

**SECTION 1:            AMENDMENT** “4.04.060 Conveyance Of Water Rights, Requirements For Development” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 4.04.060 Conveyance Of Water Rights, Requirements For Development

The following requirements pertain to new development within the City. These requirements are intended to be in harmony with the requirements of PCC 13, Zoning Ordinance and PCC 12, Subdivision Ordinance. An applicant for development approval shall satisfy the following requirements:

- A. It is the intent of the City to assure each future property owner reasonable access to adequate water to make said property productive; and, to initiate a program to provide funding and adequate water resources for more efficient city water systems.
- B. All developers of subdivisions or land owners requesting a building permit within the boundaries of the City shall provide adequate water to be distributed through the city’s water systems with appropriate easements along a suitable location by which to convey the water to each property. Adequate water shall be assessed as follows, except as noted:

| Zone  | Acre Feet of Indoor Water Per ERC*   | Acre Feet of Irrigation Water Per Acre or Per Connection + |
|---|--------------------------------------|--|
| A-5, Agriculture  | 0.3                                  | 3.2  |
| R-1-A, Residential Agriculture  | 0.3                                  | 3.2  |
| R-1-12, Residential   | 0.30                                 | 0.48 <sup>+</sup>  |
| R-1-10, Residential   | 0.30                                 | 0.42 <sup>+</sup>  |
| R-1-9, Residential  | 0.30                                 | 0.38 <sup>+</sup>  |
| R-1-75, Residential   | 0.30                                 | 0.32 <sup>+</sup>  |
| R-2-75, Residential   | 0.30                                 | 0.32 <sup>+</sup>  |
| PO-1, CC-1, GC-1, I-1, I-2, S-1, R&D, All R-M-O Overlay Zones, Planned Residential Developments, R-MF | Site Specific – 0.30 acre-ft per ERC | Site Specific - 3.2 acre-ft per irrigable acre             |

\* ERC – An ERC is an Equivalent Residential Connection, which means it is the equivalent of one average residential homes worth of water usage.

The irrigation water right requirement is the same on the Culinary System and PI System. ~~the~~The A-5 and the R-1-A zones are using the irrigatable acreage for the water requirement where the other zones are using the ERC calculation for the water requirement. Anything with the \* is ~~B~~based on the ERC number for culinary water usage.

+ Acre-feet per connection based on the residential zoning definition in PCC 13, Zoning Ordinance, and irrigated area level of service. The numbers are calculated by taking the Irrigated Acreage listed in the most recently adopted Pressurized Irrigation Impact Fee Plan ~~adopted on 9-2-2020~~ on Table 3-5. ~~You take the~~The number listed in the table ~~is and~~ multiplied ~~y it~~ by 43,560 to obtain the water per connection based on the lot size.

- C. As of July 20, 2022, Payson City is not requiring the dedication of indoor (culinary) water rights for Developments. Payson City currently has the required amount of indoor (culinary) water rights to meet the City's needs for the foreseeable future. The City will continue to evaluate the water shares and requirements with each development. Once Payson City reaches 80% of the amount of indoor (culinary) water being used compared to the available water shares that are owned by the City, the City will start requiring the dedication of indoor (culinary) water rights for all new developments. No development will be approved if the water required to service the development encroaches into the 80% buffer without dedicating indoor (culinary) water to Payson City.
- D. The Old Field Irrigation Area is a defined area that Payson City has an obligation to provide irrigation water from Peteetneet Creek. The City has determined that when a parcel within the Old Field Irrigation Area is developed, the property will be credited to 2 acre-ft/acre of water for the development of the property. The Old Field Irrigation Area originally included 614.98 acres of land. As the land in this area is annexed and developed, the water credited for development is then used in the Payson City irrigation system. Payson City owns the water that is used for irrigating the Old Field Irrigation Area, but the properties have a right to use up to 2 acre-ft/acre on their land until it is no longer being farmed. The 1902 Patten Decree is the document that clearly defines that Payson City owns the water and this water cannot be sold or transferred to any other property owner, whether in the Old Field Irrigation Area or any other area. The 2 acre-ft/acre of water in the Old Field Irrigation Area will be used to meet the current 3.2 acre-ft/acre of irrigated land for the development of the land. This is used when the property is developed for residential, commercial, or industrial uses.

Water rights or source(s) shall be dedicated to or procured from the City—at the City’s discretion—prior to the time of recording of the plat in which the lot or unit is located. If the lot is existing, but water rights or sources have not been dedicated to or procured from the City in sufficient quantities to meet the requirements of this Section, they are required to be dedicated to or procured from the City prior to the issuance of a building permit. The following is a list of water rights or source(s) that may be acceptable to the City:

- A. **Peteetneet Creek (Payson Canyon) Water.** All Peteetneet Creek Water is owned by the City. At the time of development approval, all Peteetneet Creek Water attached to any land proposed to be subdivided or developed shall revert to the ownership of the City and shall not be used on any other property or to satisfy any other water requirement.
- B. **Underground Water Rights.** Water rights approved by the Public Works Director and approved by the Utah Division of Water Rights for underground withdrawal and municipal use in the City Culinary Water System service area.
- C. **Strawberry Water.** Only limited Strawberry water shall be accepted when approved by the Public Works Director at the amount of 0.88 acre-feet per share.
- D. **Salem Canal Water.** Only limited Salem Canal Company water shall be accepted when approved by the Public Works Director at the amount of 0.88 a/f per acre foot of water.
- E. **Central Utah Project Water.** The City has contractual rights to obtain 5,123.96 acre feet of Central Utah Project (CUP) water when the project is complete. The City will accept cash in order to obtain and pay for the cost of CUP water based on the following formula: The estimated repayment cost for 5,123.96 acre-feet of CUP water, spread over the repayment term, discounted to present value, which equals \$5,383.00. An exception exists for applicants who have submitted a completed application for development approval (preliminary plat or site plan) by May 1, 2020 and can show that they already had water rights for that development on May 1, 2020.

As a condition of subdivision approval, all lots shall be connected to the pressurized irrigation system as required by PCC 4.04.090. Irrigation easements at a suitable location may be required at the time the system is installed. No open ditches shall be allowed unless accepted and required by the City Engineer and approved by the irrigation company and the City. Appropriate grates, gates, vents, valves, drains, and other control structures may also be required. In accordance with Utah Code § 73-1-15 (1953 as amended), the developer shall be responsible for obtaining written approval from all affected irrigation companies for any proposed work before final subdivision approval is granted. The developer shall also meet the specifications for pipe or covering size and requirements established and approved by the City Engineer in accordance with the provisions of state law.

The provisions of this Section apply only to properties located within the city limits. Any application for annexation will be required to meet all water requirements of PCC 13.26, Annexation Ordinance.

If a subdivision is proposed on land that water rights have been previously transferred to the City as part of the annexation process, a credit shall be given toward satisfying the requirements of this Section.

When a building permit is requested for more units than the property was designed to accommodate on the original plat or exceeds the number for which water rights were conveyed, the additional water rights shall be conveyed before the permit shall be issued.

The installation of the city water systems shall be consistent with the requirements of PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, and the Payson City Development Guidelines. The distribution lines required for new development shall be at least eight (8) inches in diameter and of a material approved by the City Engineer in the Payson City Development Guidelines.

Any project that proposes a water storage facility to satisfy the requirements of this Title, PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, the adopted Fire Code, or any other relevant development ordinance of the City, the following requirements shall apply:

- A. All new storage facilities shall have a capacity of at least Two Hundred Fifty Thousand (250,000) gallons.
- B. If the new storage facility has a capacity of less than Five Hundred Thousand (500,000) gallons, the facility shall be located below ground.
- C. The City may require applicants to explore options that may provide water storage facilities in the most efficient manner including communication with other applicants.
- D. All new water storage facility plans and technical specifications must be reviewed and approved by the City. The color and landscaping requirements of the new water storage facility must be approved by the City Council.
- E. Individual water pumping stations that provide water on an on-demand basis are not allowed. Water pumping stations that pump to an approved water storage facility are acceptable.