

Town of Rocky Ridge

ORDINANCE NO. 2023-01

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION ESTABLISHING A MORATORIUM ON ALL BUILDING PERMIT APPROVALS REQUIRING A NEW CONNECTION OR EXTENSION OF AN EXISTING CONNECTION TO TOWN WATER.

WHEREAS, UTAH STATE CODE 10-9a-504 allows a municipality to enact an ordinance establishing a temporary land use regulation for any part or all of the area within a municipality if the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, temporary zoning regulations, not to exceed 180 days, are authorized under the Land Use Development and Management Acts, UTAH STATE CODE 10-9a-504, stating that the Town may adopt a temporary land use regulation to address when “the local government finds that there is compelling public interest that justifies the temporary regulation;” and

WHEREAS, the TOWN OF ROCKY RIDGE is authorized and responsible to ensure that Town culinary and irrigation water used within the Town and provided to Town residents is being done so in a safe, responsible, and sustainable manner; and

WHEREAS, the Town’s supply of culinary water is limited, and the Town is experiencing a lack of capacity of its water supply; and

WHEREAS, the Town has implemented water restrictions for multiple years and still finds culinary water supply to be insufficient to meet demands during the summer watering season; and

WHEREAS, the Town is concerned that the current conditions still result in critical water shortages and require further curtailment measures that would be detrimental to the entire Town and cause significant public harm; and

WHEREAS, the Town is undertaking projects to secure additional water sourcing for culinary use, which will not be integrated into the Town’s Water system until 2024; and

WHEREAS, the Town Council finds compelling, countervailing public interest in placing a temporary land use regulation to:

- a. prohibit approval of all building permits requiring a connection to Town culinary water, until such time as additional Town culinary water supply is available; or
- b. to obtain a variance, stating that there would be “no occupancy,” to new homes under construction after April 27, 2022, until the temporary land use regulation is lifted or an alternate approved culinary water source is provided and that “no integration into the Town’s water system may be obtained,” by residents while the temporary land use regulation is in place.

Section 1. **Temporary Land Use Regulation.** Based upon the premises, the Town Council of Rocky Ridge hereby finds a compelling, countervailing public interest in placing a temporary land use regulation to prohibit or limit the approval of all building permits that require a new connection or extension of an existing connection to the Town water system.

Section 2. **Duration:** Pursuant to UTAH CODE 10-9a-504, this ordinance shall be in effect for a period of 180 days.

Section 3. **Severability Clause:** If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 4. **Effective Date:** This Ordinance shall become effective immediately upon passage.

**PASSED AND ADOPTED BY THE TOWN OF ROCKY RIDGE TOWN COUNCIL
ON THE 19TH OF JULY, 2023.**

ATTEST:

TOWN OF ROCKY RIDGE COUNCIL:


Marilyn Bronson, Town Clerk


Ronald Allred, Mayor



Council Roll Call Vote Taken:

	Aye	Nay	Absent	Abstain
Mayor Ronald Allred	<u>X</u>	—	—	—
Shannon Allred	<u>X</u>	—	—	—
Lucy Gold	<u>X</u>	—	—	—
Bethany Sturgeon	<u>X</u>	—	—	—
Andrew Aagard	<u>X</u>	—	—	—