

**SPANISH FORK CITY
ORDINANCE 24-19**

**AN ORDINANCE MAKING AMENDMENTS TO TITLE 15 CONSIDERING THE PIPING OF
IRRIGATION DITCHES**

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

WHEREAS, piping ditches within and adjacent to new subdivisions is necessary to protect the new subdivision lots from potential flooding hazards; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 2nd day of October, 2019, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 15th day of October, 2019, whereat additional public comment was received;

NOW THEREFORE, be it ordained and enacted 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:

A M E N D M E N T

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 connector'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 connector'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 connector'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 connector'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 piped with a sufficient size pipe to handle the irrigation need 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 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)

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL OCTOBER 15, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Council member Chad Argyle	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council member Stacy Beck	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council member Brandon Gordon	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council member Mike Mendenhall	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council member Keir Scoubes	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



STEVE LEIFSON, MAYOR, Spanish
Fork City



KENT R. CLARK, CITY RECORDER
Spanish Fork City

