

**SPANISH FORK CITY
ORDINANCE 06-20**

**AMENDING TITLE 15, CHAPTER 4, OF THE SPANISH FORK MUNICIPAL CODE
RELATED TO PIONEERING AGREEMENTS, ADEQUATE WATER DEDICATIONS,
IRRIGATION DITCHES, AND REIMBURSABLE PROJECTS**

WHEREAS, Spanish Fork City has enacted a land use ordinance to regulate the development of land within the City, establish zoning to protect property values, and establish administrative rules concerning land use;

WHEREAS, the City has allowed the use of Connector's and Development Agreements that allow recoupment of expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development; and

WHEREAS, amendments to the land use ordinance need to be made from time to time in order to remain compliant with state and federal law, become more efficient, and to keep standards in line with best construction and safety practices;

WHEREAS, renaming Connector's Agreements to Pioneering Agreements will be more consistent with terminology used elsewhere and will improve efficiency;

WHEREAS, the City desires to allow cash in lieu of dedication of water so that the City can obtain the appropriate quality and quantity of water needed for future growth;

WHEREAS, the City desires to collect transportation impact fees for only the roadway facilities located between the back of curb on one side of a road to the back of curb on the other side of a road;

WHEREAS, the City desires to define which types of transportation projects may be eligible for impact fee reimbursement;

WHEREAS, a public hearing was held before the Planning Commission on June 3, 2020, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on June 16, 2020, whereat additional public comment was received;

NOW THEREFORE, be it enacted and ordained by the Spanish Fork City Council as follows:

SECTION 1: **AMENDMENT** "15.4.04.080 Approval Or Disapproval - Procedure" of the Spanish Fork Municipal Code is hereby *amended* as follows:

AMENDMENT

15.4.04.080 Approval Or Disapproval - Procedure

- A. Each plat submitted to the City shall be referred to the DRC for review to insure conformity to the present ordinances and standards and for adequacy and availability of public facilities. Prior to an application being placed on a DRC agenda, the applicant must hold a neighborhood meeting. Property owners within 500 feet of the project shall be invited to attend the meeting. The meeting must be held at a location in Spanish Fork. The notice, names of those invited, those who attended, conceptual drawings, presentations, and minutes from the meeting must be submitted to the Community Development Department prior to the DRC meeting.
- B. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the City Engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.
- C. The public facilities to which the preceding paragraph applies shall include the following:
 1. The City culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity.
 2. The City sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines.
 3. The City electric power system, including generation, transformation, transmission, and distribution.
 4. The storm water system, including drainage and flood control facilities.
 5. Streets and roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities.
 6. City pressurized irrigation system, including transmission and distribution capacity.
- D. The adequacy of public facilities shall be determined in accordance with the Spanish Fork City development standards, the various master plans and the comprehensive general plan of the City, and at the discretion of the City Engineer. In the event that the City Engineer determines that adequate public facilities are not available and will not be available by the time of final plat approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the City Council:
 1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of pioneeringconnector's or development agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any pioneeringconnector's agreement authorized by this paragraph must be requested within 120 days of the completion and acceptance by City of the improvements. The City Public Works Director may extend the deadline for up to an additional term upon good cause show. A request for a pioneeringconnector's agreement shall be made on forms provided by the City. An application fee in an amount to cover the City's expenses in preparing the pioneeringconnector's agreement shall

- be included. The amount of the fee shall be established by the City Council in the annual budget or by resolution.
2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities.
 3. Deferring Final Plat approval and the issuance of building permits until all necessary public facilities are adequate and available.
 4. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.
- E. The applicant shall follow the procedures set forth in Utah Code Ann. §73-1-15.5, as it may be amended from time to time, in contacting any applicable irrigation company whose facilities will be affected by the development. The applicant is to follow the requirements of said section in piping, improving, or relocating any irrigation facilities. Construction plans, in compliance with said section, shall be submitted with the application. The applicant is to provide a certificate of compliance that satisfies the City Engineer that it is compliant with the law.

Existing irrigation ditches located on the site or adjacent to a property boundary, within ten feet, shall be treated in accordance with this section. Ditches shall be piped with a sufficient size pipe to handle the irrigation need or, if approved by the Development Review Committee, an opaque fence or wall shall be constructed to screen the ditch from lots within the plat. Fences and walls shall be placed on a lot line or parcel line, which shall be two feet from the top of the ditch embankment. Any land between the fence or wall and the ditch may not be included within lots. Such land shall be maintained by the owner or may be dedicated to the City. Piping and shall be coordinated with the City Engineer and the irrigation company or ditch owner by following the provisions of Utah Code Ann. §73-1-15.5, unless otherwise approved by the City Engineer. If the ditch carries greater than 50 cubic feet per second average flow, the ~~City Council~~Development Review Committee has the discretion to require piping, fencing, and/or landscaping.

~~Any ditch carrying less than 50 cubic feet per second will be required to be piped.~~ The Development Review Committee may waive this requirement for areas zoned commercial or industrial.

Developers are responsible for the protection of irrigation ditches and facilities from damage resulting from the development work.

- F. If the plat is not in conformity with the Design and Development Standards of this Title, the DRC shall refer it back to the subdivider or developer with a list of items necessary to bring the plat into compliance. If the plat is in conformity, it will be submitted to the Planning Commission with suggestions and comments noted thereon. The Commission may continue the matter to further study the issues presented. The Commission may approve, deny or approve with conditions the proposed Preliminary Plat. If any conditions are attached, the Preliminary Plat shall be corrected to reflect such changes and an accurate Preliminary Plat shall be submitted to the City. Changes made in the Preliminary Plat by the DRC, Commission, or Council must be made before proceeding to the next step. Receipt of this accurate copy shall be authorization for the developer to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required

by this Title and with the preparation of the Final Plat. Original Preliminary Plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the Final Plats.

(Ord. No. 11-13, Amended 07/13/2013) (Ord. No. 15-14, Amended 10/07/2014) (Ord. No. 03-18, Amended 02/20/2018) (Ord. No. 20-18, Amended 11/20/2018) (Ord. No. 03-18, Amended 02/20/2018)

SECTION 2: AMENDMENT “15.4.16.020 Unavailability Of Adequate Public Facilities” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.4.16.020 Unavailability Of Adequate Public Facilities

- A. In the event that the City Engineer determines that adequate public facilities are not available and will not be available by the time of approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the City Council:
1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of pioneeringconnector's, or developers agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any pioneeringconnector's agreement authorized by this paragraph must be requested within 120 days of the completion and acceptance by the City of the improvements. The City Public Works Director may extend the deadline for up to one additional term upon good cause show.
 2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities.
 3. Deferring approval and the issuance of building permits until all necessary public facilities are adequate and available.
 4. Denying approval and allowing the applicant to reapply when adequate public facilities are available.
- B. In the event the City installs infrastructure improvements which benefits specific properties, it may also recover reimbursement on a pro-rata basis from the benefitted properties when they develop, on the same basis as a developer would recover reimbursement with a pioneeringconnector's agreement as set forth in paragraph A.
- C. When a pioneeringconnector's agreement is granted, or the City installs infrastructure for which it will be reimbursed, the City will record a notice against the benefitted properties so that a future owner/developer will be on notice of development costs associated with

that parcel. The notice is not a lien on the property. The City Engineer is designated to sign, on behalf of the City, the Notice of Development Obligations.

(Ord. No. 9-13, Amended 06/18/2013) (Ord. No. 20-18, Amended 11/20/2018)

SECTION 3: AMENDMENT “15.4.16.080 Water Transfer” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.4.16.080 Water Transfer

Each developer of a subdivision shall transfer to the City the quantity and type of water rights or cash in lieu as determined and established from time to time by resolution of the City Council. The transfer shall be calculated upon application for final plat, site plan, and building permit. The purpose of the section is to assure the City has an adequate water supply to provide water to the development, or to replace water which is provided to the development. Water is accepted when it is delivered to the City accompanied with a change application signed by all necessary parties, except for Strawberry Water, which requires a water dedication agreement executed by the owner rather than a change application. The amount of acre feet of water available per share is based on an 80% precipitation year. (Ord. No. 17-18; Amended 08/07/2018) (Ord. No. 20-18, Amended 11/20/2018)

SECTION 4: AMENDMENT “15.4.12.070 Reimbursable Projects” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.4.12.070 Reimbursable Projects

Growth related infrastructure that does not have local connections shall be eligible for 100% reimbursement through impact fees. All roads along non-residential and multifamily development shall be considered to have local connection to the development. Parks shall not be considered to have local connection. If there are local connections, the difference between the regional and local infrastructure cost shall be eligible for reimbursement from impact fees. 600 amp and larger electric lines are fully reimbursable from impact fees. Street lights are included in the cost of the street cross-section. Roadway impact fee reimbursement shall only apply to improvements and land from back of curb to back of curb unless offsite along previously developed land.

Eligible projects become reimbursable once they are added to the Impact Fee Facilities Plan (IFFP). The City Public Works Director will determine when projects will be added to the IFFP. (Ord. No. 14-16, Enacted 09/20/2016) (Ord. No. 22-17, Enacted 09/19/2017)


SECTION 5: **EFFECTIVE DATE** This ordinance shall be effective twenty days after passage and publication.

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL JUNE 16, 2020.

	AYE	NAY	ABSENT	ABSTAIN
COUNCILMAN MIKE MENDENHALL	_____	_____	<u> X </u>	_____
COUNCILMAN BRANDON GORDON	<u> X </u>	_____	_____	_____
COUNCILMAN KEIR SCOUBES	<u> X </u>	_____	_____	_____
COUNCILMAN CHAD ARGYLE	<u> X </u>	_____	_____	_____
COUNCIWOMAN STACY BECK	<u> X </u>	_____	_____	_____

Presiding Officer

Attest



STEVE LEIFSON, MAYOR, Spanish
Fork City



KENT R. CLARK, CITY
RECORDER Spanish Fork City

