

## RESOLUTION NO. 99-06

### ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
LILLIAN J. SHEPHERD <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	

I MOVE this resolution be adopted: Councilmember Huff

I SECOND the foregoing motion: Councilmember Shaw

### RESOLUTION 99-06

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#### A RESOLUTION REQUIRING THE TRANSFER OF WATER UPON DEVELOPMENT

WHEREAS, Spanish Fork City is experiencing rapid growth; and

WHEREAS, that growth requires the City to provide culinary water; and

WHEREAS, the City's supply of low cost culinary water is limited; and

WHEREAS, as property develops there is often agricultural water available; and

WHEREAS, the City is able to use agricultural water in a secondary irrigation system,

thus conserving its culinary water resources; and

WHEREAS, the City is also able to convert agricultural water to culinary water with  
change applications; and

WHEREAS, it is reasonable to require new development to transfer water to the City in order to provide the water needs of the new residents or businesses created by the development; and

WHEREAS, some developers do not have adequate water for the entire development, for which a partial cash payment can be accepted; and

WHEREAS, any cash payment should be the equivalent fair market value of the water that the City would be required to purchase on the market to meet its needs; and

WHEREAS, the State Engineer for the State of Utah has conducted numerous studies to determine the amount of water usage of the average household; and

WHEREAS, the City has used the State Engineer's figures and conducted its own extensive study on water usage in establishing impact fees to determine the amounts of water used; and

WHEREAS, Spanish Fork Municipal Code Section 16.20.110 allows the Council to set, by resolution, the types and amounts of water or cash in lieu payments due to the City on developments;

NOW THEREFORE, pursuant to Spanish Fork Municipal Code Section 16.20.110, it is hereby resolved by the Spanish Fork City Council as follows:

1. Prior to the final approval of any development, whether a subdivision plat or design review for site approval, the land owner or developer must convey to the City the water rights or shares of water stock, or combination of water and cash in lieu as set forth herein.
2. Fifty percent (50%) of the water obligation must be in actual water rights, or

shares of water stock acceptable to the City, which must be transferred to the City.

The other fifty percent (50%) may be met by paying cash in lieu of the water.

3. Any cash in lieu of water payments must be based on the fair market value of water available in a local aquifer at the time of payment.
4. The fair market value of cash in lieu payments may be established yearly by the Council, in the annual budget, following a public hearing for the budget. Initially, the amount is hereby set at fifteen hundred dollars (\$1500) per acre foot.
5. The amount of water to be transferred for residential development is as follows:
  - A. 1 acre foot for each single family residence, twin home, or duplex;
  - B. .74 acre feet for each multiple family unit.
6. The amount of water to be transferred for commercial or industrial development is as follows:
  - A. 1 acre foot for a  $\frac{3}{4}$  inch meter;
  - B. 1.4 acre feet for a 1 inch meter;
  - C. 1.8 acre feet for a  $1\frac{1}{2}$  inch meter;
  - D. Case by case for larger meters.
7. This resolution shall also be applicable to all pending plats except those which have had final plat approval.
8. This resolution is effective on the 1<sup>st</sup> day of May, 1999.

SECTION II

This resolution adopted this 20<sup>th</sup> day of April, 1999, by the City Council of Spanish Fork City, Utah.

Dale R. Barney  
DALE R. BARNEY, Mayor

ATTEST:

Kent R. Clark  
KENT R. CLARK, City Recorder



STATE OF UTAH            )  
  : ss.  
COUNTY OF UTAH        )

Kent R. Clark, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of Spanish Fork City, County of Utah, State of Utah; that as part of his duties to keep the minutes and ordinances of Spanish Fork City, that the attached resolution is the same as the resolution passed on the 20<sup>th</sup> day of April, 1999, by the Spanish Fork City Council.

Kent R. Clark  
KENT R. CLARK, City Recorder

Subscribed and sworn to before me this 20 day of April, 1999.

Mary Clare Maslyn  
NOTARY PUBLIC

