation plan" means a written document that contains existing and proposed water conservation measures describing what will be done by retail water providers, water conservancy districts, and the end user of culinary water to help conserve water and limit or reduce its use in the state in terms of per capita consumption so that adequate supplies of water are available for future needs.

(2) (a) Each water conservation plan shall contain:

(i) a clearly stated overall water use reduction goal and an implementation plan for

57 each of the water conservation measures it chooses to use, including a timeline for action and  
58 an evaluation process to measure progress;

59 (ii) a requirement that each water conservancy district and retail water provider devote  
60 part of at least one regular meeting every five years of its governing body to a discussion and  
61 formal adoption of the water conservation plan, and allow public comment on it;

62 (iii) a requirement that a notification procedure be implemented that includes the  
63 delivery of the water conservation plan to the media and to the governing body of each  
64 municipality and county served by the water conservancy district or retail water provider; ~~and~~

65 (iv) a copy of the minutes of the meeting and the notification procedure required in  
66 Subsections (2)(a)(ii) and (iii) which shall be added as an appendix to the plan~~[-]; and~~

67 ~~[(b) A water conservation plan may include]~~

68 (v) except as provided in Subsection (2)(c), information regarding:

69 ~~[(i)]~~ (A) the installation and use of water efficient fixtures and appliances, including  
70 toilets, shower fixtures, and faucets;

71 ~~[(ii)]~~ (B) residential and commercial landscapes and irrigation that require less water to  
72 maintain;

73 ~~[(iii)]~~ (C) more water efficient industrial and commercial processes involving the use  
74 of water;

75 ~~[(iv)]~~ (D) water reuse systems, both potable and not potable;

76 ~~[(v)]~~ (E) distribution system leak repair;

77 ~~[(vi)]~~ (F) dissemination of public information regarding more efficient use of water,  
78 including public education programs, customer water use audits, and water saving  
79 demonstrations;

80 ~~[(vii)]~~ (G) water rate structures designed to encourage more efficient use of water;

81 ~~[(viii)]~~ (H) existing or potential statutes, ordinances, codes, or regulations designed to  
82 encourage more efficient use of water by means such as water efficient fixtures and water  
83 efficient landscapes, including restrictions on grass landscaping;

84 ~~[(ix)]~~ (I) incentives to implement water efficient techniques, including rebates to water  
85 users to encourage the implementation of more water efficient measures; and

86 ~~[(x)]~~ (J) other measures designed to conserve water.

87 ~~[(e)]~~ (b) The Division of Water Resources may be contacted for information and

88 technical resources regarding measures listed in [~~Subsections (2)(b)(i) through (2)(b)(x)~~]  
89 Subsection (2)(a)(v).

90 (c) The requirements described in Subsections (2)(a)(v)(B) through (D) and (G)  
91 through (I) do not apply to a water conservancy district.

92 (3) (a) Before April 1, 1999, each water conservancy district and each retail water  
93 provider shall:

94 (i) (A) prepare and adopt a water conservation plan if one has not already been  
95 adopted; or

96 (B) if the district or provider has already adopted a water conservation plan, review the  
97 existing water conservation plan to determine if it should be amended and, if so, amend the  
98 water conservation plan; and

99 (ii) file a copy of the water conservation plan or amended water conservation plan with  
100 the division.

101 (b) Before adopting or amending a water conservation plan, each water conservancy  
102 district or retail water provider shall hold a public hearing with reasonable, advance public  
103 notice.

104 (4) (a) The board shall:

105 (i) provide guidelines and technical resources to retail water providers and water  
106 conservancy districts to prepare and implement water conservation plans;

107 (ii) investigate alternative measures designed to conserve water; and

108 (iii) report regarding its compliance with the act and impressions of the overall quality  
109 of the plans submitted to the Natural Resources, Agriculture, and Environment Interim  
110 Committee of the Legislature at its meeting in November 2004.

111 (b) The board shall publish an annual report in a paper of state-wide distribution  
112 specifying the retail water providers and water conservancy districts that do not have a current  
113 water conservation plan on file with the board at the end of the calendar year.

114 (5) A water conservancy district or retail water provider may only receive state funds  
115 for water development if they comply with the requirements of this act.

116 (6) Each water conservancy district and retail water provider specified under  
117 Subsection (3)(a) shall:

118 (a) update its water conservation plan no less frequently than every five years; and

119           (b) follow the procedures required under Subsection (3) when updating the water  
120 conservation plan.

121           (7) It is the intent of the Legislature that the water conservation plans, amendments to  
122 existing water conservation plans, and the studies and report by the board be handled within the  
123 existing budgets of the respective entities or agencies.