

ORDINANCE NO. 08-02-2019

AN ORDINANCE AMENDING SANTAQUIN CITY CODE 8-1-10 RELATED TO WATER DEDICATION REQUIREMENTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth class city of the state of Utah; and

WHEREAS, cities in the state of Utah are authorized by the Legislature to regulate the use and development of lands including providing infrastructure services such as water, sewer, irrigation, roads, and parks; and

WHEREAS, Santaquin City operates and maintains a public water system for the benefit of residents, businesses, and visitors in the community; and

WHEREAS, in 2005 Santaquin City entered into an agreement, via its participation in the South Utah Value Mutual Water Association (SUVMWA), for a portion of the Utah Lake Drainage Basin Water Delivery System (ULS) water.

WHEREAS, Santaquin City desires to prepare for the extension of Central Utah Project water lines to the city limits of Santaquin City.

WHEREAS, the City Council finds it is necessary to modify the city's water dedication requirements in order to receive money in lieu of water rights, for land not being irrigated, which will be used to assist the City in making payments to the Central Utah Project from which the City is contractually obligated to purchase water.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANTAQUIN, UTAH, AS FOLLOWS:

Section I.

Santaquin City Code, Title 8 Chapter 1 Section 10 Paragraph 3 is hereby amended as follows: *(Blue text is added, stricken text is to be deleted)*

8-1-10: WATER DEDICATION REQUIREMENTS:

It is the intent that development of land within or annexed to the city be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land. The water rights conveyance requirement shall be in addition to any requirement that may be imposed upon development of the land and shall apply to all property annexed regardless of whether the owner of the property signed the annexation petition.

A. Amount Of Water Required:

1. Except as otherwise provided in this section, all persons developing and/or subdividing land within Santaquin City limits, shall dedicate to the city water rights or shares sufficient for the city to meet the future water needs expected to result from the development of the property.
2. Except as otherwise provided in this section, all persons annexing land into Santaquin City shall dedicate to the city water rights or shares sufficient for the city to meet the future water needs expected to result from the development of the property to be annexed.
3. The water requirement shall be satisfied in accordance with the following table:

LOCATION	REQUIREMENT
Historically Non-Irrigated Lands	Payment of 100% Money In-Lieu of Water Rights.
Agricultural Land - Within the Core Area of Santaquin City and the Service Area Boundaries of the Summit Creek Irrigation Company	100% Dedication of City Approved Water Rights (i.e. Summit Creek Irrigation Shares or Water Rights that exist within Santaquin City Limits and/or the Santaquin City Annexation Policy Area)
Non Agricultural Lands - Within the Core Area of Santaquin City and the Service Boundaries of the Summit Creek Irrigation Company	Negotiated Combination of Water Right Dedication (i.e. Summit Creek Irrigation Shares or Water Rights that exist within Santaquin City Limits and/or the Santaquin City Annexation Policy Area) and Money In-Lieu of Water Rights.

If City approved water rights are required, the amount of water to be dedicated shall be a minimum of 3.00 acre-feet of diversion rights per acre in its undeveloped state. Additional water will be required if a development will utilize more than the 3.00 acre-feet per acre amount per year. Water requirements for mixed use or nonresidential developments will be considered on a case by case basis.

All money in-lieu of water right calculations, water usage calculations, and requirements shall be provided by the city engineer as part of preliminary plat or development review processes. The value of money in-lieu of water right payments shall be established on the Santaquin City Consolidated Fee Schedule, which may be changed from time to time based upon the market value of water.

Each phase in a development must dedicate a proportional amount of water relative to the total water required for the development.

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~~mixed use or nonresidential developments will be considered on a case by case basis. All water usage calculations and requirements shall be provided by the city engineer as part of preliminary plat or development review processes.~~

4. If a change of use on a property occurs (e.g., residential to commercial or commercial to more intense commercial), the amount of water required under subsection A3 of this section shall be reevaluated and the person(s) requesting the change in use shall provide any additional water necessary to accommodate the change as determined by the city engineer.

B. Condition And Acceptability Of Water:

1. The water must be approved by the Utah division of water rights: a) for diversion from one or more of the city's sources, or from another source acceptable to the city at its sole discretion; and b) for municipal use within the city's service area. The city shall have sole discretion as to the acceptability of the quantity and quality of the water as well as the suitability of the water right or water shares. The city will cooperate with the property owner in filing the required applications with the Utah division of water rights, but the property owner shall be solely responsible for prosecuting any such applications and the city reserves the right to protest any applications which may interfere with its existing rights.
2. The costs associated with the transfer of water to, and approval of use by the city, shall be borne by the developing party.

~~C. Acceptance Of Cash Equivalent Of Water Rights: The city may, at its discretion, accept the cash equivalent in value of the cost of water rights and/or shares required to be dedicated. The equivalent consideration will be based upon the most recent information of similar water sales available to the city. Any approvals to pay cash in lieu of dedicating water must be given as part of a preliminary plat approval process or prior to final approval of developments where platting is not required.~~

~~DC. Continued Use: All water which is represented by water rights or water shares acquired by the district pursuant to this section, which rights have heretofore been used to supply irrigation water on land so annexed, may continue to be used to supply irrigation water on land so annexed, subject to written agreement between the district and the landowner.~~

ED. Time Of Conveyance:

1. Prior To Final Approvals: All necessary water right application approvals must be obtained and the ownership transfer must be completed prior to the approval of any final plat, site plan, or the issuance of any building permit related to the subject property. In order to comply with the water dedication requirements by payment of the cash equivalent to water rights, the property owner must pay the entire cash equivalent, in the amount determined by the city, prior to the approval of any final plat or site plan for development, or the issuance of any building permit.

2. Agriculture Developments: For platted areas zoned and utilized for agriculture use and which remain on private irrigation systems, but where residential connections are made to the city culinary system, the amount of water to be dedicated shall be equivalent to state average residential indoor water usage until such time as the associated farming operations change use, are further developed/platted, or connection to the public irrigation system is made to the benefit of the residential use on the property, at which point the full amount of water required per platted acre of development shall be turned over to the city. (Ord. 4-02-2015, 4-15-2015, eff. 4-16-2015)

Section II. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Contrary Provisions Repealed

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.


Section IV. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, August 21, 2019. Prior to that time, the Deputy City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 20th day of August 2019.




Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya
Councilmember Lynn Mecham
Councilmember Keith Broadhead
Councilmember Nick Miller
Councilmember Chelsea Rowley

Voted Aye
Voted Aye
Voted Aye
Voted Aye
Voted Nay

ATTEST:



Kira B. Petersen, Deputy City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, KIRA B. PETERSEN, Deputy City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 20th day of August, 2019.

The three places are as follows:

1. Zions Bank
2. Post Office
3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

KIRA B. PETERSEN
Santaquin Deputy City Recorder

The foregoing instrument was acknowledged before me this ___ day of _____, 20__, by KIRA B. PETERSEN.

My Commission Expires:

Notary Public

Residing at: Utah County