

**ENOCH CITY PLANNING COMMISSION
NOTICE AND AGENDA
June 14, 2022 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road**

<https://us02web.zoom.us/j/84128053204>

**Meeting ID: 841 2805 3204
Dial by your location
+1 253 215 8782 US (Tacoma)**

- 1. CALL TO ORDER OF REGULAR MEETING**
 - a. Pledge of Allegiance –**
 - b. Invocation (2 min.) –Audience invited to participate.**
 - c. Inspirational thought-**
 - d. Approval of agenda for June 14, 2022**
 - e. Approval of minutes for May 24, 2022**
 - f. Conflict of Interest Declaration-**
- 2. SET THE NEXT PLANNING COMMISSION MEETING FOR 6-28-22 TO 6-29-22 DUE TO VOTING DAY ON 6-28-22**
- 3. CONSIDER THE FINAL PLAT OF PINEVIEW ESTATES PHASE 2 AND MAKE A RECOMMENDATION TO CITY COUNCIL**
- 4. PUBLIC HEARING FOR ZONE CHANGE OF LOTS 3A, 3B, & 3C, AMENDED PLAT OF LOT 3, BLK 2, VILLAGE GREEN FARMS FROM R-1-1-18 TO R-1-11**
- 5. CONSIDER ZONE CHANGE OF LOTS 3A, 3B, & 3C, AMENDED PLAT OF LOT 3, BLK 2, VILLAGE GREEN FARMS FROM R-1-1-18 TO R-1-11 AND MAKE A RECOMMENDATION TO CITY COUNCIL**
- 6. PUBLIC HEARING FOR ZONE CHANGE OF PARCELS A-0916-0002 003A & A-0916-0002-003B FROM R-1-11 TO RVP (RECREATIONAL VEHICLE PARK) CONTINGENT UPON BOUNDARY LINE ADJUSTMENT OF VACATED PARCELS TO CREATE 1.06 ACRES**
- 7. CONSIDER ZONE CHANGE OF PARCELS A-0916-0002-003A & A-0916 0002-003B FROM R-1-11 TO RVP (RECREATIONAL VEHICLE PARK) CONTINGENT UPON BOUNDARY LINE ADJUSTMENT OF VACATED PARCELS TO CREATE 1.06 ACRES AND MAKE A RECOMMENDATION TO CITY COUNCIL**
- 8. PUBLIC HEARING FOR NEW WATER ORDINANCE, WATER ACQUISITION, CONSERVATION TIER STRUCTURE, AND WATER UNITS**

- 9. CONSIDER NEW WATER ORDINANCE, WATER ACQUISITION, CONSERVATION TIER STRUCTURE, AND WATER UNITS AND MAKE A RECOMMENDATION TO CITY COUNCIL**
- 10. DISCUSS SECTIONS 1 AND 2 OF THE GENERAL PLAN**
- 11. PUBLIC COMMENTS**
- 12. COMMISSION/STAFF REPORTS**
- 13. ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice. Meetings of the Enoch City Planning Commission may be conducted by electronic means pursuant to Utah Code Annotated, Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to the Enoch City Code of Revised Ordinances, Chapter 3-500, regarding meeting procedures including electronic meetings.

CERTIFICATE OF DELIVERY

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the Planning Commission, emailed to "Cedar City Daily News", posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on June 10, 2022.

Lindsay Hildebrand, Deputy Recorder Date Meeting ID: 841 2805 3204

**ENOCH CITY PLANNING COMMISSION
MINUTES**

**May 24, 2022 at 5:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

PUBLIC PRESENT: Megan Stead

1. **CALL TO ORDER OF REGULAR MEETING-By bob at 5:30 pm.**
 - a. **Pledge of Allegiance** –Led by Council Member Ross
 - b. **Invocation (2 min.)** –Audience invited to participate. Given by City Manager Dotson
 - c. **Inspirational thought**–Given by Chairman Tingey
 - d. **Approval of agenda for May 24, 2022** – Commissioner Ley made a motion to approve the agenda. Commissioner Losee seconded and all voted in favor.
 - e. **Approval of minutes for May 10, 2022** - Commissioner Ley made a motion to approve the minutes. Commissioner Losee seconded and all voted in favor.
 - f. **Conflict of Interest Declaration**- Chairman Tingey noted that he lives in Village Green Subdivision

2. **CONSIDER ZONE CHANGE OF LOTS 3A, 3B, & 3C, AMENDED PLAT OF LOT 3, BLK 2, VILLAGE GREEN FARMS FROM R-1-1-18 TO R-1-11 AND SET PUBLIC HEARING FOR JUNE 14, 2022**

Megan Stead said there have been a few zone changes on this property. They want to cut a section off to put their house on the property. The other section would be 1.06 acres and zoned RV Park. Chairman Tingey asked if the property is currently zoned R-1-18. Mrs. Stead said yes. City Manager Dotson explained that the land owner wished to do two things. They want about an 11,000 sq. foot lot for their home. Right now there are three lots. They want to create an RV park with one lot being their home. To do that, they need to change the zones of all three lots to R-1-11 and then reduce the size of the one of the lots. Next, they will change the zone for the RV Park. On June 1st the City Council will review an application on the vacation of the three lots in the subdivision then they become parcels. They can then do a parcel boundary adjustment instead of having to amend the subdivision. Two lots will be the RV Park and because they are parcels, they can be combined into one lot. The issue is timing on the agenda and what happens in between. The problem is they have to vacate those three lots to make two of them over one acre. Chairman Tingey asked if it is possible for a land owner to request to be vacated out of a subdivision. City Manager Dotson said yes, they can. He opened the map of the location of the lots on the screen for everyone to see.

Commissioner Ley made a motion to set a public hearing for June 14, 2022 to change the zone of lots 3A, 3B, and 3C, amended plat of lot3, BLK 2, Village Green Farms from R-1-18 to R-1-11. Commissioner Losee seconded and all voted in favor.

3. CONSIDER ZONE CHANGE OF PARCELS A-0916-0002-003A & A-0916-0002-003B FROM R-1-11 TO RVP (RECREATIONAL VEHICLE PARK) CONTINGENT UPON BOUNDARY LINE ADJUSTMENT OF VACATED PARCELS TO CREATE 1.06 ACRES AND SET PUBLIC HEARING FOR JUNE 14, 2022

City Manager Dotson said boundary line adjustments do not require a municipality's approval. They take two separate deeds with new property descriptions and record them with the county.

Commissioner Ley made a motion to set a public hearing for June 14, 2022 to change the zone change of parcels A-0916-0002-003A and A-0916-0002-003B. Commissioner Losee seconded and all voted in favor.

5. SET A PUBLIC HEARING FOR NEW WATER ORDINANCE, WATER ACQUISITION, CONSERVATION TIER STRUCTURE, AND WATER UNITS FOR JUNE 14, 2022

Chairman Tingey asked how the discussion went during the last meeting. Commissioner Ley said they went over everything point by point. They took the original discussion from the Water Board and discussed their decisions. Eventually they made their own decisions. Chairman Tingey asked to see what each Commissioner decided.

Commissioner Ley made a motion to set a public hearing for June 14, 2022 for a new water ordinance, water acquisition, conservation tier structure, and water units. Commissioner Losee seconded and all voted in favor.

6. DISCUSS THE PROCESS FOR AMENDING THE ENOCH CITY GENERAL PLAN

City Manager Dotson explained that the current version was adopted and amended around 2017 to comply with affordable housing. There are six Elements. These were chosen back in 2006 or 2007. We had the assistance of the County Planner. City Manager Dotson noted that Cedar City just adopted theirs this year. The General Plan is a statement of general policy. For example: the Land Use Element. This has a general statement on pg. 11, however it doesn't show lot sizes. It isn't about not allowing, but limiting, it to the extent that it is. There is discussion on high density. They discussed the Transportation Element on pg. 18. There are different policies put in place to meet the goals. City Manager Dotson told the Commissioners that when they study the General Plan, they may have some different concepts based on their own perceptions, etc. He asked if they want to go out to the public or hire someone to facilitate this or, do they want to review it and make changes themselves. Chairman Tingey asked Council Member Ross if she knew whether the City Council had a suggestive time frame. Council Member Ross said she will update them at the next meeting. Chairman Tingey asked Commissioner Losee if he had any specific questions. Commissioner Losee thought that it would be a huge benefit for them to go through it themselves. Chairman Tingey said they are all capable of doing it. He wanted to start on this and take a different approach if

they need to later on. He noted that this will take a long time and they will really need to do their homework between meetings. He suggested that they set aside a half hour or so, at the end of every meeting to discuss this. They will be totally flexible. There are some things that will be really hard and some that won't be. Their goal would be to simplify where possible, but still be effective. They have four introductory items and the rest are Elements. They decided to take the first two introductions and start with that.

8. PUBLIC COMMENTS – There were no public comments.

9. COMMISSION/STAFF REPORTS

Hayden White said he thought that things will start slowing down considering there is a concrete shortage and fuel costs are high, etc. In the Public Works department they went over their budget by \$23, 000 in fuel alone.

Council Member Ross said that the City Council had been talking about the budget and they set a tentative budget. They have raised a couple of things; however, they might not have raised them enough. They are also trying to get two more employees. Enoch is growing so fast and our guys are just tired. They need help. They had also received the Commissioner's comments about the water, but they couldn't spend a lot of time on it.

Commissioner Tingey noted that Commissioner Meacham had to resign so he asked if they had any ideas for anyone who would be a good fit to serve on this commission. They will think about it.

10. ADJOURN – Commissioner Ley made a motion to close the meeting. Losee seconded and all voted in favor.

Lindsay Hildebrand, Deputy Recorder

Date

Meeting ended at 6:25pm

ENOCH CITY PLANNING COMMISSION APPLICATION

All applications for review must be turned in to the Enoch City Office by the Wednesday prior to the week of the meeting. Map requirements: 6 copies of an 11"x 17" and 1 Digital in .pdf format. These must be turned in with the application. All applicants are urged to confer with City Staff prior to submission of any application.

Applicant John Staples

BRANDON STAPLES

Mailing Address 4140 East Baseline Road Suite 206, Mesa, AZ 85206

Daytime phone _____ Cell phone 435-619-0164

Property Owner CH Land Development LLC

Subdivision Name Pine View Estates Phase 2

Project Address 75 East and 5025 N

Signature of applicant

[Signature]

Date of Planning Commission Meeting _____

Reason for meeting with the Planning Commission _____

If applicable: Yes or No

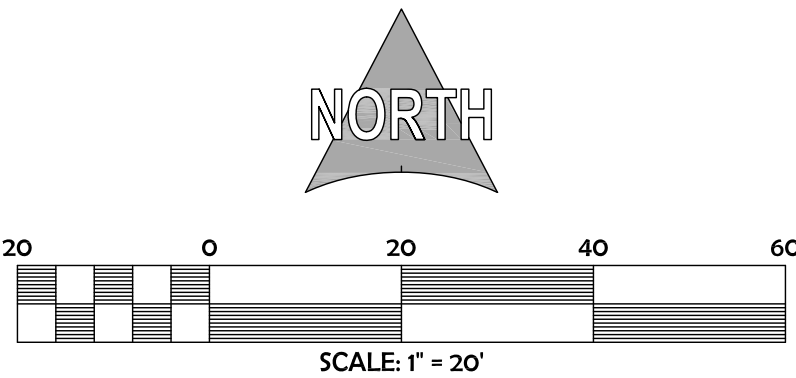
Staff Approval _____

Public Works Dept. Approval _____

Soils Report on file _____

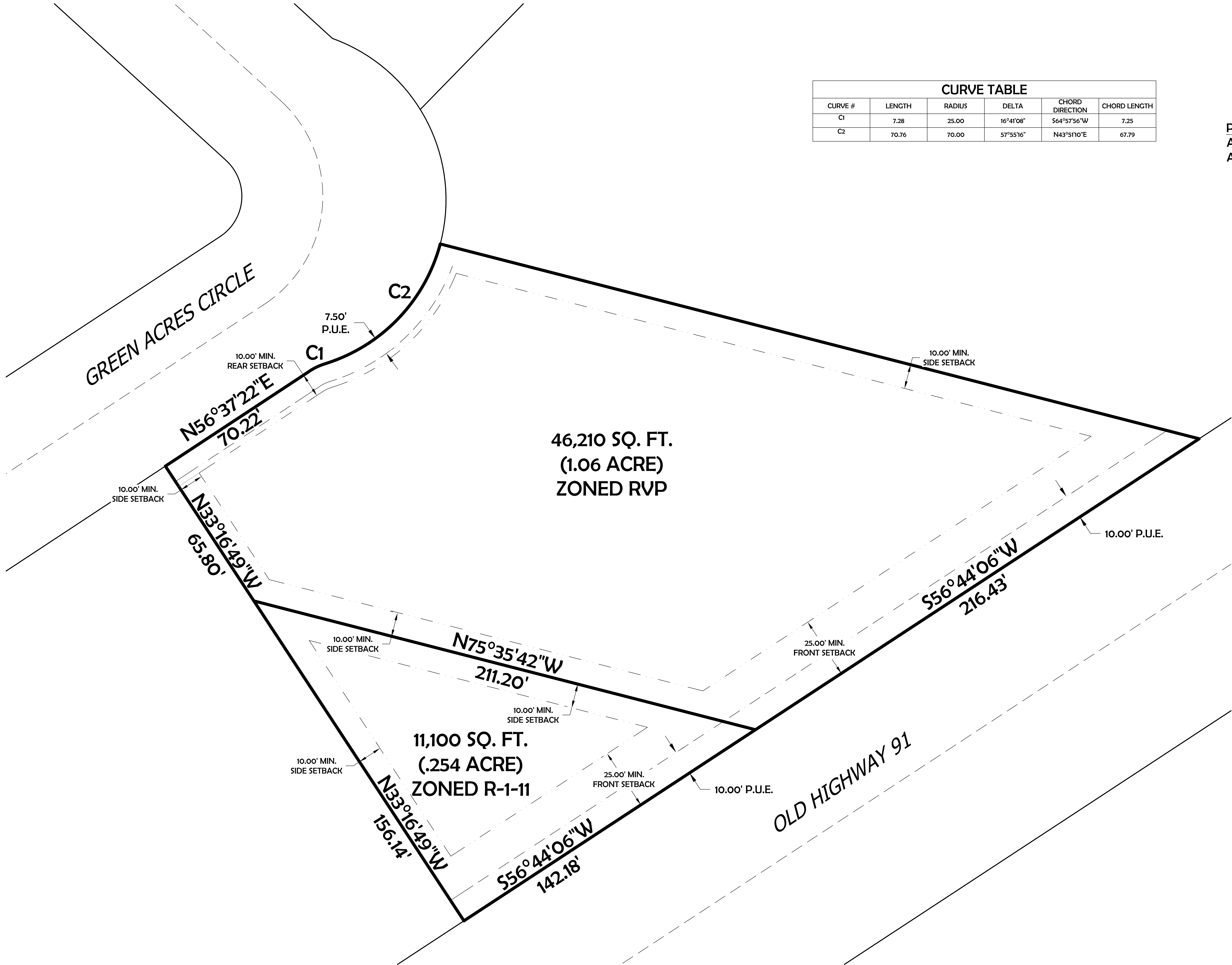
Prairie Dog Clearance Letter on file _____

RV PARK SITE PLAN
PETER & MEGAN STEAD
4940 N HWY 91
ENOCH, UT 84721



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	7.28	25.00	16°41'08"	S64°57'56"W	7.25
C2	70.76	70.00	57°55'16"	N43°51'10"E	67.79

PROPERTY INFORMATION:
APN NUMBER: A-0916-0002-0003
ACC NUMBER: 0112992



STEADFAST
HOMES

BY: MEGAN STEAD

ZONE CHANGE
MEGAN & PETER STEAD
ZONE CHANGE
4940 N HWY 91
ENOCH, UT 84721

DATE:
May 17, 2022

SCALE: 1"=20'

SHEET
SP

SHEET 1 OF 1

**ENOC H 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 ENOC H 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. An Applicant 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. An Applicant may pay the Water Acquisition Fee in cash with the transfer of acceptable water rights as shown in the following chart labeled Water Rights Acquisition Fee Chart 2022, or by transferring a Priority Water Right as detailed herein. The Water Acquisition Fee does not fulfill the requirement nor obviate the need to otherwise pay water connection fees. The Applicant 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. Applicants 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. Applicants paying the Fee with the 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. **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 Applicant proposing the transfer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The Applicant 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 Applicant 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 Applicant. 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 Applicant 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 Applicant must forfeit the bond to Enoch City for the purpose of acquiring necessary water right for Applicant's development.
 - 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 Applicant 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. 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 and/or unirrigated, then that land is not subject to the requirements of this ordinance that mandate the payment of Water Acquisition Fees.
2. 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.
3. 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. An Applicant seeking approval of a single-family lot development must first designate a Conservation Tier and pay the corresponding Water Acquisition Fee with one (1) AF of water 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. Enoch City will, from time to time, change such water rates and penalties for each Tier.

D. Properties with Both Culinary & Secondary Water. Applicants 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 Rights assigned to such a property shall be as follows: .3 AF of Enoch City Water Right, corresponding to the culinary water, which are not transferable and shall remain with the property, and .7 AF of Enoch City Water Right, 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.** Applicants 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 Water Right 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 (i.e.: 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 and Water Right will be determined by multiplying the Annual Water Estimate by the priority Water Right Value (i.e.: 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 (i.e.: a MRD that is estimated to use 6.994AF of water annually, will pay 6.994 times the Tier 1 Rate).

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

with Water Right 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 and Water Right 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 Rights 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 assigned to 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 with Water Right(s) to address the extra water used.

G. Institutional Properties. Applicants 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 & Water Right 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 & Water Right 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 Rights assigned to an Institutional property will be assigned under “INS” Conservation Tier. These Water Rights are not transferable and must remain assigned to 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 with Water Right(s) to address the extra water used.

14.100.113 APPLICATION FOR WATER CONNECTION

Any person other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal water system, shall file with the water department for each such connection a written and signed connection application provided by Enoch City staff.

~~A. If not completed previously, one (1) acre-foot of water shall be deeded to Enoch City Corporation for each single dwelling lot. Water rights requirements for all multi-residential, commercial and industrial/manufacturing properties will be determined in accordance with City ordinances. The applicant must pay any and all costs incurred for deeding and transferring the water. When deeding water 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 and shall have a priority date no younger than 1934 or an official date set by the Utah State Engineer. A Water Rights Addendum will be required with the water deed.~~

A. Water Acquisition Fee. An Applicant 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. An Applicant may pay the Water Acquisition Fee in cash with the transfer of acceptable water rights as shown in the following chart labeled Water Rights Acquisition Fee Chart 2022, or by transferring a Priority Water Right as detailed herein. The Water Acquisition Fee does not fulfill the requirement nor obviate the need to otherwise pay water connection fees. The Applicant 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. Applicants 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.** Applicants paying the Fee with the 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%
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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. **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:
 - g. The Applicant proposing the transfer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The Applicant shall also provide a title insurance policy

in a sum adequate to cover the appraised value of the water rights the policy is covering.

- h. A deed transferring the water rights to Enoch City shall be completed and recorded prior to the building application approval.
- i. 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 building application the Applicant 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.

C. Water Acquisition Fee Schedule and Tier System. An Applicant seeking approval of a single-family lot development must first designate a Conservation Tier and pay the corresponding Water Acquisition Fee with one (1) AF of water 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. Enoch City will, from time to time, change such water rates and penalties for each Tier.

D. Properties with Both Culinary & Secondary Water. Applicants 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 & Water Right 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 Rights assigned to such a property shall be as follows: .3 AF of Enoch City Water Right, corresponding to the culinary water, which are not transferable and shall remain with the property, and .7 AF of Enoch City Water Right, 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.