

Title 10

WATER AND WASTEWATER

Chapters:

- 10.01 WATER RESOURCES**
- 10.02 WASTEWATER DISPOSAL SYSTEMS**
- 10.03 WASATCH COUNTY WATER POLICY**

Chapter 10.01

WATER RESOURCES

Sections:

10.01.01 Adequate Water Rights Required.

Section 10.01.01 Adequate Water Rights Required.

Before any subdivision plat may be recorded or any other development activity approved, the developer must demonstrate to the satisfaction of the County that the developer owns sufficient culinary and irrigation water rights to service the proposed subdivision or development activity.

Chapter 10.02

WASTEWATER DISPOSAL SYSTEMS

Sections:

- 10.02.01 County Board of Health Authorized to Promulgate Rules.**
- 10.02.02 Required Separation From Groundwater.**
- 10.02.03 Soil Percolation Test Rate.**

Section 10.02.01 County Board of Health Authorized to Promulgate Rules.

The County Board of Health shall promulgate rules for the lawful design, approval, construction, installation, inspection and regular maintenance of wastewater disposal systems.

Section 10.02.02 Required Separation From Groundwater.

When installing a septic tank absorption system, the separation between the bottom of the absorption system excavation and the elevation of the anticipated maximum groundwater table shall be a minimum of 48 inches.

Section 10.02.03 Soil Percolation Test Rate.

The maximum septic tank absorption system percolation rate shall be no faster than four minutes per inch and no slower than 60 minutes per inch. Unless a more restrictive standard has been adopted by local Health Department rule, all percolation tests and soil evaluations shall be conducted in accordance with State statutes and State administrative rules.

Chapter 10.03

WASATCH COUNTY WATER POLICY

Sections:

- 10.03.01 General Requirements**
- 10.03.02 Wasatch County Water Committee**
- 10.03.03 Dedication of Water Rights**
- 10.03.04 Water Requirements in the RA-1 zone**
- 10.03.05 Water Requirments in Other Zones.**
- 10.03.06 Ownership of Water Rights**

Chapter 10.03 of the Wasatch County Code, Wasatch County Water Policy, is hereby adopted and enacted as follows:

Chapter 10.03

WASATCH COUNTY WATER POLICY

Sections:

- 10.03.01 General Requirements.**
- 10.03.02 Wasatch County Water Committee.**
- 10.03.03 Dedication of Water Rights.**
- 10.03.04 Water Requirements in the RA-1 Zone.**
- 10.03.05 Water Requirements in Other Zones.**
- 10.03.06 Ownership of Water Rights.**

Section 10.03.01 General Requirements

Section 10.03.01 General Requirements.

(1) Private Reservoirs, Springs, or Wells. In the event a proposed development desires to use water rights from private reservoirs, springs, or wells to satisfy the water requirements contained herein, the developer and/or property owners shall be required to deed the water rights proposed to be used to the district, and the developer and/or property owners shall be responsible for the costs of maintenance of private reservoirs, springs, or other water sources.

(a) Prior to accepting such sources for the proposed development, the district and the developer shall enter into an ownership, maintenance, and operation contract.

(b) It is the policy of Wasatch County that the water sources, water storage facilities, and water treatment and delivery infrastructure for proposed developments be owned and operated by the entity providing water service.

(2) Irrigation District Assessments. Nothing in this policy shall affect the right of irrigation companies to levy assessments against the stock issued by their company.

(3) Licenses, Easements, and Other Ownership of Facilities. Developers shall provide the licenses, easements, and property necessary to construct, repair, and maintain water lines, pump stations,

tanks, and other facilities. pipelines, pump stations, and other facilities necessary for the delivery of culinary or secondary irrigation water to developments within Wasatch County shall be owned by the entities providing the culinary and/or secondary water service.

(4) Irrigation wells for use by developments within the County. Except in the case of existing irrigation companies providing secondary irrigation water service, private irrigation wells shall not be used to deliver secondary irrigation water to developments. Water rights owned by the entity providing culinary or secondary irrigation water service to developments shall not be transferred into private irrigation wells. Irrigation wells for use by developments within special service districts shall be governed by the policies and procedures of the specific district.

(5) Developer required to get prior State Engineer approval for culinary water rights.

(a) Developers must provide adequate water rights to meet the needs of the proposed development.

(b) Developers, in cooperation with the culinary water service provider, shall receive State Engineer approval prior to placing water rights in escrow as required in Section 10.03.03(2) below. No water rights shall be accepted as meeting the culinary or irrigation requirements for the proposed development unless they are approved for the intended use by the State Engineer.

(c) This Section (5) shall apply to all applications for subdivisions filed with Wasatch County subsequent to the effective date of this ordinance, unless the water right is already owned by the service provider and has been previously reserved by the developer for use on the proposed project, or is a right commonly used by the service provider.

(6) Developer's Responsibility Regarding the Water Source.

(a) In addition to the requirements set forth below of providing sufficient water rights for the proposed development, the developer is also responsible for providing adequate water sources for the proposed development.

(b) The special service district shall determine surplus capacity in existing sources, the need and desirability of developing new sources, and the best method for doing so.

(i) If capacity exists in existing sources, the developer shall pay a connection fee in an amount sufficient to offset the cost of its proportionate share of the existing source.

(ii) If additional sources need to be developed in order to service the proposed development, the developer shall pay all costs necessary to develop the new source. Those costs may be shared by two or more developers as determined by the district.

(10.03.01, Added, 07/10/2008)

Section 10.03.02 Wasatch County Water Committee

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(1) Review and Approval.

(a) For all proposed subdivisions within Wasatch County, the developer, as part of the subdivision process, must submit water rights information to the water Committee for review and approval.

(b) The Water Committee shall review the information submitted to determine the amount and type of water rights that will be required if the subdivision is approved by the County.

(i) In determining the water requirements of the subdivision, the Water Committee shall review the number of lots proposed, the amount and type of open space proposed, the amount of hard surface in the subdivision, and all other relevant information.

(c) The Water Committee shall use conversion tables, based on current State Engineer approved change applications, to determine the likely amount of water provided by each different type of water right.

(i) Irrigation companies shall participate in determining the amount of water

provided by their respective shares; however, the decisions of the State Engineer shall be the final determining factor in reaching the actual amount of water represented by each share.

(d) State Engineer approval is required before any water can be used by a development in Wasatch County.

(2) Action Report and Recommendations to Planning Commission and County Council.

(a) Following its review of the proposed subdivision, the Water Committee shall prepare an Action Report setting forth in detail the amount and type of water rights necessary for each proposed subdivision.

(b) The Action Report shall be forwarded to the Planning Commission and County Council and become a requirement of the proposed subdivision if and when the subdivision is approved.

(c) Conditions, restrictions, and limitations set forth in the Action Report shall be considered conditions of subdivision approval and shall be adopted by the Planning Commission and County Council as conditions, restrictions, and limitations of the proposed subdivision.

Section 10.03.03 Dedication of Water Rights

Section 10.03.03 Dedication of Water Rights.

(1) **Dedication of Adequate Water Rights.** No proposed development shall be approved unless and until the developer has dedicated adequate water rights as set forth herein.

(2) **Water Rights to be Placed in Escrow.** Prior to receiving preliminary approval by the County Council of any development in Wasatch County, all of the water rights required for the proposed development shall be placed in escrow by the developer.

(a) All signatures, deeds, and other documents necessary to effectuate the transfer of the water rights shall be prepared, signed, and delivered to the Escrow Agent so that no further action is required by the developer.

(b) As described in this Policy, irrigation water rights that are intended to be transferred to a district for culinary purposes must receive State Engineer approval before they can actually be used to meet the requirements of a proposed development.

(3) **Water Rights to be Transferred as a Condition of Final Approval.** Immediately following final approval of any proposed development in Wasatch County, and as a condition thereof, all water rights necessary for the proposed development shall be transferred by the Escrow Agent to the district or entity providing culinary and/or secondary irrigation water service to the development.

Section 10.03.04 Water Requirements in the RA-1 zone

Section 10.03.04. Water Requirements in the RA-1 zone.

(1) **General Policy.** It is the policy of Wasatch County that all similarly situated property developed within the RA-1 zone be treated equally with respect to the amount of water rights required for the development.

(2) **Culinary Water Rights.** The Developer is required to provide one (1) acre foot of primary water right per Equivalent Residential Unit "ERU" for culinary use. If the lot is to be serviced by a County-approved septic tank, the Developer is required to provide .45 acre feet of primary water right per ERU for culinary use. It shall be the responsibility of the Water Committee, in consultation with the special service area and/or the special service districts, to determine which water rights are adequate for culinary use within the system that will provide culinary water service. Only water rights that are usable within the system that will provide sufficient approved water rights and sources to meet the culinary

requirements of the proposed development.

(3) Secondary Irrigation Water Rights.

(a) Previously Irrigated Property.

(i) The Developer is required to provide three (3) acre feet per irrigated acre. "Irrigated acre" on previously irrigated property shall be defined as all property within the proposed development, except for hard surface areas such as streets, sidewalks, driveways, and structures. The Water Committee shall calculate the irrigated acreage for each development as part of its Action Report.

(ii) If the base water right that is to be dedicated for secondary irrigation is not a primary water right, the developer is required to supplement that base water right as needed to provide secondary irrigation water from April 15 through October 15 of each year.

(iii) The developer shall also provide a full water right for all dedicated open space that was previously irrigated and is required to be irrigated as part of the development approval.

(b) Historically Non-Irrigated Ground.

(i) It is the policy of Wasatch County that a minimum of 1/4 acre of each lot be irrigated to provide lawn, garden, and other landscaping around each dwelling unit. The developer is required to provide .75 acre feet of irrigation for each lot. "Historically non-irrigated ground" shall be defined as any land not classified as being irrigated in the 1969 Farmland Assessment Act report. The Water Committee shall calculate the irrigated acreage for each development as part of its Action Report.

(ii) Developers shall not be required to provide water rights for the irrigation of dedicated open space that was not previously irrigated and is not required to be irrigated as part of the development approval.

(iii) It is the responsibility of the developer to provide sufficient approved water rights and sources to meet the irrigation requirements of the proposed development.

Section 10.03.05 Water Requirements in Other Zones.

Section 10.03.05. Water Requirements in Other Zones.

The water rights requirements for subdivisions and developments within zones other than RA-1 shall be determined as set forth in this Section.

(1) Jordanelle Basin Overlay Zone. Water rights for development within the Jordanelle Basin Overlay Zone shall be owned by the Jordanelle Special Service District. The District shall review the proposed development, and shall make recommendations regarding the water requirements for all developments within the District. The recommendation shall be forwarded to the Water Committee, who may incorporate the water requirements set by the District into their Action Report.

(2) North Village Overlay Zone. Water rights for development within the North Village Overlay Zone shall be owned by a special service district. The District shall review the proposed development, and shall make recommendations regarding the water requirements for all development within the District. The recommendation shall be forwarded to the Water Committee, who may incorporate the water requirements set by the district into their Action Report.

(3) Other development zones within the County. Water rights for development within other zones of the County shall be reviewed and approved by the Water Committee in the same manner as water rights for development in the RA-1 zone.

Section 10.03.06 Ownership of Water Rights

Section 10.03.06. Ownership of Water Rights. Ownership of sufficient water rights necessary to service proposed developments in Wasatch County shall be determined in accordance with this Section.

(1) Culinary Water Rights.

(a) Special Service Districts. Culinary water rights for developments that lie within the

boundaries of a special service district created for the purpose of providing culinary water service shall be owned by the special service district that is providing the water service or another entity designated by Wasatch County. The district or entity shall acquire, hold, and manage the water rights in such a way as to protect, preserve, and maximize the water right for use within the development for which the water right was dedicated.

(b) Mutual Water Companies. Culinary water rights for developments that will be serviced by a mutual water company created for the purpose of providing culinary water service shall be jointly owned by the mutual water company that is providing the water service and Wasatch County Special Service Area #1 ("WCSSA #1") or another entity designated by Wasatch County. The mutual water company and WCSSA #1 or entity designated by the County shall acquire, hold, and manage the water rights in such a way as to protect, preserve, and maximize the water right for use within the development for which the water right was dedicated.

(2) Secondary Irrigation Water Rights.

(a) In General.

(i) With the agreement of the applicable irrigation companies, special service districts organized for the purpose of providing water service shall be the secondary irrigation water provider within the boundaries of their district.

(ii) Except for the property within the boundaries of Center Creek Irrigation Company, Twin Creeks Special Service District shall be the secondary irrigation water provider within the boundaries of Twin Creeks, or within the boundaries of the Lake Creek and Timpanogos Irrigation companies, whichever is greater.

(iii) North Village Special Service District shall be the secondary irrigation water provider within the boundaries of North Village, and Jordanelle Special Service District ("JSSD") shall be the secondary irrigation water provider within the boundaries of JSSD.

(b) Transfer of Rights. Secondary irrigation water rights required for the proposed development shall be transferred by deed and/or stock certificate as follows:

(i) Special service districts. Secondary irrigation water rights for developments that lie within the boundaries of a special service district created for the purpose of providing water service shall be owned by the special service district that is providing the water service. The district shall acquire, hold, and manage the water rights in such a way as to protect, preserve, and maximize the water right for use within the development for which the water right was dedicated.

(ii) Irrigation companies or homeowners' associations. Secondary irrigation water rights for development that will be serviced by an irrigation company or homeowners' association created for the purpose of providing secondary irrigation water service shall be jointly owned by the irrigation company or homeowners' association that is providing the water service and Wasatch County special Service Area #1 ("WCSSA #1") or another entity designated by Wasatch County. The irrigation company or homeowners' association and WCSSA #1 or entity designated by the County shall acquire, hold, and manage the water rights in such a way as to protect, preserve, and maximize the water right for use within the development for which the water right was dedicated.