

ORDINANCE NO. 14-3 (2-18-14)

AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO SECTION 8.01.03 OF THE SARATOGA SPRINGS CITY CODE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on September 6, 2011, ordinances previously adopted by the City Council of the City of Saratoga Springs were codified pursuant to Utah Code § 10-3-707; and

WHEREAS, pursuant to authority granted in Utah Code Annotated § 10-3-701 *et seq.*, the City Council for the City of Saratoga Springs may adopt and amend laws, ordinances, regulations, and codes that comprise the regulatory, penal ordinances, and administrative ordinances of the City of Saratoga Springs; and

WHEREAS, the City Council has reviewed the City Code and finds that further amendments to the Code are necessary to accomplish the purposes in Utah Code Annotated § 10-3-701 *et seq.*; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety, and welfare that the attached modifications and amendments to the City Code be adopted.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah does hereby ordain as follows:

SECTION I – ENACTMENT

The amendments to Section 8.01.03 of the City Code attached as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

SECTION IV – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
 - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
 - ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 18 day of February, 2014.

Signed: [Signature]
Jim Miller, Mayor

Attest: [Signature]
Lori Yates, City Recorder

2-18-14
Date

VOTE

Shellie Baertsch	<u>X</u>
Rebecca Call	<u>X</u>
Michael McOmber	<u>X</u>
Bud Poduska	<u>Absent</u>
Stephen Willden	<u>X</u>



EXHIBIT A

Code Amendments

* * * * *

8.01.03. All New Developments to Receive Culinary Water Service from City Water System; Providing Water Rights and Facilities for Annexation and Development Applications.

1. All property developed within the corporate limits of the City after the adoption of this ordinance shall receive its culinary water service from the City Water System.
2. All property annexed to the City and all property already within the boundaries of the City for which the owner initiates an application for development approval or subdivision or site plan approval shall provide to the City—for the City Water System—the water rights and culinary water source, necessary treatment facilities and storage capacity (“waterworks”), and culinary water and secondary water or pressurized irrigation transmission and distribution system capacity (“distribution systems”) sufficient to satisfy the existing and future uses and occupants to be supplied by the City Water System in accordance with the City of Saratoga Springs Design Standards and Public Improvement Specifications. The Design Standards and Public Improvement Specifications shall require water rights, water sources, and waterworks capacity sufficient to meet the municipal needs that will, in part, be created by the development of the property being annexed or developed in addition to the specific needs of the property being developed or to be developed.
3. For each parcel of property proposed for development under the prevailing zoning ordinance of the City, the owner shall be required to ~~transfer secure~~ water rights in the following quantities to the City of Saratoga Springs:
 - a. For each ~~one-half of a~~ net irrigable acre, or portion thereof, irrigation water rights ~~to~~in an equivalent ~~amount of one acre~~amount of 3.13 acre-feet-foot shall be donated ~~to~~to, or secured from the City, at or prior to the time of recording of said parcel with the Utah County ~~R~~Recorder. For the purposes of this ordinance, a “net irrigable acre” is defined as; the total square footage of land remaining within a specific lot or plat after deleting 65 ~~percent-%~~ of the area dedicated for rights-of-ways, roadway easements and ten-46 percent-% of the ~~square footage~~area of the lots, and 90% of the area dedicated for open space.
 - a.b. For each parcel of property proposed for development under the prevailing zoning ordinances in the City, where the net irrigable acreage can be determined from landscaping plans, the net irrigable acreage shall be defined as the total square footage of land remaining after deleting all impervious surfaces such as pavement, buildings, and sidewalks.

~~b. In cases where the City allows culinary water connections to be purchased in order to meet the adopted secondary water requirements, the required number of water connections per net irrigable acre that must be purchased shall be seven.~~

c. For each residential unit to be constructed under the prevailing zoning ordinance of the City within any development, water rights ~~to~~in an amount equal to an equivalent of one-half 0.45 acre-foot of culinary water shall be donated to or secured from the City at or prior to the time of recording of said parcel with the Utah County ~~R~~Recorder.

d. For commercial, institutional, industrial, or other proposed uses of a non-residential development, water shares in an amount equal to 0.45 acre-feet of culinary water shall be donated to or secured from the City according to Subsections (3)(a) and (3)(b) with for each residential equivalent residential units connection ("ERC") or portion thereof rounding up to the nearest whole number. For the purposes of this ordinance, an ERC shall be defined as the equivalent of 40 water supply fixture units ("WSFU") for such commercial, industrial, or similar use being defined by based on State and a fixture count that shall be performed at the issuance of the Building Permit. The fixture count shall be based on the International Plumbing Code ("IPC"), issued by the International Code Council.

~~e. City regulations.~~

4. For each parcel of property proposed for development under the prevailing zoning ordinance of the City, where the City Engineer has determined ~~unique circumstances exist~~that there is empirical data to indicate that the proposed development which may require water usage above ~~and beyond~~or below that required in (3)(a)–(3)(~~ed~~) above, the owner shall be required to transfer water rights in quantities determined by the City Engineer based on such empirical data.

5. The conveyance of such water rights, water sources, waterworks—including the land on which the waterworks are located—and distribution systems to the City for the City Water System, or arrangement for the future completion and conveyance to the City as accepted by the City in writing, shall be a condition precedent to annexation or development approval.

6. Where an annexation contains property which is being annexed without the consent of the owner, the City may elect to not require the conveyance of water rights, water sources, waterworks, and distribution systems at the time of annexation as long as the annexation resolution or ordinance annexing the property specifically identifies such parcels and provides that the City will require the conveyance of water rights, water sources, waterworks, and distribution systems prior to any approval for the development of those parcels.

7. Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right that it determines to be insufficient in

annual quantity or rate of flow or has not been approved for change to municipal purposes within the City or has not been approved for diversion from City-owned waterworks by the State Engineer.

- a. In determining the quantity of water available under the water right requirements, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights as determined by the State Engineer.
 - b. The City will require an ~~application for~~ approval of the change of use or change of point of diversion, as applicable, ~~with~~from the State Engineer in order to quantify and verify the water rights.
 - c. Prior to acceptance of water sources, water works, distribution systems, and associated property and easements, the City shall be satisfied as to the title to all associated property and easements, ~~and~~ may require title insurance or other evidence of title, and shall inspect the water sources, waterworks, and distribution systems to assure that the same have been constructed in accordance with the Engineering Design Standards Technical Specifications and Drawings and Public Improvement Specifications and are in good working order.
 - d. Such acceptance shall only be official upon writing notification from the City.
8. The City may assist in the development of water sources, waterworks, and distribution systems for the City Water System of a size and on a scale that will maximize the available water supplies and take advantage of economies of scale.
- a. The City may use resources it has available to the City or it may use its bonding ability to help finance the same, including, where appropriate, the formation of special improvement districts or other appropriate entities; provided, however, that to the extent that the City pays for the development of water sources, waterworks, or distribution capacity, it shall not provide the same to any party without compensation for the same at least equal to the reimbursement of the costs incurred by the City.
 - b. Where property owners are required to advance the costs for development of water sources, waterworks, and distribution systems for the City Water System, the City may acquire the same from the developers by provisions for development credits to be used by the developer or sold to others or by any other appropriate means allowed by law.
 - c. The City may acquire less than all of a water source, waterworks, or distribution system, provided that the City shall have control of the same and the revenues therefrom shall be divided proportionately to the interests of the parties.

(Ord. 11-9; Ord. 8-16; Ord. 08-12, Ord. 98-0813-001, Ord. 98-0625-1942, Ord. 98-0112-1)

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