

**RICHMOND CITY CORPORATION  
ORDINANCE 2021-07**

WHEREAS, the City Council of Richmond has the responsibility for the general welfare of the City; and

WHEREAS, such responsibility includes but is not limited to, establishment of best management practices; and

WHEREAS, management practices may evolve over the passage of time:

NOW THEREFORE, the City Council of Richmond City, County of Cache, State of Utah, hereby adopts, passes and publishes the following:

**AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE, TITLE 14-000 “UTILITIES”, CHAPTER 14-100 “WATER” ADDING IN ITS ENTIRETY PARTS 14-170 “WATER DEDICATION PURPOSE”, 14-171 “GENERAL STANDARDS”, 14-172 “WATER STOCK OR WATER RIGHT DEDICATION PROCEDURE”, 14-173 “CONTRIBUTION OF WATER RIGHT OR WATER STOCK”, 14-174 “WAIVER OF DEDICATION OF SHARES OR RIGHTS; IRRIGATION”, 14-175 “PROPERTY NOT IN A SUBDIVISION”, 14-176 “ANNEXATION REQUESTS”, 14-177 “SECONDARY/OUTDOOR SYSTEM CONDITIONS”, 14-178 “WATER SHARES LEASED”, 14-179 “DEFINITIONS (FOR THIS SECTION)”, AMENDING 12-506 “INNER-BLOCK DEVELOPMENT”, 12-517 “WATER EXACTION” AND 12-2003 “SUBDIVISION PROCESS”.**

BE IT ORDAINED BY THE CITY COUNCIL OF RICHMOND CITY, CACHE COUNTY, UTAH AS FOLLOWS:

1. Sections shall be amended such that the **highlighted** areas below shall be added and the ~~strikeout~~ areas shall be deleted.

**14-170 Water Dedication Purpose**

To provide for the acquisition of water rights or shares needed to serve the indoor and/or outdoor needs of new developments and to fund the cost of infrastructure, including water treatment facilities needed to serve new developments. This ordinance is separate from impact fees and projects constructed therefrom.

**14-171 General Standards**

The dedication of water rights or shares shall be required of all new development or increased use to existing customers of Richmond City to include the cost of acquisition of water rights or shares and the cost of infrastructure needed to serve new developments requiring water service from the City.

#### **14-172 Water Stock or Water Right Dedication Procedure**

Where a developer seeks to develop property within the City or increase the amount of water usage to a degree that a new service line or meter is required, the City shall require a water dedication, to offset the increased use created by the new development. If the developer does not wish to provide water shares or rights, the developer may compensate the city with payment according to the Prevailing Fee Schedule.

Water Dedication payments will be held in a specified fund used only for the purchase of water rights and/or shares.

#### **14-173 Contribution of Water Right or Water Stock**

Each owner or developer of real property shall contribute one (1) share of water stock per acre to be developed to the city as a condition precedent to the city's authorization for the development of the owner's or developer's real property for residential, industrial or commercial purposes.

A contribution is not required for a park or common area in a development.

Transfer of water rights or shares or payment of the dedication payment must be made before the final plat is signed by the city.

If the required water shares, water rights or irrigation company shares have historically been available for the property they shall be dedicated to the city. If shares/rights are not connected nor have been historically connected to the real property, the city council may approve the transfer of acceptable equivalent water right or water shares to the city, or a payment in lieu according to the prevailing fee schedule. The required contribution of water stock or shares or water right shall relate to each one (1) acre of real property proposed for development, or fraction thereof rounded to the whole share (Example 1.01 – 1.99 acres will round to 2 shares). In the instance when less than one (1) acre is proposed for development, one share or equivalent right shall be required. In any instance, equivalent water rights may be dedicated. For the purposes of this title, one share of Richmond Irrigation and Power Company is equivalent to four (4) acre feet.

In addition, the city shall have the first right of refusal to purchase all other water shares or stock owned by the real property owner or developer and which are appurtenant to such real property, which stock is in excess of those that are required to be contributed to the city as provided above.

#### **14-174 Waiver of Dedication of Water Shares or Rights; Irrigation**

The city council may waive the requirement of dedication of water shares or water rights and accept payment in lieu as shown in the prevailing fee schedule, if the property proposed for development, or a portion of the property, has not historically had water rights and water shares appurtenant to it and is of such a nature or configuration that houses or other structures or landscaping may not be built thereon, such as steep slopes or flood plains.

#### **14-175 Property Not In A Subdivision**

Anyone proposing the building of a home in an area not included in a platted subdivision shall contribute the equivalent shares or rights on a prorated basis for the entire developable acreage of the proposed building lot. If the proposed development anticipates a remainder parcel or agricultural property in excess of the residential uses and that land or remainder parcel meets the requirements for future developable land, the city shall only require those shares associated with the residential development consistent with the lot size of the zone in which the property is located; for instance, if one (1) house is being built on a ten (10) acre parcel in the RMD (Residential Medium Density) Zone (10,000 – 14,500 square feet) the builder would dedicate one share, though the house occupies less than one acre. The balance of the share would be applied accordingly to future development of the property but is not transferable/applicable in whole or part if the house is divided from the larger parcel at a later date. Water shares/rights on remaining land will be subject to review at the time that future development occurs.

#### **14-176 Annexation Requests**

Subdividers and developers shall be required, in all zones, to provide Richmond City with water shares or water rights sufficient to serve the culinary and outdoor (secondary) needs of the subdivision or development. Water rights or shares shall be required for all new subdivisions, and new construction or any change of use that requires additional water to service the proposed use. The amount required shall be determined by the City Engineer as part of the preliminary plat or site plan review. In calculating the amount of water needed, the City shall follow Utah Administrative Code Rule R309-510: Facility Design Operation: Minimum Sizing Requirements, as may be amended.

#### **14-177 Secondary/Outdoor System Conditions**

For lands developed which have historically been irrigated, the owner or developer of future development shall submit plans for, and construct, a secondary water system which makes irrigation water available for use by all lots in the development. The secondary system and the water related shall be transferred to the city and made a part of any existing or future secondary water system built and operated by or for the city. To be acceptable to the city council, the system shall be built according to the specifications provided by the city's engineer or other advisors.

#### **14-178 Water Shares Leased**

The mayor may enter into lease agreements to lease water shares owned by Richmond City. Such leases shall be on a year-to-year basis and shall be for an amount at least equal to the amount of the annual assessment received from the irrigation company.

#### **14-179 Definitions (For this section)**

**DEVELOPMENT:** Building a house or a traditional subdivision development where the land use is changing from primarily agriculture in nature to residential. It shall also mean that all of the

property on which a house or other development is being proposed shall be counted in the total when determining the water share/right to be dedicated. It shall also mean any property being proposed for any commercial or light industrial development.

**WATER RIGHT:** Any right granted or adjudicated to certain property by the state engineer or court. To be determined sufficient for this section the right must equal four (4) acre feet per acre.

**WATER SHARES OR WATER STOCK:** Any share or stock in the Richmond Irrigation & Power Company.

## **12-506 INNER-BLOCK DEVELOPMENT**

B., 1., e. Irrigation/Secondary Water System.

## **12-517 WATER EXACTION**

~~A. Any proposed development in land use is subject to a water exaction if:~~

~~1. Richmond City shows an essential link between the demands of the development and the impact upon the culinary water supply of the City.~~

~~2. Each exaction will be roughly proportionate, both in nature and extent, to the impact of the proposed development.~~

~~a. The latest water model calculations will be used when determining 12-517(A)(1) and (2) above with the foreknowledge that the data provided to the water model will change over the course of time.~~

~~B. Upon request Richmond City will provide the applicant for land development the data used in the water model along with all results.~~

~~C. Under the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 508, Richmond City will ensure, to the best of current knowledge and technology, that an exaction will be based upon the available culinary water against the foreseeable demands for culinary water.~~

~~1. If the water model confirms that future culinary demands can be satisfied by current culinary water availability, no exaction will be initiated for a specific development; however, such an action does not preclude the need for an exaction against future development projects.~~

~~D. If a proposed developer brings irrigation (secondary) water with a development, Richmond City desires that the irrigation water remains with the land concerned.~~

~~1. Each development will be handled upon its own merits and circumstances, but whenever possible Richmond City encourages developers to retain irrigation~~

~~\_\_\_\_\_ water with the land in accordance with the rules and regulations of the Richmond  
\_\_\_\_\_ Irrigation Company or such other secondary water supplier as applicable.~~

~~2. \_\_\_\_\_ The applicant for the development must assure the Richmond City Council that  
\_\_\_\_\_ the Richmond Irrigation Company has sufficient water available for the number  
\_\_\_\_\_ of shares the applicant will apply to the project.~~

**See Part 14-170 Water Dedication Purpose**

## **12-2003 SUDIVISION PROCESS**

### **14-170 Water Dedication Purpose**

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All Ordinances, and the Chapter, Clauses, Sections, or Parts thereof in conflict with provisions of this Ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This Ordinance shall become effective after the required public hearing and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Richmond City Municipal Code above referred to.

ADOPTED AND PASSED by the Richmond City Council on this 27th day of April, 2021.

## **RICHMOND CITY CORPORATION**

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Jeffrey D. Young, Mayor

### **ATTEST:**

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Justin B. Lewis, City Recorder