

ROLL CALL VOTING:	YES	NO
Mayor Brent Winder (tie only)	[]	[]
Council Member Ben Hillyard	[✓]	[]
Council Member Brian Hutchings	[✓]	[]
Council Member Dorel Kynaston	[✓]	[]
Council Member Janet Lunt	[✓]	[]
Council Member Kari Malkovich	[✓]	[]

I move that this Ordinance be adopted.


[Kari Malkovich \(Nov 4, 2025 20:43:24 MST\)](#)

Council Member *Malkovich*

I second the foregoing motion:


[Brian Hutchings \(Nov 4, 2025 21:14:28 EST\)](#)

Council Member *Hutchings*

ORDINANCE NO. 2025-34

AN ORDINANCE AMENDING CITY CODE TITLE 8-5-1 (Water Requirements and Policies) ADDING CLARIFICATION REGARDING DEDICATION OF WATER RIGHTS AND SHARES AND OPPORTUNITY FOR PAYMENT OF FEE IN LIEU OF DEDICATION OF WATER RIGHTS AND SHARES.

WHEREAS, the City of Woodland Hills Planning Commission held a public meeting on September 17, 2025 at 7:00 p.m., for the purpose of proposing an amendment to Title 8-5-1 Water Requirements and Policies, and;

WHEREAS, the City of Woodland Hills City Council held a public meeting on September 23rd, 2025 at 6:00 p.m., for the purpose of adopting an amendment Title 8-5-1 to Water Requirements and Policies Title 8-5-1 Water Requirements and Policies, and;

WHEREAS, the public meeting was preceded by the posting of a notice of public meeting at the city offices, city mailboxes, on the city website; along with notification to the Payson Chronicle Newspaper, a newspaper of general circulation, at least 24 hours prior to the Public Meeting;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodland Hills that Title 8-5-1 of the City Code is amended as follows and read:

8-5-1 WATER DEDICATION REQUIREMENTS AND POLICIES

A. Definitions:

1. “City Water Dedication Requirements” means the requirement to dedicate to the City either Water Rights or Water Shares sufficient to meet the reasonable expected water demands of new development within the City, which will be served by the City System.

2. "City System" means the culinary water system owned and maintained by the City to deliver drinking water to the residents of the City or others served by the City System.
3. "Dedication" means to convey a Water Right or transfer a Water Share to the City, at no cost to the City, to meet the City's Water Dedication Requirements.
4. "ERC" means equivalent residential lot connection.
5. "State Engineer" is the individual appointed or acting under Title 73 Chapter 2 of the Utah Code to administer all water with the State of Utah.
6. "Water Right" is defined as the right to use water granted by the State of Utah under Title 73, Chapter 3 of the Utah Code.
7. "Water Share" is a share of stock issued by a mutual irrigation company which owns Water Rights and distributes water to its shareholders.
8. "Water Credit" is the result of payment of fees or dedication of Water Rights or Water Shares to the City in exchange for future connection to the City System that can be used, or assigned and used, to meet the City's water dedication requirements.

B. Water Rights and Water Shares Acceptable for Dedication to the City:

1. The State Engineer of Utah controls the allocation of Water Rights in Utah County. Presently, all Water Rights and Water Shares in Utah County are located. Since no Water Rights are available for appropriation in Utah County, those dedicating water to the City must dedicate an existing Water Right or Water Share. This is done by conveying a Water Right or transferring a Water Share to the City for its municipal use by the City at its points of diversion. This process is controlled by the State Engineer approving a permanent change of water application(change application).
2. The City currently requires 0.90 acre feet of water for indoor and outdoor use for each new ERC within the City. This amount of water may change in time, and a larger amount may be required for a business or other entity as determined by its use compared to an ERC.

C. Transfer Process and Criteria for Water Rights or Water Shares

1. Before any attempt to transfer a Water Right or Water Share to the City, the applicant shall provide the City with all documentation related to the intended transfer. In the event that the Water Right or Water Share is not owned by the applicant, the applicant shall provide further evidence demonstrating the commitment for the Water Right or Water Share to be transferred to the City. The City Shall then review the documentation and provide notice if it is willing to accept the Water Right or Water Share being proposed for transfer. The City reserves the right to reject any proposed Water Right or Water Share being transferred if it is not sufficient in amount, the owner of the Water Right or Water

Share is in question, or the Water Right or Water Share is otherwise considered unsuitable for use by the City.

2. In order for the City to accept the Dedication of Water Rights or Water Shares the Water Right, or the water represented by the Water Share must receive final and non-appealable approval by the State Engineer of Utah for diversion from one or more sources which provide water to the City System for distribution by the City System and municipal use within the City. The administrative process necessary to obtain final and non-appealable approval for diversion, distribution, and municipal use within the City utilizing the City System is found in Utah Code §§ 73-3-3 & 73-3-8 and is commonly known as the change application process. For Water Shares, the non-profit mutual irrigation company issuing the Water Shares must approve the filing of the change application.
3. In order for the City to accept a Dedication of a Water Right, the Water Rights must be conveyed to the City by a warranty deed naming the City as the grantee under Utah Code § 57-1-12 and the Dedicator must obtain a policy of Water Title Insurance from an insurance company authorized to conduct business within the state of Utah naming the City as the insured in a policy amount determined by the City. The deed conveying the Water Right must be recorded with the Utah County Recorder's office and delivered to the City Recorder as evidence of the Water Right's transfer to the City. Evidence of completion of these procedures and copies of all related documents must be delivered to the city recorder prior to or at the time of a Final Plat submittal, whether it is for recording purposes or otherwise.
4. In order for the City to accept a Dedication of a Water Share the Water Share must be issued by a mutual non-profit water company acceptable to the City and transferred to the City by delivery to the City of a stock certificate issued by the water company issuing the Water Share naming the City as the owner of the Water Share pursuant to Utah Code § 73-1-10(2) and Title 70A Chapter 8. The City may also require a charge to cover any future assessment costs for the Water Shares. Evidence of completion of these procedures and copies of all related documents must be delivered to the city recorder prior to or at the time of a Final Plat submittal, whether it is for recording purposes or otherwise.
5. All costs and fees associated with the change application filing, prosecution, and review process are to be paid by the individual or company transferring the Water Right or Water Share to the City.

D. Conveyance of Title To City:

1. Once a Water Right has been deeded to the city, it becomes the property of the city and is used at the city's sole discretion. If lots are later combined within a subdivision, the Water Right pertaining to one of the combined lots continues to belong to the city and will not be deeded back to any developer or lot owner.
2. Once a Water Share's stock certificate notes the city as the owner of the water shares, it becomes the property of the city and is used at the city's sole discretion. If lots are later combined within a subdivision, the water shares pertaining to one of the combined lots continue to belong to the city and will not be conveyed back to any developer or lot

owner.

E. Water Credit in Lieu of Dedication:

1. At the option of the city, it may accept payment of a fee in lieu of dedication of Water Rights or Water Shares as a water credit. The price of the water credit shall be the equivalent cost of the required Water Rights per, at a minimum, each equivalent residential lot connection that is being developed in the city. This money will be used by the city to recoup the cost of previously purchased Water Rights or purchase new Water Rights. The cost assessed is determined by the city engineer based on recent market prices for local surface irrigation and Water Rights.

F. "Banking" Of Water Rights:

1. With the city council's approval, Water Rights can be "banked" by the city for future use in a development, subdivision, etc. The Water Right must have gone through the processes outlined above, and a Water Banking Agreement must have been executed between the conveyor and the city, which is acceptable to the city. The conveyor of the Water Right must pay any fees associated with this.
2. If the development or subdivision does not materialize or it is otherwise determined that the conveyor does not need the Water Right, the Water Right will be returned to the conveyor. The Water Right conveyor can remove these Water Rights from the "bank" at their own discretion, but are required to pay any fees that might be associated with the title transfer.
3. The city shall be granted full use of the banked water at the time of the execution of the Water Banking Agreement.

Passed and approved by the Woodland Hills City Council on this 14th day of October 2025.


Ben Hillyard, Mayor Pro-Tempore

ATTEST:



Jody Stones
City Recorder



CERTIFICATE OF POSTING ORDINANCE
For the City of Woodland Hills

I, the duly appointed and acting Recorder for the City of Woodland Hills, hereby certify that copies of the foregoing Ordinance No. 2025-34 were posted at three public places within the municipality this _____th day _____ of 2025 which public places are:

1. City Information Bulletin Board, 200 S. Woodland Hills Drive
2. Woodland Hills City Center, 690 S. Woodland Hills Drive
3. Woodland Hills Website, www.woodlandhills-ut.gov

Dated this _____ day of _____, 2025.

Jody Stones, Recorder

Ordinance 2025-34 Amending City Code 8-5-1

Final Audit Report

2025-11-05

Created:	2025-11-04
By:	jody stones (recorder@woodlandhills-ut.gov)
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"Ordinance 2025-34 Amending City Code 8-5-1" History

-  Document created by jody stones (recorder@woodlandhills-ut.gov)
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