

Effective 5/6/2026

10-20-912 Exactions for water rights.

- (1) Subject to the requirements of this section, a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
- (2) Except as provided in Subsection (3), a culinary water authority shall base an exaction for a culinary water interest on:
 - (a) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water under Section 19-4-114; and
 - (b) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.
- (3) If a municipality determines, in the sole discretion of the municipality, that good cause exists, the municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2).
- (4)
 - (a) A municipality shall make public the methodology used to comply with Subsection (2)(b).
 - (b) A land use applicant may submit a request to the municipality's legislative body to review an exaction calculation used by the municipality under Subsection (2).
 - (c) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's legislative body shall respond with due process.
- (5) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (2) on which an exaction for a water interest is based.
- (6)
 - (a) A municipality may not impose an exaction for a water interest if:
 - (i) the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public; or
 - (ii) the municipality or the municipality's culinary water authority does not have a written plan in accordance with Subsection (6)(b).
 - (b) Beginning on January 1, 2028, a municipality shall determine the municipality's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).
- (7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the provisions of this section and Section 10-20-911 the same as if the provider were a municipality.

Enacted by Chapter 166, 2026 General Session