

ORDINANCE NO. 15-25

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on December 13, 1995; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING THE SMITHFIELD CITY SUBDIVISION REGULATIONS, TITLE 16 IN PARTICULAR CHAPTER 16.16.050 “DEDICATION OF WATER” AND A NEW ORDINANCE ADDED IN ITS ENTIRETY TO THE SMITHFIELD CITY ZONING REGULATIONS, TITLE 17, IN PARTICULAR CHAPTER 17.30 “WATER DEDICATION”

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

1. The following section shall be amended as indicated. Those portions which are highlighted shall be added.

16.16.050: DEDICATION OF WATER:

As a condition of approval of the subdivision, the city council shall require each developer, which has not received preliminary approval prior to the adoption hereof, to provide one acre-foot of usable water per dwelling unit, residential lot, commercial lot, or separate parcel created by the subdivision whichever is greatest, to the city. This contribution of water is intended to assist the city in meeting the water supply needs brought on as a result of the development. When the required water is provided to the city, the appraised dollar value shall be applied as a credit against any impact fees adopted for the purchase for water. This requirement for usable water may be satisfied through the application of one or a combination of the following options:

2. The following Ordinance shall be added in its entirety.

**Chapter 17.30
WATER DEDICATION**

17.30.010: PURPOSE OF CHAPTER:

17.30.020: GENERAL STANDARDS:

17.30.030: DEDICATION PROCEEDURE:

17.30.040: APPEALS:

17.30.010: PURPOSE OF CHAPTER:

To provide for the acquisition of water rights needed to serve new developments and to fund the cost of infrastructure, including water treatment facilities needed to serve new developments.

17.32.020: GENERAL STANDARDS:

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

17.32.030: 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 equal to the percentage of an equivalent residential unit determined by the City Engineer.

17.30.090: APPEALS:

Appeal of any decision regarding water dedications shall be to the city council. Notice of appeal specifying the grounds for the appeal shall be made in writing and shall be filed at the office of the city recorder. The City Council, after considering a request for exception under this Section, may:

- (a) Accept a fee in lieu of the dedication.
- (b) Deny development until this requirement is met.

3. 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 a whole, or any other part thereof.

4. 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.

5. This ordinance shall become effective after the required public hearings and upon the posting of three (3) copies at three (3) public places within the corporate limits of Smithfield or by notice on the Smithfield City official website as a substitute for physical posting of notice at three physical locations.

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

Approved and signed this day of 2016.

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, City Recorder