

RESOLUTION NO. 09-06

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
ROD DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>	X	

I MOVE this resolution be adopted: Councilmember Dart
I SECOND the foregoing motion: Councilmember Andersen

RESOLUTION 09-06

A RESOLUTION AMENDING THE TRANSFER OF WATER REQUIREMENTS UPON DEVELOPMENT

WHEREAS, Spanish Fork City has experienced rapid growth in recent years, which growth has slowed, due to the national economic conditions; and

WHEREAS, all indications are the slower growth is temporary; and

WHEREAS, slower growth times are good times to make needed changes in development policy to allow land owners and developers a better opportunity to plan and prepare; and

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

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

WHEREAS, the availability of any water sources is growing scarcer; and

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

WHEREAS, various studies conducted by the City, the State, and other parties calculate and project population growth based upon the availability of existing agricultural water being available to the City to meet the water needs of a much larger population; and

WHEREAS, the City is able to use agricultural water in its secondary pressurized 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, 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 to determine the amounts of water used; and

WHEREAS, Spanish Fork Municipal Code §15.4.16.080 allows the Council to set, by resolution, the types and amounts of water due to the City on developments;

NOW THEREFORE, pursuant to Spanish Fork Municipal Code §15.4.16.080, it is hereby resolved by the Spanish Fork City Council as follows:

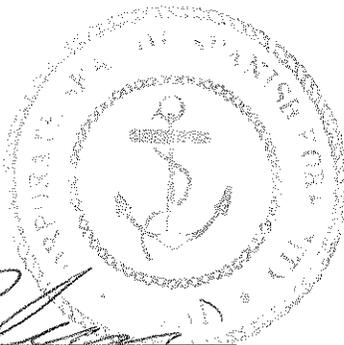
1. Prior to the final approval of any development, whether a subdivision plat or design review for site approval, the land owner or developer must convey to the City the water rights or shares of water stock in an amount sufficient for the

requirements of the development, as determined by the City Engineer. Unless the City Engineer designates a different amount for a specific development, the amounts to be transferred are as set forth herein.

2. All water rights/shares transferred must be immediately available for use by City, subject only to a change application for the point of diversion, and, if approved by the City Engineer, a change in use.
3. 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 foot for each multiple family unit.
4. 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.
5. All water rights/shares currently being used on the ground, or historically used on the ground, shall be transferred to City. If the ground has no historical water usage, the developer shall provide other water rights/shares acceptable to the City, as determined by the City Engineer.
6. This resolution shall also be applicable to all pending plats except those which have had final plat approval.
7. This resolution is effective immediately upon passage..

SECTION II

This resolution adopted this 7th day of April, 2009, by the City Council of Spanish Fork
City, Utah.





JOE L THOMAS, Mayor

ATTEST:



KIMBERLY ROBINSON, City Recorder