

ORDINANCE NO. 2021-09

AN ORDINANCE OF IVINS CITY, UTAH, ESTABLISHING A TEMPORARY LAND USE REGULATION

WHEREAS, Governor Cox on three separate occasions, declared a state-wide emergency for Utah due to the extreme drought conditions and imposed various restrictions on the use of water; and

WHEREAS, Governor Cox noted that 90% of the State of Utah has been in extreme drought conditions and further noted that “we need to start acting like we live in a desert;” and

WHEREAS, Southern Utah, including all of Washington County and Ivins City, has not just been under “extreme” drought conditions, Southern Utah, including Washington County and Ivins City, has been under “extraordinary drought” conditions; and

WHEREAS, the Washington County Water Conservancy District (WCWCD) has also, on several separate occasions, expressed to the cities and residents in Washington County its concern about the sufficiency of water supplies and the need for cities to impose regulations to conserve water; and

WHEREAS, the Ivins City Council adopted amended water restrictions on June 17, 2021 that prohibit outside watering using potable water during the day between the hours of 8 a.m. to 8 p.m. and provided additional stages of restrictions that can be imposed in the event the drought continues;

WHEREAS, Ivins City is experiencing substantial growth in all areas of the City and the Ivins City Council recognizes that the extraordinary drought conditions creates the need for additional planning to consider land use regulations to preserve, protect and provide water sources to Ivins City; and

WHEREAS, the Ivins City Council has even had several discussions about whether it could put a temporary stop on the issuance of building permits but has concluded that is problematic for approved lots and subdivisions; and

WHEREAS, Ivins City has had discussions with WCWCD about alternative sources of water to Ivins City, including possible areas for new reservoirs to be constructed within the current boundaries of Ivins City and within annexation areas for Ivins City; and

WHEREAS, the Ivins City Council finds that the Ivins City Land Use Regulations, as adopted, are inadequate to preserve, protect and provide possible water sources to Ivins City, including the protections of areas where reservoirs could be created to hold water to serve the need of the residents of Ivins City; and

WHEREAS, this inadequacy in current Land Use Regulations presents a significant risk to the health, safety and welfare of the public; and

WHEREAS, Subsection 10-9a-504(1)(a) of the Utah Code provides that the Ivins City Council may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the city if the Council makes a finding of compelling, countervailing public interest; and

WHEREAS, the Ivins City Council the Ivins City Council does hereby specifically find such compelling, countervailing public interest in the need to preserve areas within the city boundaries to store water to provide for the health, safety and welfare of its citizens; and

WHEREAS, Subsection 10-9a-505(1)(b) of the Utah Code further provides that a temporary land use regulation under Subsection 10-9-504(1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that all areas depicted on the maps or drawings attached hereto that would or may be needed for the storage of water in a newly constructed reservoir within the current boundaries of Ivins City be, and the same hereby are, prohibited from any and all development, construction or subdivision not specifically related to the creation of a new reservoir and no building or subdivision applications of any kind shall be accepted and no building permits issued by Ivins City during the term of this Temporary Land Use Regulation.

This ordinance shall become effectively immediately upon passage and publication and shall not expire for a term of six months, unless the Ivins City Council shall adopt another ordinance terminating this ordinance sooner.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF JULY, 2021 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____
Derek Larsen	_____	_____	_____	_____

Chris Hart, Mayor

ATTEST:

Kari Jimenez, City Recorder