ORDINANCE NO. 820

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON TO CONFORM WITH THE TERMS OF THE CC CRAGIN WATER CONTRACT WITH SALT RIVER PROJECT.

WHEREAS, Section 50.03 of the Town Code (last updated in 2006) requires that at the issuance of a building permit, a permittee is required to pay the Town's then existing Water Development Fee; and

WHEREAS, also, pursuant to Section 50.03, in lieu of paying such Water Development Fee, a developer may provide the Town with a 'new water supply;' and

WHEREAS, a 'new water supply' is defined as water that is not accessible by and does not impact or affect the Town's current water system or supplies; and

WHEREAS, in 2008, the Town entered into the *Water Rights Transfer, and Water Delivery and Use Agreement among Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and the Town of Payson* for the delivery of water from the CC Cragin Reservoir ("the SRP Agreement"); and

WHEREAS, the provisions of the SRP Agreement limit the total amount of ground water the Town may pump and utilize; and

WHEREAS, the Town desires to amend Section 50.03 of the Town Code to assure compliance with the SRP Agreement,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Subsection 50.03(B) of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

§ 50.03 WATER SUPPLY AND STORAGE REQUIREMENTS.

(B) (1) Notwithstanding Subsection A above a new development may provide the Town with a new water supply in lieu of paying the Technical Studies Recapture fee and the Water Supply Recapture fee set forth in §50.56. Such new water supply shall be credited only at the site of such new development and in no case shall any transferable credits be created, recognized, or allowed for sale.

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(2) Any new water supply provided pursuant to Subsection (B)(1) shall be capable of producing the greater of 0.4 gallons of water per minute for each Equivalent Residential Unit (as defined by §50.57) needed for the development, or thirty five (35) gallons per minute.

(3) For the purposes of this section, a 'new water supply' shall mean a water supply that is (i) not accessible by and does not impact or affect the Town's current water system or supplies; and (ii) does not violate the Agreement between the Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and the Town for the delivery of water from the CC Cragin Reservoir dated May 19, 2008.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2012, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Tim Wright, Town Attorney