

**TABLED 01-18-2017**

**Ordinance 1-05-2017**

**AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SANTAQUIN CITY CODE PERTAINING TO WATER DEDICATION REQUIREMENTS, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Santaquin is a fifth 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**, the City Council finds it is necessary to modify the city's water dedication requirements in order to have sufficient water supply and delivery systems for future growth and developments in the city.

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

**Section I.**

Santaquin City Code, Section 8-1-10 Water Dedication Requirements, Paragraph A is hereby amended as follows: *(underlined text is added, stricken text is to be deleted)*

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 standard amount of water to be dedicated shall be a minimum of 3.00 acre-feet of diversion rights per acre in its undeveloped state. Modifications to this amount may be considered on a case-by-case basis under the following criteria and will require approval by the City Council through a water dedication agreement.

- a. Additional water will be required if a development will utilize more than the 3.00 acre-feet per acre amount per year.
  - b. Water requirements for Mixed-use or non-residential developments, due to their amount of impervious area, may be eligible for a reduction in the water dedication requirement. ~~will be considered on a case-by-case basis.~~
  - c. Developments which include hillside or sensitive land areas that are unbuildable, as defined by City ordinances, or will not be developed, may seek for a reduction in the amount of water required, which may be reviewed on a case-by-case basis by the City Engineer and sensitive slopes which are included in otherwise buildable lots are not eligible for a water dedication reduction.
  - d. Any request for reduction must be accompanied by complete supporting documentation from a licensed professional engineer in the State of Utah, which illustrates water usage calculations and estimated requirements.
  - e. All water usage calculations and dedication requirements shall be provided determined by the City Engineer for incorporation into water dedication agreements and 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), for which a reduction in the dedication requirement was granted under paragraph 3 above, the amount of water required under paragraph 3 shall be re-evaluated and the person(s) requesting the change in use shall provide any additional water necessary to accommodate the change in use as determined by the City Engineer.

## **Section II.**

Santaquin City Code, Section 8-1-10 Water Dedication Requirements, Paragraph C is hereby amended as follows: *(underlined text is added, stricken text is to be deleted)*

### C. Acceptance Of Cash Equivalent Of Water Rights:

- a. 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. Approvals under this part shall be formalized in a water dedication agreement to be approved by the City Council.
- b. The equivalent consideration will be based upon the most recent information of similar water sales available to the city and shall be determined by the City Engineer prior to recordation of a Final Plat or commencement of development construction.
- c. The maximum equivalent amount of money that may be paid in lieu of water dedication is 20% of the total water required.

- d. Each phase in a development must dedicate a proportional amount of water relative to the total water required for the development.
- e. 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.
- f. Expiration of Approvals
  - 1. Approvals to accept money in lieu of water dedication shall expire 2 years from the date of execution of a water dedication agreement. If a Preliminary Plat or building permit for development on a site is not approved in that 2 year period, the City shall have no obligation whatsoever to accept money in lieu of water for that proposed development area. However, the City Council may, in its sole discretion, reevaluate the City's ability for accepting money in lieu of water and its ability to serve the project area without complete water right dedication.
  - 2. If a Preliminary Plat or building permit approval is obtained within the two year period specified above, approval for money in lieu of water payments will be extended so long as the preliminary plat remains valid under city ordinance.
  - 3. Upon the lapse or expiration of a preliminary plat or other development approval, any authorization for money in lieu of water shall similarly expire. Any future development desiring to pay money in lieu of water dedication must obtain city approvals and enter into a new water dedication agreement.

**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. Sections of the ordinance may be re-numbered or re-lettered. 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.** Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section VI.** Posting and Effective Date. Prior to 5:00 p.m. on, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on January 19, 2017

ADOPTED by the Santaquin City Council on the 18<sup>th</sup> day of January, 2017.

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Mayor Kirk Hunsaker

Attest:

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Susan B. Farnsworth  
Santaquin City Recorder

Council Member Keith Broadhead \_\_\_\_\_  
Council Member Marianne Stevenson \_\_\_\_\_  
Council Member David Hathaway \_\_\_\_\_  
Council Member Amanda Jeffs \_\_\_\_\_  
Council Member Nick Miller \_\_\_\_\_