

SOUTH JORDAN CITY PLANNING COMMISSION STAFF REPORT

FILE OVERVIEW

Item Name	Text Amendment to Section 16.04.320 Water Shares Required.
Address	1600 W Towne Center Dr, South Jordan, UT 84095
File Number	Ordinance 2026-15
Applicant	City of South Jordan
Staff Author	Brad Klavano

MEETING DATE: May 26, 2026

ITEM SUMMARY

The City of South Jordan has been informed that the basis to determine the water shares or water rights exaction on development in our City Code is not in compliance with a new Utah State Law. Currently the City of South Jordan City Code basis the water share calculation at 2.2 acre-ft/acre of development. The Utah State law now requires that the calculation be based on Equivalent Residential Connection (ERC).

The City of South Jordan has not collected water shares or water rights on non-residential development for almost 20 years; therefore, the City code will be cleaned up with this Ordinance by deleting reference to exactions on non-residential developments.

Staff recommends approval of this application.

FINDINGS AND RECOMMENDATION

Findings:

- The City of South Jordon exacts water shares or water rights on all new residential developments.
- The City of South Jordan can legally collect water shares or water rights on residential development if code changes are made to use ERC's as the method of calculation.
- The City for almost 20 years has not collected water shares or water rights from non-residential development.



- The proposed amendment eliminates reference to water exactions on non-residential development.

Conclusions:

- The application is in conformance state law.
- The City of South Jordan desires to continue collecting water shares or water rights on new residential developments.

Engineering Staff Recommendation:

Staff recommends approval of the application based on the findings and conclusions listed above.

CITY COUNCIL ACTION

Required Action:

Decision by the Planning Commission

Motion Ready:

I move that the Planning Commission recommend approval to the City Council of:

1. Ordinance 2026-15, Text Amendment to Section 16.04.320 Water Shares Required.

Alternatives:

1. Denial of the application
2. Schedule the application for a decision at some future date.

SUPPORTING MATERIALS

1. Ordinance 2026-15
 - a. Exhibit A

ORDINANCE NO. 2026-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTION 16.04.320 OF THE CITY CODE REGARDING WATER SHARE EXACTIONS.

WHEREAS, Utah State Law has changed the methodology for calculating water shares or water rights required on development exactions; and

WHEREAS, The City of South Jordan can legally continue to exact water shares or water rights on development in rough proportion to the burden created by the development; and

WHEREAS, Under the changed State law The City of South Jordan is also required to change the methodology used in calculating water exactions; and

WHEREAS, The City of South Jordan has not collected water shares or water rights from non-residential development for over 20 years; and

WHEREAS, the City Council held a public hearing and reviewed a proposed text amendment written to update the South Jordan City Code and bring it into compliance with State law and to eliminate any water exaction language referencing non-residential development; and

WHEREAS, the City Council finds that the proposed code amendment will allow the South Jordan City Code to come into compliance with State Law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN:

SECTION 1. Amendment. Section 16.04.320 of the South Jordan Municipal Code, attached hereto as Exhibit A is hereby adopted to amend and replace the previous version of the same Section of the Code.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2026 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:

EXHIBIT A

(Proposed Amendment)

SECTION 10.04.020: DEFINITIONS

CURRENT ORDINANCE TEXT	PROPOSED ORDINANCE TEXT
<p><i>Current:</i> 16.04.320 WATER SHARES REQUIRED</p> <p>A. Residential Development: The developer of any residential subdivision or condominium project or any residential project requiring site plan or SRD approval shall obtain and transfer to the City water shares or rights, equivalent to not less than two and two-tenths (2.2) acre-feet of water per year in volume, from any City approved canal, spring, well or other source for each acre or part thereof to be subdivided or developed.</p> <p>B. Commercial, Industrial, And Mixed Use Development: The developer of any commercial, industrial, or mixed use project or any such project requiring site plan or SRD approval shall obtain and transfer to the City an amount of water shares or rights from any City approved canal, spring, well or other source for each acre or part thereof to be subdivided or developed. Said water amount shall be determined on a case by case review based on the type of project, including, but not limited to, the amount of building surface, asphalt, and landscaping required for the project.</p> <p>C. General Provisions Applicable To All Development: Any and all shares or rights to be delivered to the City, as required by this section, shall be recognized by the State Water Engineer and acceptable to the City. The City may, at its discretion, accept cash in an amount set by the City Council in lieu of said water shares or</p>	<p><i>Proposed:</i> 16.04.320 WATER SHARES REQUIRED</p> <p>A. Residential Development: The developer of any residential subdivision or condominium project or any residential project requiring site plan or SRD approval shall obtain and transfer to the City water shares or rights, equivalent to not less than <u>the Average Annual Demand per ERC in the Current Water Use Level of Service Memorandum</u>, from any City approved canal, spring, well or other source for each or part thereof to be subdivided or developed.</p> <p>B. General Provisions Applicable To <u>Residential Development</u>: Any and all shares or rights to be delivered to the City, as required by this section, shall be recognized by the State Water Engineer and acceptable to the City. The City may, at its discretion, accept cash in an amount set by the City Council in lieu of said water shares or rights. Water shares or rights shall be submitted to the City Manager or his/her designee. All water shares or rights transferred to and accepted by the City shall be held in the sole ownership of the City upon transfer of the same. The City Manager or his designee shall have the right to vote its water shares in accordance with the applicable rules and regulations governing the same and shall coordinate contacts and actions of the City with the respective canal or</p>

<p>rights. Water shares or rights shall be submitted to the City Manager or his/her designee. All water shares or rights transferred to and accepted by the City shall be held in the sole ownership of the City upon transfer of the same. The City Manager or his designee shall have the right to vote its water shares in accordance with the applicable rules and regulations governing the same and shall coordinate contacts and actions of the City with the respective canal or irrigation companies in which the shares are owned.</p>	<p>irrigation companies in which the shares are owned.</p>
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