

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE,
CHAPTER 6, LARGE SCALE DEVELOPMENTS, AND MORE PARTICULARLY
AMENDING SECTION 6-3, PLANNED SUBDIVISIONS**

WHEREAS, the Utah County Planning Commission initiated a review of the Planned Subdivision section of the Utah County Land Use Ordinance (UCLUO) to determine the propriety of amending the UCLUO to more appropriately address the goals and policies of Utah County, including those contained in the Utah County General Plan; and

WHEREAS, the Planning Commission addressed the proposed amendments to the UCLUO, including those related to Planned Subdivisions, at a meeting of the Planning Commission, and scheduled and held a public hearing regarding the proposed amendments; and

WHEREAS, the Planning Commission recommended that the UCLUO be amended, in accordance with the amendments as set forth herein; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Utah County Planning Commission regarding the proposed amendment to the UCLUO, and all of the file materials, including the public comments contained therein; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the UCLUO will further the goals and policies of Utah County, including those contained in the General Plan, by facilitating quality developments, protecting the environment, preserving open space, and providing for moderate income housing; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the UCLUO is in the best interest of the health, safety, and general welfare of the citizens of Utah County.

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Chapter 6, Large Scale Developments, Section 6-3, "Planned Subdivisions", of the Utah County Land Use Ordinance is hereby amended to read as follows:

CHAPTER 6

LARGE SCALE DEVELOPMENTS

6-3: PLANNED SUBDIVISIONS

A. GENERAL PROVISIONS

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1. Declaration of Legislative Intent

The intent of this section shall be to establish guidelines which will facilitate the approval of a proposed planned subdivision plat.

2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zones in which planned subdivisions are permitted may construct a planned subdivision thereon by complying with the regulations and standards of this section, in addition to all other requirements of the land use ordinance and other applicable law.

a. Requirements Minimum.

The requirements of this section, in addition to all other requirements of the land use ordinance and other applicable law, shall be the minimum requirements for the preparation, submission, and recording of all plans, plats, and supporting documents relating to planned subdivisions.

b. Standards May Be Increased.

The County Commission reserves the right to approve a development subject to certain conditions and limitations that will be written on the plat and recorded in the Utah County Recorder's office. Furthermore, the County Commission may, as a condition of approval, restrict recordation of the subdivision plat until a development agreement is formed and executed between the developer/land owner(s) and Utah County. The development agreement will outline specific conditions, covenants, rights, and obligations of the parties. The agreement may require standards which are greater, but not less than, those required in this section including, but not limited to, the following:

1. The mandatory creation of governmental districts and/or assessment areas to offset the fiscal impact of the planned unit development upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned subdivision;
3. The creation of additional utility easements within the development;
4. Additional requirements for moderate income housing units;
5. Additional restrictions on the location and slopes of roadways, and;
6. Any other additional condition or limitation necessary to ensure the implementation of generally accepted principles of good planning necessary for the health, safety, and welfare of County residents.

c. Exemptions from Rule of Property.

The rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any of the provisions of this ordinance or any declaration, bylaw, or other document executed in accordance with this ordinance.

B. PERMITTED USES

A planned subdivision shall consist of the platting of real property into one or more

lots, parcels, or other division of land, following the procedure outlined in this ordinance. Land uses permitted on the lots of a subdivision shall be limited to those listed as permitted uses or permitted conditional uses for the zoning district in which the subdivision plat is located.

C. **APPLICATION REQUIREMENTS**

The application shall consist of the following elements.

1. Application and Fee

A standard conditional use permit application shall be obtained from the Community Development Department and shall be completed and submitted with the required fee. The application shall be completed and signed by all owners of record, or applicant shall establish and provide documentary proof that applicant has a right to purchase the property.

2. Developmental Impact Statement

A developmental impact statement, shall be prepared and shall include the layout, density, drainage pattern, types of sewage treatment facilities, water sources and other features of the development. The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement.

3. Layout Map

A layout map (which may consist of several sheets and may be in blueprint or other non-reproducible form) shall be drawn to a scale of not smaller than one inch equals one hundred feet (1"=100'), or as determined by the Planning Director, and shall show all of the following items. If any of the specified items do not exist, the layout map shall list the item and state "none exists":

- a. Type of development.
- b. Name and address of developer.
- c. Name and address of designer.
- d. Date.
- e. North point, scale, and vicinity map.
- f. Township, range, and section lines.
- g. Zone designation.
- h. Perimeter boundary of the development.
- I. Name and address of adjacent property owners.
- j. Contour intervals .
- k. Location of all existing buildings and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any area within the boundary of the development in a 100 year flood area.
- l. Existing water and sewer mains and lines--location and size.
- m. Source of water and place of sewage disposal.
- n. Proposed lot and location layout for the development including lots, streets, street names, utility easements, building sites, common areas, common recreational facilities and structures, and building setback lines.
- o. Cross-section of proposed new streets. .

- p. Proposed power lines, bridges, utilities, and utility easements.
- q. Proposed water, sewage lines--location and size and place of sewage disposal, and location of solid waste collection points.
- r. Intended source of water, if private wells, must be one well per lot for culinary use, location of proposed fire hydrants, and location of any proposed lighting systems.
- s. Layout of irrigation system if required, showing how water will be delivered and distributed on the lots.
- t. Any additional information which the Plan Coordinating Committee may require.

Exception: Unless requested by the Planning Commission or County Commission, no layout map is required for a planned subdivision having 5 or fewer lots when each lot is five acres or larger in area, will utilize individual wells and septic tanks on each lot.

4. Excluded Portions of Parcels

The portion of a parcel of land which is not included within a proposed planned subdivision plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in chapter 3 of this land use ordinance.

5. Tabulations

A list of tabulations shall be individually listed on the plat and shall include:

- a. Total number of acres in the proposed development (including any road dedication area).
- b. Total number of lots or building sites.
- c. Percentage of area and acres to be devoted to roadways.
- d. Percentage of area and acres to be devoted to common area.

6. Engineering Drawings

The following engineering drawings shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plans pertaining to the location and size of proposed gravity pressurized central water system, including tank and delivery lines, any proposed central sewage treatment plant, including sewer lines, fire hydrants, utilities, curbs and gutters, streets, drainage systems and structures, irrigation system plans, and other improvements.
- b. Plan and profile of all streets, which shall include all portions of streets to be improved and all new streets to be constructed; and shall contain the calculations showing the amount of the improvement bond for road improvements. If access is on a state highway, a letter shall be provided from UDOT granting the access onto the state highway, with the location of the access shown on the plat. The County Public Works Director must approve the plans.
- c. A study and plan of flood protection measures to be taken for both on- and off- site storm and flood water, including seasonal and perennial seeps and springs, man-made roads and other features impacting the drainage, and a plan for dealing with the drainage and flood protection.

- d. A grading plan.
 - e. A water and irrigation plan, which shall include:
 - i. Identified water rights for each lot (a separate water right number must be obtained for each lot) amounting to at least .45 acre-feet of water per year approved for culinary use, 1 acre-foot of water for landscaping water, and 1.5 acre-feet of water per acre per year for the area of the lot other than the .23 acre house site. Each lot's water right shall authorize use of the water on the lot. Copies of documents establishing the water rights shall be obtained from the State Water Engineer's Office and submitted with the application. The water rights and quantities shall be listed on the plat.
 - ii. The design of structures and facilities to deliver the water, which design takes into consideration the lot layout, the topography, the off-site appurtenant infrastructure of irrigation canals or pipes serving the property, and other features unique to the site.
 - iii. The calculations showing the amount of the improvement bond for the irrigation structures and facilities.
 - iv. A review letter from the water delivery entity determining that the proposed on-site irrigation system can connect to the delivery system, and approving the irrigation plan.
 - v. The engineer must confirm that the irrigation plan will allow for the independent irrigation of each lot in the plat.
 - f. Any other engineered drawings required by the County Public Works Director in order to determine compliance with the Utah County development standards, this land use ordinance, or other applicable requirements.
7. Documentation
- The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:
- a. A title report with an effective date not earlier than thirty (30) days prior to the submittal date of a complete application, verifying that the owners who will execute the owner's dedication on the plat have sufficient control to effectuate the dedication without exceptions or limitations. The title report shall be a full report (title policy commitment quality and form), including a judgment search of all lot owners. All owners as shown on the title report shall sign the plat. If the property is owned in trust, a copy of the trust document shall be provided for review. The legal description of the property in the title report shall match exactly the legal description as contained on the plat. The plat description shall include all areas dedicated to the public, including streets. If the streets are not being dedicated to the public, the developer shall establish that the streets have previously been deeded to the County. All boundary disputes and boundary exceptions shall be resolved and deleted from the title report before it is submitted to the County (the only exceptions are the standard printed exceptions). All easements and other title restrictions shall be located on the plat and identified on the plat, including

the recording information. All blanket easements shall be identified on the plat, by note, including the recording information. Partial deeds of reconveyance shall be provided, reviewed, approved and recorded, to release all liens, including all trust deeds and mortgages, from the portion of property being dedicated for streets, easements, and public areas. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

- b. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. If the proposed central water source is not an existing public water system, documents from the Utah State Division of Water Quality approving the proposed public water system. If the proposed water source is not a public water system, each lot must have a well located on the lot and the applicant must provide a water right issued by the State Engineer for a permanent source of water which meets County standards. Copies of all applicable state water rights documentation, including applications and memorandum decisions shall be provided. All water rights shall be segregated for each lot within the proposed subdivision. Each lot shall have a separate water right. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water on the lot. All irrigation water rights shall be accompanied by a letter from the irrigation company establishing the average number of acre-feet delivered per share of water stock. Water share certificates shall be separated and allocated to each lot within a subdivision (with separate certificates and certificate numbers). Copies of the share certificates shall be provided and submitted along with the application. The applicant shall be shown as the owner of all water rights. If the water rights are attached to specific property (i.e. Strawberry water) the irrigation company shall provide an overlay on a copy of the plat showing the area covered by the irrigation water, together with a letter from the water company assigning a separate water right or serial number to each lot and identifying the ownership and acre feet of water provided to each lot. The water right information must be shown on the plat.
- c. A statement signed, dated and stamped by a professional engineer licensed by the State of Utah attesting that the proposed source water has been tested and found to comply with Utah County standards for quality, flow, pressure and delivery, and that the water system will meet Utah County standards when the project is complete. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water. If the proposed source of water is from individual wells located on each lot, the water shall meet water quality requirements before any treatment or filtration. Where individual wells on each lot are proposed and the wells have not yet been drilled, in lieu of testing, the engineer shall study well logs in the area

and state his/her opinion that the wells will be able to provide the required flow, quality, and quantity of water; the plat shall contain a written condition that no building permit for a dwelling or other occupied building will be issued until the wells are drilled and found to produce the required quality, quantity and flow of water prior to any treatment or filtration. The engineer's statement and calculations shall be reviewed for accuracy by the County Public Works Director, and the County Public Works Director must provide a letter to the Planning Commission verifying that the County Public Works Director has reviewed the engineer's statement and calculations for accuracy.

- d. A Declaration and Dedication of Water in the approved format shall be used to tie the water to each individual lot. The Declaration shall be signed by all owners of the water rights and of the property, and shall separately identify the culinary water, landscaping water, and irrigation water for each lot with share certificates and water right and change application numbers, together with the number of annual acre-feet of water representing by each water right. The plat shall contain a note that the water rights are permanently attached to the lots and cannot be transferred separate from the lots. All water rights attached to each lot shall also be identified on the plat by lot, water right and change application number, irrigation water share certificate number, acre feet of water, and irrigation company. After the Declaration and the Plat are recorded, a copy of the Declaration shall be provided to the State Engineer's Office to be filed with the water right file.
- e. A dated, signed and stamped letter from an engineer licensed by the State of Utah, stating how all surface drainage water will be managed. The letter shall certify that, in the engineer's professional opinion, all surface water can be maintained on-site, if this is the proposed method for handling surface drainage water. If all surface drainage water will not or cannot be retained on-site, a letter of approval shall be submitted from the entity owning or controlling any ditch or other disposal facility. If other facilities, such as a retention basin, are required, the engineering drawings and cost estimates shall be supplied and approved, for such facilities.
- f. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Public Works Director, stating the cost of installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all irrigation plan facilities and improvements to independently irrigate each lot, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey monument costs. The applicant shall also provide a statement addressing the proposed bonding method or a written statement that the applicant will construct all improvements prior to plat recordation.
- g. A statement from the County Health Department certifying that the proposed central water supply or water from wells on each lot and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve

the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If septic system are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

- h. A statement from the County Public Works Director certifying that the proposal conforms to the County standards and requirements for roads and other improvements. The approval letter from the Utah county Public Works Director will address: plat accuracy, any of the applicant's engineer's statements or drawings (i.e., irrigation plan, letter on water, drainage, roads, etc.), and all on-site and off-site improvement costs. The approval letter shall be without exceptions or conditions. If any exceptions or conditions are listed, the issues shall be resolved and a new letter submitted. All set-back lines shall be shown on the plat, all public utility and irrigation easements shall be shown on the plat (minimum width of 10 feet on all sides of each lot), survey monuments shall be shown on the plat, street dedication areas shall be clearly identified and labeled as being dedicated to the public, and the design of the subdivision shall comply with County requirements. The dedication language on the plat shall read as follows:

Know all men by these present that we, all of the undersigned owners of all of the property described in the surveyor's certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements, and do hereby dedicate the streets and other public areas as indicated hereon for the perpetual use of the public, the public utility easements to all utility providers, public or private, and the irrigation easements to all lot owners, and their successors and assigns in perpetuity.

- I. A statement from the County Fire Marshal certifying that the proposal conforms to the pertinent regulations of the adopted county fire codes and the fire-protection provisions of the land use ordinance.
- j. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided for each parcel serial number identified in or by the title report. The tax clearance shall include all property taxes due as of the date of the filing of the application and shall be updated to show the payment of all taxes due as of the date the plat is recorded, and greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25 acres in area, and for any other area of the plat if required by the Utah County Commission.

8. Plat

The plat shall be reproducible and be drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Planning Director, and shall show the following:

- a. Perimeter boundary of the development, including any road dedication areas, and the location of all required survey monuments.
 - b. The location of all lot lines and setback lines, and/or building site areas, and the identifying number for each lot, block, and building site in the development.
 - c. The name, location, and extent of all streets and the location and nature of all other parcels of land to be dedicated to the public or reserved for common use by the residents of the development.
 - d. The location and identification of all easements and their specific use.
 - e. The location and extent of all parcels within the development which are subject to deed restrictions or any other limitations, or which are subject to conditions of approval written on the plat.
 - f. Statements of limitations or conditions of approval required to be written on the plat by the County Commission, and other statements or information required by this land use ordinance, or other applicable law.
 - g. The following certifications:
 - i. The certificate of survey accuracy by the surveyor or engineer preparing the plat.
 - ii. The owner's dedication of land for public use, the owner's conveyance of easements and parcels for utilities or other special use, and the owner's acceptance of the limitations or conditions of approval.
 - iii. The acknowledgment of the owner's dedication by a Utah Notary Public (or an equivalent officer authorized to acknowledge conveyances of real estate if the owner is out of state).
 - iv. The County Commission's approval of the development and its acceptance of dedication of streets, easements, etc., along with the attesting signature of the County Clerk/Auditor.
 - v. Certifications required by State Law and other certifications if required by the County Commission.
9. A certification that lands being subdivided are free from invasive noxious weeds or have undergone appropriate noxious weed control treatment, shall be submitted with the application. The list of invasive noxious weeds shall be recommended by the Utah County Weed Control Board and approved by the Board of County Commissioners. Certifications are considered valid if performed by persons competent in the identification of noxious weeds and approved by the Utah County Weed Control Board. Inspections supporting certification shall be made during the period from April 1 through September 30. In lieu of certification, a two (2) year bond may be approved by the Board of County Commissioners in the amount of \$1,000.00 per acre. A certification shall be submitted within two (2) years after the date of approval or the bond will be forfeited to Utah County to be used for weed control purposes.
- E. STANDARDS AND CONDITIONS

All planned subdivisions shall conform to all of the requirements of this land use ordinance and the following standards and conditions.

1. Design

- a. The plans shall be prepared by an engineer licensed to practice in the State of Utah.
- b. The design of subdivisions shall conform to County Public Works standards, requirements of this land use ordinance and other applicable law.

2. Size of Development

The minimum acreage required to qualify for a planned subdivision shall be in accordance with the following schedule:

<u>Zone</u>	<u>Area (in acres)</u>	<u>Zone</u>	<u>Area (in acres)</u>
RA-5	5	M&G-1	50
RR-5	5*	NC-1	1
TR-5	5*	HS-1	1
CE-1	50	I-1	1
CE-2	20	A-40	40

Exception: In the RR-5 or TR-5 Zones, the County Commission may approve a planned subdivision for a smaller parcel, provided that:

- a. Such parcel is a nonconforming lot of record as defined by this ordinance; and
- b. Such parcel cannot be added to an existing subdivision or combined with other parcels to make a combined lot area which conforms to this schedule.

3. Lot Area and Width Requirements

The area and width of individual lots within planned subdivisions shall be in accordance with the following schedule.

<u>Zone</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u> at any point between the frontage and the front of the primary structure
RA-5	5 acres	250 feet
RR-5	20,000 sq ft	100 feet
TR-5	20,000 sq ft	100 feet
CE-1	50 acres	330 feet
CE-2	20 acres	330 feet
M&G-1	50 acres	330 feet
NC-1	1 acre	none
HS-1	1 acre	none
I-1	1 acre	none
A-40	40 acres	330 feet

4. Paved Road Access

All planned subdivisions, and each lot within a subdivision, shall abut on and shall have access to a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system, and contains no unpaved section.

5. Street System

- a. All streets shall be constructed to conform to the street standards for public

- streets as required by the Utah County Public Works Department.
- b. In the event that the land within the proposed development is traversed by a proposed street that is shown on the county general plan, the road system within the subdivision shall be constructed in accordance with the county general plan, transportation and traffic circulation element, and the right-of-way dedicated to the public.
 - c. No vehicular road shall have a grade of more than eight (8) percent.

Exception: A grade of ten (10) percent may be approved, upon recommendation of the County Public Works Director, when the County Commission finds all of the following criteria are met:

 - i. the grade is necessary to eliminate extra cuts, fills, or circuitous routes;
 - ii. no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length
 - iii. the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
 - iv. police, fire, ambulance, snow removal, and other essential services can be provided at a substantially equal level of quality; and
 - v. no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
 - d. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.
 - e. Where an existing county road borders the subdivision, the road shall be paved to the full standard width even if the applicant has record title to only a portion of the road easement. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.
 - f. Each intersection shall bear permanent signs sufficient in design for easy identification of street names by emergency vehicles and other motorists, as approved by the Public Works Director.
 - g. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads. No cul-de-sac roads are permitted.
 - h. Any development that abuts on public land which has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.
6. Sidewalks
Sidewalks, dedicated to the public, shall be provided along both sides of public streets wherever one or more of the lots in the subdivision has a frontage of less than 150 feet, except sidewalks shall be required only on the development side for streets bounding the development.
7. Curbs and Gutters
Curbs and gutters shall be installed on both sides of public streets wherever one or more of the lots in the subdivisions has frontage of less than 150 feet, except curbs and gutters shall be required only on the development side for streets

bounding the development.

8. Drainage System Plan

The drainage system plan shall show the following:

- a. An analysis of the nature and extent of hazard from floods originating off the premises and a plan indicating how such flooding hazard will be accommodated within the development. (Said analysis and plan may be waived by the County Public Works Director when ample information already exists for the area.)
- b. An analysis of the nature and extent of the drainage and flood problems which will be created by the development, including an analysis of the amount of water generated as a result of the covering of absorption areas and a plan indicating how the drainage and flood waters will be accommodated.
- c. The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.
- d. A method of handling all runoff on site when an existing storm water system is not available.
- e. A statement of acceptance of the drainage waters from the appropriate agencies where excess surface drainage from the development will flow into an irrigation channel or into a public street or otherwise be directed off the premises.
- f. A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

9. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.
- iii. Water for irrigation shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water

cannot be applied to the entire area of the lot, if the irrigation water quantity requirement of at least 1.5 acre-feet of irrigation water per each acre of area of each lot (less the 10,000 square feet) is satisfied.

Exception 1 to part 'iii' above: Where all of the following conditions are met, the quantity of 1.5 acre feet per acre per year for irrigation water shall not be required: (a) the area to be excepted is part of a lot or site for a one-family dwelling or mobile home; (b) no lot or dwelling site in the subject plat has an area of less than 50 acres; (c) each building on the lot is surrounded by an irrigated band of landscaping that is no narrower than 30 feet at any point and no smaller than 10,000 square feet in area; (d) the irrigated band of landscaping is surrounded by a platted, maintained fuel break easement which is 100 feet in width (or less than 100 feet when, based on the findings of the county fire marshal, the county commission determines that specific peculiarities of the site permit a lesser fuel break); and (e) the flammable native species have been thinned and/or replaced in accordance with terms recommended by the fire marshal and stated or referred to on the plat.

Exception 2 to part 'iii' above: The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of an engineered study, prepared, and signed by an engineer licensed in the State of Utah, conducted in the preparation of the irrigation plan if the County Commission finds that less water is needed to establish and to meet the green plant needs of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction. The engineered study shall determine the quantity of water needed to establish and to maintain alfalfa, in the green condition, having a low flammability, and shall identify the high water table by area and depth below natural grade.

b. Water Quality

- i. Culinary quality water for use inside each dwelling shall either be provided by a central water system, approved as a public water system by the Utah Division of Drinking Water and by the Utah County Health Department, or by individually owned wells, one well located on each lot included in the subdivision. If water is to be provided by individual wells located on each lot, the water shall meet water quality standards prior to any treatment or filtration. The Utah County Health Department shall sample a representative water source from within the proposed development boundaries as a requirement prior to County Commission approval. A minimum of at least one sampling shall be obtained per proposed large scale development; where a large scale development is for an area larger than 160 acres, the number of samples shall be one per 160 acres or fraction thereof. The County Commission may require additional samples where it finds the geology or other on-site conditions warrant additional samples to determine the water quality

is satisfactory throughout the entire area of the subdivision. Water testing costs shall be paid by the developer. To be acceptable as the source of culinary water, this sample shall meet primary drinking water standards and be approved by the Utah County Health Department. The recorded plat shall contain a written condition that no building permit will be issued for a single family dwelling or other occupied structure until the individual water supply has been sampled and found to meet primary drinking water standards as outlined above by the Utah County Health Department.

Exception: The Zoning Administrator may, with the favorable review by the Utah County Health Department, approve the sampling of water from an existing well outside of the subdivision boundary, based upon the developer submitting a written finding from a Utah licensed engineer, stating the opinion, after studying the well logs of the proposed sampling well, that the sample will be representative of the aquifer to be utilized by the proposed subdivision; and further provided, however, that the proposed existing well is not located more than five hundred (500) feet from the closest subdivision boundary.

- c. Types and Duration of Rights
 - i. The water rights must be tied to each lot so that the lots and rights cannot be transferred separately.
 - ii. The developer shall present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.
 - iii. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

10. Water System

- a. All planned subdivisions having one or more lots or platted building sites under five (5) acres in area shall have a central water system which shall supply culinary quality water for culinary use and which shall supply water meeting the supply and flow requirements for fire protection.
- b. The water system shall have a storage facility which has a capacity to meet peak hourly culinary use, based on state health department standards, plus a minimum fire protection storage in an amount as determined by the County Fire Marshal using applicable adopted codes, but not less than 120,000 gallons. The storage capacity shall be increased, as determined by the County Fire Marshal using applicable adopted codes, if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development, or if irrigation water is to be stored in the culinary - fire protection storage facility.
- c. The culinary water- fire protection facility shall be designed and located so as to produce a gravity-induced fire flow that meet the adopted fire codes as

determined by the County Fire Marshal, but not less than 1000 gallons per minute for a duration for at least two hours, in addition to simultaneous culinary or irrigation use. The delivery rate and duration amount shall be increased, as determined by the County Fire Marshal using applicable adopted codes, if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development.

- d. Water mains in the culinary water- fire protection system supplying fire hydrants, dwellings, and any irrigation needs, shall be sized according to an engineering study to adequately supply those uses, but in no case shall they be less than six (6) inches in diameter (no less than 8 inches in diameter if supplying a fire hydrant on a dead-end run longer than four hundred feet in length).
 - e. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.
 - f. An engineered irrigation plan shall be prepared to address all required items, in the format approved by the Community Development Department.
 - g. Existing surface irrigation ditches located within the proposed subdivision or located within the adjacent road right-of-way that are required to be relocated and any new surface irrigation ditches that are to be constructed as part of the irrigation plan shall be lined with concrete or with some other impermeable material approved by the Public Works Director, or piped with a pipe type and diameter approved by the Public Works Director.
11. Sewage Disposal
Each planned subdivision shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on each lot which are approved by the City-County Health Department.
 12. Fire Protection
a. All planned subdivisions having one or more lots under five (5) acres in area shall have fire hydrants installed as required by the County Fire Marshal using applicable adopted codes.
 13. Utility Easements
To serve each lot, utility easements and irrigation easements of not less than (10) feet in width shall be required around all lots, and all new utilities to be installed shall be placed underground within the subdivision boundaries. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing. No structure shall be constructed within the designated easements, except for the related utility structures.
 14. Setback Distances
The setback requirements shall be the same as those listed for the pertinent zoning district.
 15. Open Space Requirements
Any parcel of land five acres or greater in area that is proposed to be subdivided with any lots less than five acres in area, and any proposed subdivision with more

than five lots with any lot less than five acres in area, shall provide a minimum of twenty percent (20%) of the total subdivision acreage as dedicated and landscaped open space for the use of the residents of the subdivision. As assurance that the designated area will remain in open space, the developers shall execute an open space preservation and maintenance agreement with the county in which the developer and the home owner's association, if a home owner's association has been created, agree to maintain the open space and agree to refrain from constructing dwellings or other structures on the designated open space areas.

F. REQUIRED IMPROVEMENTS

All improvements which are required under the terms of this ordinance shall be shown on the layout map or recorded plat. Such improvements shall be constructed by the developer in accordance with the Utah County development standards and inspected by the County Public Works Director. For planned subdivisions, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

1. Hard Surfaced streets.
2. Street signs and traffic control devices.
3. Curbs, gutters, and sidewalks unless no lot has a frontage width of less than 150 feet.
4. Culverts, sumps, retention basins, and other storm water facilities.
5. On-site and off-site water facilities and water mains unless individual wells are used.
6. Fire hydrants unless all lots are 5 acres or greater in area.
7. Sewage system facilities unless all lots are served by individual septic systems located on each lot.
8. Permanent survey markers.
9. Installed underground utilities, including natural gas where available, electrical supply lines, and telephone lines, stubbed to each lot.
10. All irrigation facilities, as described in the approved irrigation plan.
11. Coverings, piping or fencing of canals, drainage areas and streams, when required by the County Commission.
12. Other essential improvements if required by the County Commission.

Part II:

The Utah County Land Use Ordinance, as amended herein, is hereby adopted in book form and a copy of said Utah County Land Use Ordinance is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clause or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part IX:

This ordinance shall become effective fifteen (15) days after it is passed, and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 27th day of March, 2009.

UTAH COUNTY COMMISSION

VOTE

Larry A. Ellertson
LARRY A. ELLERTSON, CHAIR

Aye

Steve White
STEVE WHITE, COMMISSIONER

Aye

Gary J. Anderson
GARY J. ANDERSON, COMMISSIONER

Exc

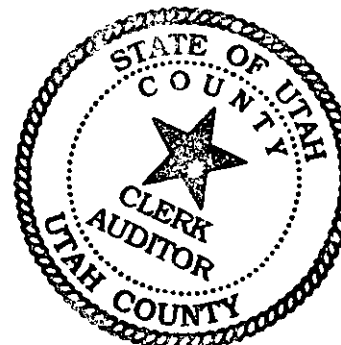
ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: *Linda Swickland*, Deputy

By: *Paul [Signature]*, Deputy

Date of Publication: Once only, as soon as possible



4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663

CUSTOMER'S COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	DATE	ACCOUNT NUMBER	DATE
UTAH COUNTY AUDITOR'S OFFICE. ATTN: Karen Fairbanks 100 E CENTER ST #2400 PROVO UT 84606	MAY 13 2009	9001334912 AIC 59	5/5/2009

ORDINANCE NO. 2009-9 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 3, 2009, AMENDING THE UTAH COUNTY GENERAL PLAN 2006, TO INCLUDE THE GOSHEN VALLEY SPECIFIC AREA PLAN. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

ACCOUNT NAME

UTAH COUNTY AUDITOR'S OFFICE,

ORDINANCE NO. 2009-10 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 3, 2009, AMENDING THE UTAH COUNTY LAND USE ORDINANCE, SECTION 4-1, ZONES ESTABLISHED, AND ADDING NEW SECTION 5-17, GOSHEN VALLEY PLANNED COMMUNITY (PC) ZONE. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

TELEPHONE AD ORDER # / INVOICE NUMBER

8018518002

0000450589 /

ORDINANCE NO. 2009-11 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 3, 2009, AMENDING THE UTAH COUNTY LAND USE ORDINANCE AND MORE PARTICULARLY AMENDING THE BOUNDARIES ON THE MAP KNOWN AS THE OFFICIAL UTAH COUNTY ZONE MAP TO REZONE PROPERTY FROM THE RR-5, RA-5, A-10, HLG-1 AND NC-11 ZONES TO THE GOSHEN VALLEY PLANNED COMMUNITY (PC) ZONE, AND APPROVAL OF A MASTER AGREEMENT FOR THE GOSHEN VALLEY PC ZONE. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

SCHEDULE

Start 05.04/2009

End 05/04/2009

ORDINANCE NO. 2009-12 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 24, 2009, AMENDING THE UTAH COUNTY LAND USE ORDINANCE CHAPTER 6, LARGE SCALE DEVELOPMENTS, AND MORE PARTICULARLY AMENDING SECTION 6-3, PLANNED SUBDIVISIONS. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GARY J. ANDERSON WAS EXCUSED.

CUSTOMER NO.

2009-1132

ORDINANCE NO. 2009-14 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 24, 2009, AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 1-6 OF THE UTAH COUNTY CODE, BY AMENDING VARIOUS UTAH COUNTY PUBLIC WORKS DEPARTMENT FEES. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GARY J. ANDERSON WAS EXCUSED.

CAPTION

ORDINANCE NO. 2009-9 WAS ADOPTED BY THE

ORDINANCE NO. 2009-15 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 24, 2009, AMENDING AND REENACTING ARTICLE 13 OF THE UTAH COUNTY CODE, USE OF COUNTY ROADS AND COUNTY PROPERTY. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GARY J. ANDERSON WAS EXCUSED.

SIZE

80 Lines

2.00 COLUMN

ORDINANCE NO. 2009-17 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 24, 2009, AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 1-6 OF THE UTAH COUNTY CODE, BY AMENDING VARIOUS UTAH COUNTY PUBLIC WORKS DEPARTMENT FEES. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GARY J. ANDERSON WAS EXCUSED.

TIMES RATE

1

ORDINANCE NO. 2009-18 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 24, 2009, AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 1-6 OF THE UTAH COUNTY CODE, BY AMENDING VARIOUS UTAH COUNTY PUBLIC WORKS DEPARTMENT FEES. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GARY J. ANDERSON WAS EXCUSED.

MISC. CHARGES AD CHARGES

ORDINANCE NO. 2009-19 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 24, 2009, AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 1-6 OF THE UTAH COUNTY CODE, BY AMENDING VARIOUS UTAH COUNTY PUBLIC WORKS DEPARTMENT FEES. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GARY J. ANDERSON WAS EXCUSED.

TOTAL COST

168.00

ORDINANCE NO. 2009-20 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON MARCH 24, 2009, AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 1-6 OF THE UTAH COUNTY CODE, BY AMENDING VARIOUS UTAH COUNTY PUBLIC WORKS DEPARTMENT FEES. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY ELLERTSON AND COMMISSIONER STEVE WHITE VOTED IN FAVOR OF THE ORDINANCE. COMMISSIONER GARY J. ANDERSON WAS EXCUSED.

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKER, I CERTIFY THAT THE ATTACHED AD FOR ORDINANCE NO. 2009-9 WAS ADOPTED BY THE FOR UTAH COUNTY OFFICE, WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

Start 05/04/2009

End 05/04/2009

PUBLISHED ON

SIGNATURE

5/5/2009

Notary Public
ELIZABETH G. CORDOVA
6462 West 4200 South
West Valley City, Utah 84128
My Commission Expires
January 18, 2010
State of Utah

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT

Elizabeth Cordova