

**ENOCH CITY
ORDINANCE NO.
WATER RIGHT EXCHANGE RATES
(Developer Provisions - §12.250.00.2503 Step 12)
(Individual Provisions - §14.100.113)**

Draft for Review by Enoch City Planning Commission and City Leaders

WHEREAS, Enoch City provides water for residential, commercial, and industrial uses consistent with City ordinances and other laws, including Utah State laws governing water rights – which are administered by the State Engineer;

WHEREAS, the State Engineer has determined, after extensive study and many public hearings, that the water rights in the Cedar City Valley Aquifer have been over-appropriated.

WHEREAS, the State Engineer has determined the estimated safe yield for the Cedar City Valley groundwater basin is 21,000 acre-feet per year. The estimated current average depletion from the groundwater basin is 28,000 acre-feet per year.

WHEREAS, consistent with statutory duty, the State Engineer has closed the Cedar City Valley basin to further appropriation of water rights and instituted a Groundwater Management Plan that will suspend existing water rights with priority dates after July 25, 1934, if water is not first regulated, conserved, and replenished in the Cedar City Valley Basin;

WHEREAS, an ordinance is needed to engage broad citizen participation to help conserve and otherwise assure the adequacy of future water supplies and associated water rights.

WHEREAS, the mission of the City is to manage limited water resources and to promote water conservation;

BE IT RESOLVED, that the City is considering the following ordinances to protect and preserve Enoch City’s ability to continue to provide water at reasonable rates and without excessive costs.

REVISED ENOCH CITY ORDINANCE § 12.2500.2503, Step 12 (Water Acquisition)

*City Staff and City Engineer Review of Final Plat. The City Staff and City Engineer shall review the Final Plat for accuracy and completeness. **MOVE TO BE STEP 13***

A. **Water Acquisition Fee.** A Developer seeking approval of a development application for single family dwelling units, and to secure new rights to use the Enoch City water system, must pay a Water Acquisition Fee, based upon the property acreage and expected water use. A Developer may pay the Water Acquisition Fee in cash, or by transferring acceptable water rights, or by transferring Enoch City Water Blocks, or a combination of all three. The Water Acquisition Fee does not fulfill the requirement nor obviate the need to otherwise pay water connection fees. The Developer shall submit a Subdivision Water Schedule, with each Subdivision Application, designating the selected Conservation Tier for each lot, which determines the Water Acquisition Fee and resulting water rates for each lot.

1. **Cash.** Developers paying the Fee in cash will pay the amount corresponding to the desired water use as per the Acquisition Fee Schedule, which values the water based upon a percentage of the appraised value of a one (1) acre-foot Priority Water Right in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73, and a priority date no younger than July 25, 1934 (“Priority Water Right”).
 - a. As often as deemed prudent by Enoch City Staff, but at least annually, and typically every six months, Enoch City will contract for and obtain an appraisal of the current fair market value of a Priority Water Right as described in this subsection. These appraisals assist the City in its own purchase of acceptable water rights and are the basis for the Water Acquisition Fees levied by the City.
2. **Water Right Transfer.** Developers paying the Fee by transfer of water rights shall do so with proof of use, proof of ownership through a chain of title, and will pay all costs incurred for deeding and transferring the water. When deeding water rights to Enoch City, the water right must be in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73. The water right must conform with one of the following:
 - a. A priority date equal to or prior to July 25, 1934 (“Priority Water Right”); or
 - b. A priority date after July 25, 1934, which at the time of transfer to Enoch City must have at least 10 years before extinguishment under the State Engineer’s Water Management Plan for the Cedar City Valley Aquifer.
 - i. For purposes of payment of the Water Acquisition Fee, these post-July 25, 1934 water rights are deemed to have a fair market value equal to 1% of a subsection 2(a) water right (priority before July 25, 1934) for each full year remaining at the time of delivery to and acceptance by Enoch City before extinguishment under the State Engineer’s Water Management Plan for the Cedar City Valley Aquifer. The following Water Right Valuation Schedule illustrates the value of each water right as of 2022, quantified as a percentage of a Priority Water Right.

Water Rights Acquisition Fee Chart 2022		
Water Priority Date	Suspension Date	% Value
Jan 10, 1966 - Dec 31, 1957	January 1, 2035	13%
Dec 30, 1957 - Dec 31, 1954	January 1, 2050	28%
Dec 30, 1954 - Dec 31, 1951	January 1, 2060	38%
Dec 30, 1951 - Dec 31, 1935	January 1, 2070	48%
Dec 30, 1935 - Jul 25, 1934	January 1, 2080	58%
July 25, 1934 - & Earlier	Not Suspended	100%

3. **Enoch City Water Units Transfer.** A Developer may pay the Water Acquisition Fee by transferring Enoch City Water Units, each of which is deemed to have a value equal to the right to use the corresponding amount of water, according to the designated Conservation Tier, transferred therewith. Enoch City Water Units represent the right to use the Enoch City water system and are either acquired (a) in exchange for the payment of a Water Acquisition Fee, or (b) by purchasing them from another lot owner, pursuant to Enoch City Ordinances, and pursuant to a properly completed Water Transfer Agreement and Water Conservation Agreement, which are obtained from, approved by, executed by, and placed on file with Enoch City.

4. **Process to Transfer Water Rights.** The following process shall be followed for a person developing land within the City to transfer water rights to Enoch City:
 - a. The Developer proposing the transfer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The Developer shall also provide a title insurance policy in a sum adequate to cover the appraised value of the water rights the policy is covering.
 - b. A change application with the Utah State Engineer shall be completed at the expense of the party developing the land. Information to be included in the change application will be provided by Enoch City, including the new points of diversion. The change application must be approved by the State Engineer prior to transferring water rights to the City on the books of the State of Utah Division of Water Rights. This transfer may also be conditioned on approval of the subdivision application pending before the City that caused the Developer to transfer the water rights.
 - c. A deed transferring the water rights to Enoch City shall be completed and held prior to the subdivision application approval. The deed transferring ownership may be held either by the City or in an escrow account paid for by the Developer. Once the subdivision application and change application receive approval, the deed will be recorded.
 - d. If the Division of Water Rights has not made a final decision on the change application prior to the subdivision approval, then the Developer shall post a cash bond with the City in the amount of the water acquisition fee.

- e. If at any point in this process, the change application is denied by the Division of Water Rights then the Developer can pay the water acquisition fee in lieu of providing water rights. However, if a denial is based on the Developer's failure to timely provide information or payments to the Division of Water Rights during the change application process, then the Developer cannot pay the water acquisition fee in lieu of providing water rights.
- f. If the water rights proposed to be transferred are supplemental, recharge/recovery, recovery or something other than from a primary underground source, then prior to completing the subdivision application the Developer shall obtain a change application with a complete determination through the State of Utah Division of Water Rights so that the scope and characteristics of the water right is determined.

B. Exemptions. The following are exempt from the Water Acquisition Fee.

1. Nominally Irrigated Areas. In an effort to encourage xeriscape and other forms of landscaping or natural areas requiring nominal water and irrigation, such will not be subject to the requirements of this Ordinance or require a Water Acquisition Fee. Nominally Irrigated Areas shall include trees, shrubs, and may include other plants, or xeriscape landscaping using only nominal water systems such as limited bubbler or drip systems. For purposes of the Water Acquisition Fee, the landscaping being measured is primarily grass or sod, and not Nominally Irrigated Areas, and other areas as reasonably determined by Enoch City.
2. Open space exemptions. If at the time of final plat approval, or pulling of a building permit, land is deeded to Enoch City as a dedicated street or for undeveloped open space, parks and recreation, or placed in a conservation easement that complies with the provisions of Title 57, Chapter 18, Sections 1 through 7, Utah Code Annotated, 1953 as amended, then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights or payment of fees. Additionally, if land in a subdivision is to be held as common area and is undeveloped, unirrigated, or only nominally irrigated, then that land is not subject to the requirements of this ordinance that mandate the payment of Water Acquisition Fees.
3. Public lands exemption. If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the U.S. Forest Service then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.

4. **City Exemption.** Enoch City is not required to deed water or pay a fee if the City develops land. A purchaser of property from the City will have to pay the Water Acquisition Fee to the City consistent with this ordinance.
- C. **Water Acquisition Fee Schedule and Tier System.** A Developer seeking approval of a single-family lot development must first designate a Conservation Tier and pay the corresponding Water Acquisition Fee for each single-family lot. The selected Conservation Tier, will establish the lot owner's expected water use, and the corresponding Water Acquisition Fee, and the resulting water rates.
1. The Water Acquisition Fee Schedule indicates the Water Acquisition Fee for each Conservation Tier that could be selected, as a percentage of a full, one-acre-foot, Priority Water Right, and the corresponding water use.
 2. The Conservation Tier Schedule indicates the lot owner's expected water use and resulting water rate. The rates and penalties set forth in the Conservation Tier Schedule are for illustration purposes only; Enoch City will, from time to time, change such water rates and penalties for each Tier.
- D. **Properties with Both Culinary & Secondary Water.** Developers seeking to approve properties, with a single-family unit, and with both Culinary and Secondary water meters are subject to the following. The Water Acquisition Fee for a new water connection on such properties shall be equal to the value of a full, one acre, Priority Water Right. However, the Enoch City Water Units assigned to such a property shall be as follows: .3 AF of Enoch City Water Units, corresponding to the culinary water, which are not transferable and shall remain with the property, and .7 AF of Enoch City Water Units, corresponding to the Secondary Water, which are not transferable and shall remain with the property. The Conservation Tier Schedule for such properties shall be permanently assigned as follows: The .3 AF of Culinary water shall be set at the Conservation Tier of "CUL," and subject to the corresponding "CUL" water rates. The Secondary water shall be set at the Conservation Tier of "SEC," and shall be subject to the corresponding SEC water rates. Properties in Enoch City with both a Culinary water meter and a Secondary water meter, will receive an Enoch City water bill separately designating the rates for each water meter.
- E. **Multi-Residential Developments.** Developers seeking approval of a Multi-Residential Development must provide an engineered Annual Water Estimate, illustrating the total annual, acre feet of water estimated to be used by the Development ("Annual Water Estimate"), to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and the subsequent water rate will be calculated based on this determination. For purposes of this Annual Water Estimate, the number of Multi-Residential Units should be multiplied by .3 acre-feet of water,

and each sq/ft of proposed grass should be divided by 10,057, to derive the Development's Annual Water Estimate, in terms of Acre Feet (ie: a twenty-unit subdivision (20 units x .3 = 6AF) with 10,000 square feet of grass (10,000 sq/ft grass / 10,057 = .994AF) would have a 6.994AF Annual Water Estimate). The Water Acquisition Fee will be determined by multiplying the Annual Water Estimate by the priority Water Right Value (ie: a Development with a 6.994AF Annual Water Estimate will pay 6.995 multiplied by the Conservation MFD Tier, which is 100% of the appraisal Priority Water Right). The Development would subsequently pay for water at a rate of 6.994AF multiplied by the Tier 1 Rate (ie: a MRD that is estimated to use 6.994AF of water annually, will pay 6.994 times the Tier 1 Rate).

The Water Units assigned to a Multi-Family Development will be assigned under the "MFD" Conservation Tier. These Water Units are not transferable and must remain with the Development.

If any Multi-Family Development is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee to address the extra water used.

- F. **Commercial, Industrial, and Manufacturing Developments.** Developers seeking approval for commercial, industrial, or manufacturing developments must provide an engineered Annual Water Estimate, illustrating the total, annual, acre feet of water estimated to be used for each lot, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and the subsequent water rate will be calculated based on this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition Fee will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be determined by multiplying the Annual Water Estimate by the Tier 1 Rate.

The Water Units assigned to a Commercial, Industrial, or Manufacturing lot will be assigned under the "Com" Conservation Tier. These Water Units are not transferable and must remain with the property.

If any Commercial, Industrial, or Manufacturing property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee to address the extra water used.

- G. **Institutional Properties.** Developers seeking approval of Institutional Developments, including schools, religious buildings, and other properties of nonprofit organizations, must present an engineered Annual Water Estimate, illustrating the total, annual acre feet of water estimated to be used for such property, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and the subsequent water rate will be based upon this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and

estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition Fee will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be determined by multiplying the Annual Water Estimate by the Tier 1 Rate.

The Water Units assigned to an Institutional property will be assigned under “INS” Conservation Tier. These Water Units are not transferable and must remain with the property.

If any Institutional property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to pay an additional Water Acquisition Fee to address the extra water used.

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Item #1 – Water Acquisition

A. **Water Acquisition Fee.** A Developer seeking approval of a development application for single family dwelling units, and to secure new rights to use the Enoch City water system, must ~~pay a Water Acquisition Fee~~ provide water right(s), based upon the property acreage and expected water use. A Developer may pay the Water Acquisition Fee in cash, ~~or by~~ while transferring acceptable water rights, or by transferring Enoch City Water ~~Blocks~~ Unit(s), or a combination of ~~all three~~ both. The Water Acquisition Fee does not fulfill the requirement nor obviate the need to otherwise pay water connection fees. The Developer shall submit a Subdivision Water Schedule, with each Subdivision Application, designating the selected Conservation Tier for each lot, which determines the Water Acquisition Fee and resulting water rates for each lot.

1. **Cash.** Developers paying the Fee in cash will pay the amount corresponding to the desired water use as per the Acquisition Fee Schedule, which values the water based upon a percentage of the appraised value of a one (1) acre-foot Priority Water Right in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73, and a priority date ~~no younger than~~ equal or prior to July 25, 1934 (“Priority Water Right”).
 - a. As often as deemed prudent by Enoch City Staff, but at least annually, and typically every six months, Enoch City will contract for and obtain an appraisal of the current fair market value of a Priority Water Rights as described in this subsection. These appraisals assist the City in its own purchase of acceptable water rights and are the basis for the Water Acquisition Fees levied by the City.
2. **Water Right Transfer.** Developers paying the Fee by transfer of water rights shall do so with proof of use; and proof of ownership through a chain of title, and will pay all costs incurred for deeding and transferring the water. When deeding water rights to Enoch City, the water right must be in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73. The water right must conform with one of the following:
 - a. A priority date equal to or prior to July 25, 1934 (“Priority Water Right”); or
 - b. A priority date after July 25, 1934, which at the time of transfer to Enoch City must have at least 10 years before ~~extinguishment~~ suspension under the State Engineer’s Water Management Plan for the Cedar City Valley Aquifer.

3. For purposes of payment of the Water Acquisition Fee, these post-July 25, 1934 water rights are deemed to have a fair market value equal to 1% of a subsection 2(a) Priority Water Right (priority before July 25, 1934) for each full year remaining at the time of delivery to and acceptance by Enoch City before ~~extinguishment-suspension~~ under the State Engineer's Water Management Plan for the Cedar City Valley Aquifer. The ~~following~~ Water Right Valuation Schedule illustrates the value of each water right as of 2022, quantified as a percentage of a Priority Water Right.
4. **Enoch City Water Units Transfer.** A Developer may pay the Water Acquisition Fee by transferring Enoch City Water Units, each of which is deemed to have a value equal to the right to use the corresponding amount of water, according to the designated Conservation Tier, transferred therewith. Enoch City Water Units represent the right to use the Enoch City water system and are either acquired (a) in exchange for the payment of a Water Acquisition Fee, or (b) by purchasing them from another lot owner, ~~pursuant to Enoch City Ordinances~~, and pursuant to a properly completed Water Transfer Agreement and Water Conservation Agreement, which are obtained from, approved by, executed by, and placed on file with Enoch City.
5. **Process to Transfer Water Rights.** The following process shall be followed for a person developing land within the City to transfer water rights to Enoch City:
 - a. The Developer proposing the transfer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The Developer shall also provide a title insurance policy in a sum adequate to cover the appraised value of the water rights the policy is covering.
 - b. A change application with the Utah State Engineer shall be completed at the expense of the party developing the land. Information to be included in the change application will be provided by Enoch City, including the new points of diversion. The change application must be approved by the State Engineer prior to ~~transferring water rights to the City on the books of the State of Utah Division of Water Rights~~ acceptance for development. ~~This transfer may also be conditioned on approval of the subdivision application pending before the City that caused the Developer to transfer the water rights.~~
 - c. A deed transferring the water rights to Enoch City shall be completed and held prior to the subdivision application approval. The deed transferring ownership may be held either by the City or in an escrow account paid for by the Developer. Once the subdivision application and change application receive approval, the deed will be recorded.

- d. If the Division of Water Rights has not made a final decision on the change application prior to the subdivision approval, then the Developer shall post a cash bond with the City in the amount of the water acquisition fee based on the Priority Water Right value at the time of said cash bond.
- e. If at any point in this process, the change application is denied by the Division of Water Rights then the Developer can pay the water acquisition fee in lieu of providing water rights. However, if a denial is based on the Developer's failure to timely provide information or payments to the Division of Water Rights during the change application process, then the Developer cannot pay the water acquisition fee in lieu of providing water rights.
- ~~f. If the water rights proposed to be transferred are supplemental, recharge/recovery, recovery or something other than from a primary underground source, then prior to completing the subdivision application the Developer shall obtain a change application with a complete determination through the State of Utah Division of Water Rights so that the scope and characteristics of the water right is determined.~~

B. Exemptions. The following are exempt from the Water Acquisition Fee.

1. Nominally Irrigated Areas. In an effort to encourage xeriscape and other forms of landscaping or natural areas requiring nominal water and irrigation, such will not be subject to the requirements of this Ordinance ~~or require a Water Acquisition Fee.~~ Nominal Irrigation means irrigation that requires less than (X) ACFT per acre irrigated. Nominally Irrigated Areas shall include trees, shrubs, and may include other plants, or xeriscape landscaping using only nominal water systems such as limited bubbler or drip systems. For purposes of the Water Acquisition Fee, the landscaping being measured is primarily grass or sod, and not Nominally Irrigated Areas, and other areas as reasonably determined by Enoch City.
2. Open space exemptions. If at the time of final plat approval, or pulling of a building permit, land is deeded to Enoch City as a ~~dedicated street~~ right-of-way or for permanent undeveloped open space, parks and recreation, or placed in a conservation easement that complies with the provisions of Title 57, Chapter 18, Sections 1 through 7, Utah Code Annotated, 1953 as amended, then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights or payment of fees. Additionally, if land in a subdivision is to be held as common area and is undeveloped, unirrigated, or only nominally irrigated, then that land is not subject to the requirements of this ordinance that mandate the payment of Water Acquisition Fees.
3. Public lands exemption. If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the U.S. Forest Service then that

acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.

City Exemption. Enoch City is not required to ~~deed water or~~ pay a fee if the City develops land. A purchaser of property from the City will have to ~~pay the Water Acquisition Fee to the City~~ act consistent with this ordinance.

(Chart kept separately)

Water Rights Acquisition Fee Chart 2022		
Water Priority Date	Suspension Date	% Value
Jan 10, 1966 - Dec 31, 1957	January 1, 2035	13%
Dec 30, 1957 - Dec 31, 1954	January 1, 2050	28%
Dec 30, 1954 - Dec 31, 1951	January 1, 2060	38%
Dec 30, 1951 - Dec 31, 1935	January 1, 2070	48%
Dec 30, 1935 - Jul 25, 1934	January 1, 2080	58%
July 25, 1934 - & Earlier	Not Suspended	100%

Item #2 – Tier System

C. Water Acquisition Fee Schedule and Tier System. A Developer seeking approval of a single-family lot development must first designate a Conservation Tier and pay the corresponding Water Acquisition Fee for each single-family lot. The selected Conservation Tier, will establish the lot owner's expected water use, and the corresponding Water Acquisition Fee, and the resulting water rates.

1. The Water Acquisition Fee Schedule indicates the Water Acquisition Fee for each Conservation Tier that could be selected, as a percentage of a full, one-acre-foot, Priority Water Right, and the corresponding water use.
2. The Conservation Tier Schedule indicates the lot owner's expected water use and resulting water rate. The rates and penalties set forth in the Conservation Tier Schedule are for illustration purposes only; Enoch City will, from time to time, change such water rates and penalties for each Tier.

Tier Schedule NOT a part of ordinance. Approved by resolution when changed.

Item #3 – Others

- A. **Properties with Both Culinary & Secondary Water.** Developers seeking to approve properties, with a single-family unit, and with both Culinary and Secondary water meters are subject to the following: The Water Acquisition Fee for a new water connection on such properties shall be equal to the value of a full, one (1) AF, Priority Water Right and shall follow the same policy as found in section A of this ordinance. However, the Enoch City Water Units assigned to such a property shall be as follows:

Three-tenths (.3) AF of Enoch City Water Units, corresponding to the culinary water, which are not transferable and shall remain with the property, and seven-tenths (.7) AF of Enoch City Water Units, corresponding to the Secondary Water, which are not transferable and shall remain ~~with~~ assigned to the property. The Conservation Tier Schedule for such properties shall be permanently assigned as follows: The three-tenths (.3) AF of Culinary water shall be set at the Conservation Tier of “CUL,” and subject to the corresponding “CUL” water rates. The Secondary water shall be set at the Conservation Tier of “SEC,” and shall be subject to the corresponding SEC water rates. ~~Properties in Enoch City with both a Culinary water meter and a Secondary water meter, will receive an Enoch City water bill separately designating the rates for each water meter.~~

- B. **Multi-Residential Developments.** Developers seeking approval of a Multi-Residential Development must provide an engineered Annual Water Estimate, illustrating the total annual, acre feet of water estimated to be used by the Development (“Annual Water Estimate”), to be reviewed and approved by Enoch City staff for accuracy. The initial Water Acquisition Fee and the subsequent water rate will be calculated based on ~~this determination~~ the approved Annual Water Estimate. For purposes of this Annual Water Estimate, the number of Multi-Residential Units should be multiplied by .3 acre-feet of water, and each sq/ft of proposed grass should be divided by 10,057, to derive the Development’s Annual Water Estimate, in terms of Acre Feet (ie: a twenty-unit subdivision (20 units x .3 = 6AF) with 10,000 square feet of grass (10,000 sq/ft grass / 10,057 = .994AF) would have a 6.994AF Annual Water Estimate). The ~~Water Acquisition Fee~~ requirement will be determined by multiplying the Annual Water Estimate by the priority Water Right Value (ie: a Development with a 6.994AF Annual Water Estimate will pay 6.995 multiplied by the Conservation MFD Tier, which is 100% of the appraisal Priority Water Right). The Development would subsequently pay for water at a rate of 6.994AF multiplied by the Tier 1 Rate (ie: a MRD that is estimated to use 6.994AF of water annually, will pay 6.994 times the Tier 1 Rate).

The Water Units assigned to a Multi-Family Development will be assigned under the “MFD” Conservation Tier. These Water Units are not transferable and must remain with the Development.

If any Multi-Family Development is ever found to use more water ~~or have more square footage of grass~~ than the Annual Water Estimate, that property will be required to ~~pay an additional Water Acquisition Fee~~ increase the water rights to address the extra water used.

- C. **Commercial, Industrial, and Manufacturing Developments.** Developers seeking approval for commercial, industrial, or manufacturing developments must provide an engineered Annual Water Estimate, illustrating the total, annual, acre feet of water estimated to be used for each lot, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and the subsequent water rate will be calculated based on this ~~determination~~ estimate. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which ~~should~~ shall be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition ~~Fee~~ requirement will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be ~~determined by multiplying the Annual Water Estimate by the Tier 1 Rate~~ the commercial rate as approved by resolution.

The Water Units assigned to a Commercial, Industrial, or Manufacturing lot will be assigned under the “Com” Conservation Tier. These Water Units are not transferable and must remain with the property.

If any Commercial, Industrial, or Manufacturing property is ever found to use more water ~~or have more square footage of grass~~ than the Annual Water Estimate, that property will be required to ~~pay an additional Water Acquisition Fee~~ increase the water rights to address the extra water used.

- D. **Institutional Properties.** Developers seeking approval of Institutional Developments, including schools, religious buildings, and other properties of nonprofit organizations, must present an engineered Annual Water Estimate, illustrating the total, annual acre feet of water estimated to be used for such property, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and the subsequent water rate will be based upon this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition ~~Fee~~ requirement will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be ~~determined by multiplying the Annual Water Estimate by the Tier 1 Rate~~ the commercial rate as approved by resolution.

The Water Units assigned to an Institutional property will be assigned under “INS” Conservation Tier. These Water Units are not transferable and must remain with the property.

If any Institutional property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to ~~pay an additional Water Acquisition Fee~~ increase the water rights to address the extra water used.

From Board Member Doug Grimshaw:

I do not like the proposed Water Transfer Agreement (WTA) and Water Conservation Agreement (WCA) as would be applied to existing Lots/Parcels in Enoch City. That said, in order for the overall plan of Water Acquisition and Water Rate Tiers to work going forward, there does need to be some type of rate tiers that can be applied both to existing lots/parcels and to the new developments/subdivisions that allow less than 1 AF of water per lot.

Thoughts in no particular order:

- As currently proposed, these WTA and WCA agreements would provide no financial benefit to EC. Any of these type transfers would be 3rd party transactions between 2 individuals or entities with none of the \$ going to EC.
- These agreements would be the opposite of water conservation as they would allow portions of a lot's water (water unit) not being used to be transferred to someone else who does intend to use it. This proposal would use more water, would not conserve water and would provide income only to the lot seller.
- Not all of the water rights owned by EC are senior water rights. By allowing WTA's, EC would stretch or dilute their overall water rights and in light of the proposal to accept Junior Water Rights with the Fee Acquisition Schedule, they would be again stretching or diluting their overall water right portfolio and taking on additional risk because of the Cedar Valley suspension deadlines. To stretch and/or dilute both new and existing EC water rights twice seems unwise.
- Because of the small amounts of individual lot/parcel water units available and the considerable time, and effort to identify them and then negotiate their purchase, it is unlikely that Developers would use the WTA method to find Units of water for their proposed projects/developments if the Water Acquisition Fee route is available.
- Not only will EC not benefit financially from these agreements, there will be additional costs to administer and police these agreements.
- Even if billing and administration of this program is billed to the Water Enterprise Fund, there will be instances of disgruntled users by phone and at the front desk dealing with EC staff paid by the general fund. This time could be significant where new lot/parcel owners don't understand the system and/or think that EC is unfair or out of line. Bottom line is that this program will cost money to administer when there is no financial reward or revenue to do so.
- If EC is trying to generate revenue for West Desert or other source projects, it would make more sense to stretch/dilute their overall water units by Acquisition Fee revenue than to dilute/spread their existing water rights by WTA's that bring no significant revenue.
- This looks like an administration nightmare. I suspect that user accounts are all user name based and not based on lot/parcel. That means each time a new user comes into the system, some research will have to be done by staff to determine what lot/parcel they own and what agreements are in place, what tier they are in and, etc. I understand that EC staff already has to deal with disgruntled residents for many and various reasons so cannot see why we should add to their work load with this proposal which has no revenue stream to cover those added costs.
- Unless the WTA and WCA agreements are filed with the county recorder so that they become a matter of public record, I can see no path that will make new owners aware of any WCA by which they are legally bound when purchasing a lot/parcel. Even when new owners are made aware of a WCA it is

unlikely that they will fully understand what that WTA and WTC means. Looks to me like a lose lose situation for both the new owners of old lots/parcels and EC were these agreements allowed.

- Until recently EC has mandated that all new lots be at least an R1-18 with 1 AF of water right. New owners of these older/original large lots should not have to buy additional water rights to get back to how the large lots were originally intended to be used with that 1 AF water right. To allow a current owner to take a onetime financial benefit that permanently reduces the future use of these large lots would seem to be completely opposite of the historic use of those lots/parcels.
- I think original lot/parcel owners whose property contributed 1 AF of water to EC should be treated very much differently from new projects/developments that bring less than 1 AF. Tiers can be applied to original lots/parcels by allowing those with less use to select a lower tier and larger users a higher tier. Those lots/parcels should be able to change tiers once per year if their water use changes significantly due to new areas of irrigation by those owners or new owners. Also, their overage charge should be less than what is charged to new projects/developments that bring less water.
- New projects/developments that bring less than 1 AF per dwelling must be held to a different standard than existing 1 AF lots/parcels. Approvals by EC, in whatever form, must be such that there are recorded documents that will be found/discovered and disclosed when properties change hands. Those projects would not be able to change tiers and increase use except by providing additional water rights. Their overage charge should be much greater than what is charged to older lots/parcels who contributed the full water right.

From Board member Allen Miller:

With Regards to the Proposed Water Acquisition Ordinance
An addendum to the survey...

3-16-22

A. Water Acquisition Fee:

A1. I do not support a 'fee only' buy-in; except in one potential case.

Reasons I do not support this:

The City is assuming all risk to be able to obtain, and secure, adequate water rights to supply a development. In this scenario the developer has successfully transferred this portion of their risk to the City. Which the City should not absorb.

Exception where I can see support;

The person who owns a parcel, and is attempting to secure one water connection. In this case the City is absorbing a limited amount of risk, which may be manageable. Even in this situation the City must place a limit on how many total times this can be used: such as individually, only once. And overall perhaps as a percentage of the unused senior rights.

Regardless of my support, should the City choose to accept this form of water right management, the cost should reflect current high market value of a senior right, as well as a realistic number of hours cost for an attorney to complete the transfer from the future right holder to the City. And the monies MUST be held in a separate dedicated account for the sole purpose of obtaining secure long term water rights.

A2. I can support, with limitations, a fee with junior rights supplied scenario.

Limitations are to be established in two areas:

One is the number of junior rights accepted to a development, can be expressed as a not to exceed percentage, or as a number of equivalent residences (ERs).

The other limitation as a not to exceed percentage of junior rights held by the City as a whole.

A3. I do not support the 'Conservation Units' approach; again except in one potential case

Reasons I do not support this:

Although I appreciate its creative aspects, I believe detractors such as

1. Stated intent to severely impact the property when they exceed an agreed upon water limitation.
2. The potential for abuse of property owners' knowledge and understanding by those whose motivations are not in the owners' best interest. Let me be clear, this isn't a namby pamby attempt to protect the ignorant, but I don't believe the City should be a party in assisting wrongly motivated individuals in taking advantage of citizens.
3. There is no spirit or intent of conservation in this. This is about taking something, albeit with their authorization, from someone and giving it to another to put it to use where it likely was not being used before. The result is increased use, not conservation.

Exception where I can see support;

The person who owns a parcel, or two connected parcels and is willing to split their existing right of use so as to enable development of a second, connected, or half of the original parcel.

A4. For obvious reasons I fully support the City accepting a deeded senior, or priority, water right for development. The City is fully protected and others complete the necessary tasks to enable their development of land. As it should be.

B. Exemptions:

B1. Nominally Irrigated: Support with limitations of quantity gallons per established period of time (IE monthly, irrigation season, annually). And limits as to flow rate (which affects the City's instantaneous demand) All water must be metered and paid for.

B2. Open Space: Support with limitations of anticipated water use and area (square footage) of use in addition to limitations listed for nominally irrigated space.

B3. Public Lands: Support with same limitations as Open Space. And caveat that conversion from public to private ownership eliminates exemption.

B4. City Developed Land: I can potentially support this if the land use can be reasonably and realistically shown to benefit the community as a whole. This would need to be defined. My view would be limited to small parks, community buildings, libraries. In addition I believe a water quantity and flow rate (instantaneous flow) limitation should be applied.

I cannot support this when it is applied to any and every thing the City may attach its name to. The City should demonstrate leadership, not exemption from.

C. Properties and Developments where Secondary water is available:

I would support a scenario where the same limitations as provided in section A applied. With the following conditions;

If the City were to accept a 0.3 ac foot for culinary or indoor use, this must be reviewed on a determined frequency and a defined and agreed upon set of actions taken if the 0.3 is exceeded.

The 0.7 AF of secondary could be accepted with the same limitations listed above as well as a written agreement its use would be curtailed first in any situation where the City was forced to curtail water use secondary or culinary.

D. Multi-Residential:

I would support a scenario where the same limitations as provided in section A and/or C applied. Again with roughly the same conditions as item C above.

If the City were to accept a 0.3 ac foot for culinary or indoor use, this must be reviewed on a determined frequency and a defined and agreed upon set of actions taken if the 0.3 is exceeded.

If the City were to accept an estimated ac foot for secondary or outdoor use, this must be reviewed on a determined frequency and a defined and agreed upon set of actions taken if the estimated water use is exceeded.

E. Commercial/Industrial/Manufacturing:

This one is a bit unique. When a residence or a multi-residence building is developed one is fairly certain of its water use. When a commercial type building is constructed one can estimate the use of the original user fairly accurately. But the facility, building, will remain for many Decades, and its use may change many times.

In many cases the water use will be very low, but what does the City do when that changes?

Other than the challenges provided above, I believe similar treatment could be applied as for Institutional type development.

F. Institutional:

I would support a scenario where the same limitations as provided in section A and/or C applied. With the same conditions as for section D.

Additional, unsolicited, view point.

If the City ultimately establishes a methodology where properties are penalized for exceeding an agreed upon total use, as it relates to acre feet and the City's requirement to obtain acre feet for each parcels development, then such penalty should apply to every parcel. IE if my parcel deeded/donated one acre foot of water for its development into a residential parcel, and my, or subsequent owners, usage exceeds one acre foot, then I should have to comply with the same penalty as someone else. Perhaps this method should have one, only one, get out of jail free card (with the condition that this is a singular and not an on-going(past or future) event), and perhaps it should be evaluated annually but measured and enacted on a biannual (every two year period). It should also be evaluated, measured and enacted every time a home is sold, so a new owner starts with a clean slate.

This is related to a water rate schedule only in that the water is measured and charged routinely through the water rate schedule. This water use, and any subsequent penalty, is solely related to the original quantity of water provided to the city. It is independent of, and severed from, the water rate schedule.

In this case, and in the cases above where monies are contributed to the City in lieu of senior, priority, deeded water rights, all revenues must go to a dedicated fund which could only be used to purchase/obtain water of adequate seniority/priority so as to be used for the City's ability to supply all existing developed parcels within the City.

Two questions:

1. Does the City depend on growth to provide the fuel to run the City?
2. When a new water connection is purchased, does the purchaser pay a 'buy-in' for the existing infrastructure value? IE: how do they pay for their share of the existing system.

**3. MAKE A RECOMMENDATION TO THE CITY COUNCIL REGARDING
#1-WATER ACQUISITION, #2-TIER SYSTEM AND #3-OTHERS**

City Manager Dotson said he would pose each issue as a question for a vote.

#1 Do you agree with accepting water rights with dates after July 1934 with the associated fee as proposed in the draft ordinance? All voted yes.

#2 Do you agree with acquiring the use of a water right with a fee and no water right being given to the City?

Doug-no /Steve- yes/ Spencer- yes /Alan- yes****

****but only in the case of one water connection and not a whole development.**

#3 Do you agree with the Chart proposed in the Acquisition portion?

All- yes

Water Rights Acquisition Fee Chart 2022		
Water Priority Date	Suspension Date	% Value
Jan 10, 1966 - Dec 31, 1957	January 1, 2035	13%
Dec 30, 1957 - Dec 31, 1954	January 1, 2050	28%
Dec 30, 1954 - Dec 31, 1951	January 1, 2060	38%
Dec 30, 1951 - Dec 31, 1935	January 1, 2070	48%
Dec 30, 1935 - Jul 25, 1934	January 1, 2080	58%
July 25, 1934 - & Earlier	Not Suspended	100%

#4 Do you agree with exemptions for water acquisition for nominally irrigated areas, and not subject to an acquisition fee if it requires “X” amount of water for nominally irrigated areas such as planting strips with gravel and trees/shrubs?

Doug-no/ Steve- no/Spencer-yes/ Alan-no (unless better defined)

**Spencer- to give builders incentive for xeriscaping

**Doug- this sets builder up to underestimate water use

#5 Do you agree with open space exemptions defined as no water rights required?

Doug-no/ Alan-no/ Steve-no/ Spencer-yes

**Doug-No need for an exemption for what uses no water. We can't exclude giving rights if they use water for parks. Parks are irrigated and require water rights if they are to be private parks such as in an HOA. A park deeded to the City is different.

**Alan-City could be on the hook to provide the water in some cases

#6 Do you agree with public lands and City exemption for water rights? City Manager Dotson noted there are no public lands in Enoch now. The State gives us an option to annex and work with BLM, SITLA, etc. for enabling affordable housing on these types of land which could be sold to developers for affordable housing. If we cooperate with federal agencies and local developers we could be asked to exempt affordable housing from bringing water rights in this case. No water is deeded at annexation but would come when they develop.

All voted yes.

#7 Do you agree with a conservation tier system? City Manager Dotson explained for a certain lot size the developer decides what tier they want to be on and that is tied to the water rights required for those properties. The expected water use gets the accompanying lower rate.

Doug- yes/ Alan-yes/ Steve- yes/ Spencer-yes

**Alan- Concept ok but someone else is committing for others to have to conserve

**Doug- City has to enforce that usage. If I go over, I pay, but I never brought a water right so the system is being over-pumped

#7 Do you agree with a water right “unit” principle for a lot with a water “unit” assigned to that lot and the ability to transfer “units” to other lots for others in the City?

Doug-no/ Alan-no/ Steve-yes/ Spencer-yes

#8 Do you agree with water unit transfers as with an agreement between two property owners to change the tiers and assignment of rights?

Doug- no/ Alan- no/ Steve-yes/ Spencer-yes

**Doug- There is no redeeming value to transfer agreements. This does not conserve water. There is no revenue for the City as this is a 3rd party transaction. The City has to administer that with no fee for doing so. Also, this penalizes those who have been here for a long time. Giving adequate notice of previous transactions to new owners is a problem and also for them to understand this concept. This will result in additional costs and irate people. Supply and demand should rule.

**Alan-this is a neighbor handshake agreement and not a good policy. An unscrupulous agent could convince someone to sell units of water and then turn around and resell them. This is not conservation because it is putting something to use that is not now used.

**Spencer gave examples of not allowing this concept could stop building for some individuals who have just discovered they need a one-acre foot to build. This is a way to get that water.

Even though onerous in the process, this is an opportunity to make it work by getting it from multiple people. Any water transactions on lots would be recorded.

City Manager Dotson suggested we compile a tally of the results of the votes as a whole and that this be presented to the Planning Commission, who gets it first because it involves land use issues. They make a recommendation and then it goes to the City Council. Doug said he can see the most of this working with the exception of the water right unit transfer portion. Everyone is fine with allowing the City to accept junior rights plus a fee to cover the difference. A fee-only without the water right is fine with the condition that it is for one lot only and not for an entire development. All were fine with the chart as shown.

#1-All yes #2-1 no and 3 yes w/conditions #3- all yes #4-3 no and 1 yes

#5-3 no and 1 yes #6-All yes #7-2 no and 2 yes #8-2 no and 2 yes

Spencer made a motion that we take the eight (8) items and send them for consideration with votes as held and noted. The motion was seconded by Steve and all voted in favor.

Planning Commission Rec.-Water Ordinance changes for consideration

**MINUTES
ENOCH CITY PLANNING COMMISSION
May 10, 2022 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road**

MEMBERS PRESENT:

Commissioner Leonard Correa
Commissioner Andy Losee
Commissioner Andrew Meacham - absent
Commissioner Debra Ley
Commissioner Bob Tingey - absent

STAFF PRESENT:

Rob Dotson, City Manager
Council Member Ross
Julie Watson, City Recorder-Zoom
Lindsay Hildebrand-Dep. Rec.
Hayden White-Pub. Works Dir.

6. CONSIDER CHANGES TO WATER ORDINANCES – 3 PARTS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL-See WB Rec.

Chairman Pro-Tem Ley said we will go through discussion of each item and vote as the Water Board did by roll call. Tonight we are considering how we use water and possible rate structures based on the same nine (9) questions the Water Board considered.

#1-Do you agree with accepting younger water rights with dates after July 1934 with the associated fee as proposed in the draft ordinance?

City Manager Dotson said the Groundwater Management Plan (GMP) is now the policy for younger water rights which will be curtailed starting in fifteen (15) years. There is the possibility that policy could change if other efforts to stabilize and recharge the aquifer are successful. Council Member Ross said the City Council set the policy that we will only accept water rights dated July 1934 or older. City Manager Dotson said younger, existing water rights could possibly be used in conjunction with a fee until curtailed. The fees would be used to acquire other water rights or water sources. (WB-All voted yes)

Planning Commission-All voted yes.

#2 Do you agree with acquiring the use of a water right with a fee and no water rights being given to the City? (WB-1-no-1yes, with condition of one connection and 2-yes)

City Manager Dotson explained the concept in detail. Doug Grimshaw of the Water Board was against it. Alan Miller said this might make sense for one connection but not for an entire subdivision. Chairman Pro-Tem Ley said Cedar City does this now and they are in trouble with their water due to that policy. Chairman Pro-Tem Ley discussed the Water Board votes listed above.

Chairman Pro-Tem Ley-no, require a water right for everything. Commissioner Correa-yes, for one connection only Commissioner Losee-yes, for one connection

#3 Do you agree with the Acquisition Fee Chart as proposed –Planning Commission -all yes (WB-All yes) Planning Commission –All yes

#4 Do you agree with exemptions for water acquisition for nominally irrigated areas and not subject to an acquisition fee if it requires “X” amount of water for nominally irrigated areas such as planting strips with gravel, trees and shrubs? (WB-3-no 1-yes)

Concerns expressed by the Water Board were this sets up developers to underestimate the usage and they deed less water to the City in accordance. Then they use more and the City has not been deeded the water to cover the over use. Spencer thought it incentivizes developers to xeriscape.

Chairman Pro-Tem Ley-no, not needed. Commissioner Correa-no Commissioner Losee-clarified saying this is xeriscaping and not grass so-Yes

#5 –Do you agree with open space exemptions defined as no water rights required?

City Manager Dotson explained saying if a private HOA has a park that is private they must provide water rights to water it. If a development gives a public park to the City, we are exempt. This is so we as a City are not the hook to provide water for open spaces that are not defined as dedicated parks. There was more discussion noting this could be referring to an open space requirement in a subdivision that has nothing in it that needs watering so they don’t have to bring water for that open space. To Doug’s (WB) point they would be exempt for the open space requirement anyway. If they build a public park that is different so that needs to be specified, Chairman Pro-Tem Ley said she concurs with Doug’s point in the Water Board minutes. She inquired as to if the City ever says no to a park being deeded noting added watering is not something the City should take on right now. City Manager Dotson said we have not refused parks to date but we could. To Doug’s point the question was why exempt something that needs no water to begin with? (WB-3 no and 1 yes to exempt it)

Chairman Pro-Tem Ley-no Commissioner Correa-yes with conditions Commissioner Losee-no

#6 Do you agree with public lands and City exemption for water rights?

(WB-All yes)

City Manager Dotson said we currently do not have any public lands in Enoch. There is legislation pending with the State regarding BLM and SITLA land that could be sold to developers for affordable housing to be built on that land. State code will allow us to cooperate with them to dispose of their property for affordable housing. Federal legislation changes will have to occur for this to happen so this is a “future” case scenario. City Manager Dotson explained when this type of land is disposed of it becomes private land and then a developer brings the water to develop it. **Planning Commission- All voted yes.**

#7 Do you agree with a conservation tier system?

(Water Board-all yes with concerns)

City Manager Dotson explained for a certain lot size a developer decides what tier they want to be on and that is tied to the water rights required to be deeded for those properties. The expected water use gets the lower accompanying rate. Chairman Pro-Tem Ley gave the example of her large property that is fully developed saying this gives her concerns. It was noted the current rate structure does not cover expenses to run the Water Company on delivery of the one acre foot of water. Those who use less subsidize those who use more and it should be the opposite. There was discussion of various scenarios and it was noted this is mostly for new development but existing property owners could commit to conserve, remove turf and get a lower rate tier assigned to their lot. The Water Board discussion was Alan said the concept is fine but someone else is committing for others to have to conserve. Doug expressed concerns of the City

having to enforce this conceding someone may pay more to use more but they did not give the full 1 AF to begin with so they are using water that does not exist as a deeded water right.

Planning Commission-All voted yes

#8 Do you agree with a water right “unit” principle for a lot with a water “unit” assigned to that lot and the ability to transfer “units” to other lots for others in the City? (WB voted two yes and two no)

City Manager Dotson explained the concept saying if you use only a 1/2 AF as calculated by your historical use the you have access to sell or dispose of the other half AF to someone else. This is an agreement by both parties to do this. You sign a legal document that is recorded to transfer the water to someone else’s lot. You can only do this once per year. This is only for SFR lots.

Planning Commission-All voted yes

#9 Do you agree with water unit transfers as with an agreement between two property owners to change the tiers and assignment of rights? (WB 2-yes and 2-no)

The Water Board concerns were recapped. Issues were cited with the complicated process to track transactions, new owners not being informed and/or not understanding their water is limited due to the previous sale of some portion of it. A new owner may want to create a different landscape and does not have sufficient water to do that. Limited water could make it harder to sell the property. It was noted the City can track this with a spreadsheet and this will not be a common transaction. It was noted Doug and Alan were completely opposed to this. It was stated this would be disclosed at the time of sale that the property is in a conservation unit in a tiered system. Commissioner Correa can see this getting lost in the paperwork and people not understanding it. Commissioner Losee said he can see this concept for new development but not current users. The Planning Commission felt there was not any urgency for this part of the water ordinance. Chairman Pro-Tem Ley said she does not like it and suggested leaving this question for the future noting the other items discussion will cover the pressing circumstances we are in.

Chairman Pro-Tem Ley-no Commissioner Correa-no Commissioner Losee-yes

City Manager Dotson said the Water Board also had issues about making a recommendation on these questions to the City Council as it is shown. He suggested the City Council could decide from all input from both bodies. City Manager Dotson said he, a water rights attorney and some developers weighed in on this so there was a lot of input. The Conservancy District does some of these water items but not this water unit part. Chairman Pro-Tem Ley said things like this may work in CA but it is different here in a rural society. Homeowners don’t know about or understand this complex water law. Commissioner Losee said most growth is in new development. Much of these concepts will be a rare thing in the older parts of the City. He noted the WB-Doug said some concepts will work in new developments but would not be a good or practical thing for the older properties. Chairman Pro-Tem Ley said the person developing says how much water will be used and they set it up that way. You choose to buy where you want knowing what it is. The developer engineers the use for water per lot so maybe they don’t have to bring as much water to the city. City Manager Dotson said this spreads out the water allowing others to use it to build.

City Manager Dotson said this water ordinance will require a public hearing be held by the Planning Commission because it is a land use action. The agenda tonight does not say to set a public hearing so he suggested sending a recommendation to the City Council so they can start the conversation and then set the public hearing in the next meeting.

Commissioner Losee made a motion to send the Planning Commission responses on the water ordinance to be considered by the City Council noting the Planning Commission will set a public hearing in the next meeting. The motion was seconded by Commissioner Correa and all voted in favor.

DRAFT