

#R2025-05 Notice of Pending Ordinance related to Water Supply, Water Rights, and Water Development.

Dated April 2, 2025

Created April 2, 2025

WHEREAS, Utah Code § 10-9a-509 generally allows a land use applicant to be entitled to a municipality's land use approval.

WHEREAS, However, Utah Code § 10-9a-509(1)(a)(ii)(A) allows a municipality to not approve a land use application if "the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing."

WHEREAS, The Town is responsible for managing its water resources in a sustainable and equitable manner to ensure the health, safety, and general welfare of its residents.

WHEREAS, The Town recently noticed that its regulations relating to water rights, water development, and water shares do not have standard provisions, which would jeopardize the residents if the Town does not have adequate rights and supply.

WHEREAS, The Town finds the following:

1. The Town has a duty to ensure that water resources are managed prudently for current and future residents and businesses.
2. The acceptance of applications requiring water service during this period could result in unwise and unsustainable commitments of limited water resources. For example, if the Town accepts a water right that is not located in its service area or is a water right that cannot be utilized, then the Town would not have adequate water supply for its residents or businesses.
3. The Town will study its water supply and develop policies to ensure responsible and equitable water management.
4. The Town needs to study and assess its available water resources and develop a long-term plan for water supply development and use.

NOW THEREFORE, be it resolved by the Governing Body of Fairfield Town, Utah, that:

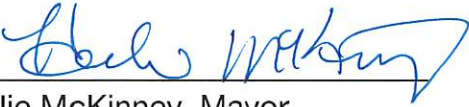
1. Based on the findings above, the Town concludes that a compelling, countervailing public interest would be jeopardized by approving any application

related to water rights, development, supply, and shares until the Town has adequate regulations in place.

2. The Town will not process any current or future applications related to this Resolution until the Town formally adopts regulations or 180 days have passed, whichever is first. See Utah Code § 10-9a-509(1)(b).
3. Once the water regulations contained herein are presented to the Planning Commission, the Planning Commission shall have a maximum of 45 days to provide input and a recommendation to the Town Council. If the Planning Commission does not provide a recommendation, the Town Council can assume the the recommendation for the Planning Commission is a denial.
4. This resolution shall take effect immediately upon passage.

Passed and Adopted this **2nd day of April 2025**.

FAIRFIELD TOWN


Hollie McKinney, Mayor

RL Panek	yes <u>RL</u>	no _____
Tyler Thomas	yes <u>TT</u>	no _____
Michael Weber	yes <u>MSW</u>	no _____
Richard Cameron	yes <u>RC</u>	no _____

ATTEST:


Stephanie Shelley, Town Recorder/Clerk

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the **2nd day of April 2025.**

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **2nd day of April 2025.**


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)

