

ORDINANCE NO. 2009-20

ENT 75767:2009 PG 1 of 18  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2009 Jul 13 8:52 am FEE 0.00 BY SW  
RECORDED FOR COMMUNITY DEVELOPMENT

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE,  
CHAPTER 6, LARGE SCALE DEVELOPMENTS, AND MORE PARTICULARLY  
AMENDING SECTION 6-4, MOUNTAIN HOME DEVELOPMENTS**

**WHEREAS**, the Utah County Planning Commission initiated a review of the Mountain Home Development 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 Mountain Home Developments, 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 6-4, "Mountain Home Developments", of the Utah County Land Use Ordinance is hereby amended to read as follows:

**CHAPTER 6**

**LARGE SCALE DEVELOPMENTS**

6-4: MOUNTAIN HOME DEVELOPMENTS

## A. GENERAL PROVISIONS

### 1. Declaration of Legislative Intent

The intent of this section is to establish guidelines which will facilitate the approval of a proposed mountain home development plat.

### 2. Scope

The owner of a tract of land containing the required amount of land as set forth in the zone in which mountain home developments are permitted, may construct a mountain home development 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 mountain home developments.

#### 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 mountain home development upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the mountain home development;
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. Exemption from Rules 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 documents executed in accordance with this ordinance.

## B. PERMITTED USES

Uses permitted in mountain home developments shall be limited to the following:

1. One-family dwellings or manufactured homes.

2. Residential facilities for handicapped persons and residential facilities for elderly persons.
3. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
4. Common areas and common recreational facilities for the exclusive use of the residents of the mountain home development. Driveways, streets, fences, walls, new underground utilities, utility distribution lines and facilities, solid waste collection areas, sewage treatment facilities, ponds, landscape features, and similar uses and structures incidental to the main use.

**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 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 areas 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, and solid waste collection points.

- n. Proposed lot and location layout for the development, including lots, building sites, street names, open space, common areas, parks, common recreational facilities and structures, and building setback lines.
- o. Proposed new streets and cross-section of any proposed new streets
- p. Location of proposed pedestrian walkways, hiking and equestrian trails.
- q. Proposed power lines, bridges, utilities, and utility easements.
- r. Proposed water and sewage lines by location and size.
- s. Garbage collection points.
- t. Proposed fire hydrants.
- z. Proposed street lights and flood lights.
- u. Irrigation system layout, unless an exception to the irrigation system requirement is approved, showing how water will be delivered and distributed on the lots and common areas.
- v. Any additional information which the Plan Coordinating Committee may require.

4. Excluded Portions of Parcels

The portion of a parcel of land which is not included within a proposed mountain home development 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. Number of off-street parking spaces.
- d. Percentage of area to be used for off-street parking.
- e. Percentage of area and acres to be devoted to roadways.
- f. Percentage of area and acres to be devoted to open space (twenty-five percent (25%) minimum).

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 a 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. Plans and profiles 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 the gravity pressurized central water system amounting to at least .45 acre-feet of water per year per dwelling unit approved for culinary use, 1 acre-foot of water for landscaping water per year per dwelling unit, and 1.5 acre-feet of irrigation water per acre per year per dwelling unit for the area of each lot other than the .23 acre house site, unless an exception to the irrigation system requirement is approved. All water rights shall authorize use of the water within the area of the Mountain Home Development. 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 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 water structures and facilities.
  - iv. A review letter from the water delivery entity determining that the proposed on site water delivery system can connect to the existing delivery system, and approving the water delivery plan.
  - v. The engineer must confirm that the irrigation plan will allow for the independent irrigation of each lot in the plat, unless an exception to the irrigation system requirement is approved.
- e. 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. Executed articles of incorporation and bylaws of the property owners' association.
- b. An executed (except by Utah County) open space preservation agreement and an executed maintenance agreement among the developer, the property owners' association, and Utah County, based on the Utah County format. (These must be recorded at the time the plat is recorded.)
- c. 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.

- d. 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. 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 within the area of the Mountain Home Development.
- e. 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 the required 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. 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.
- f. 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.

- g. 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 water delivery plan facilities and improvements, 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.
- h. A statement from the County Health Department certifying that the proposed central water supply 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 individual 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.
- i. 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 public

streets and other public areas as indicated hereon, for the perpetual use of the public, the private streets and other private open space and common areas as indicated hereon for the perpetual use of all lot owners, and their successors and assigns in perpetuity, 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.

- j. 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.
- k. 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 shall 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 the restrictions imposed by the open space preservation agreement or any other limitations, or which are subject to conditions of approval which are 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 for common use by the residents of the development, 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.
- vi. 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.

#### D. STANDARDS AND CONDITIONS

All mountain home developments 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. Residential development clusters are encouraged.
  - d. The suitability and capability of soils, the enhancement of aesthetic and scenic values, the ability to meet road access requirements and maximum grade requirements, the preservation of bodies of water, the preservation of streams and riparian habitat, topography, and other site location features, will be reviewed as a part of the development design review.
- 2. Landscape Plan
  - a. All areas not covered by buildings or off-street parking or driveways shall be maintained in indigenous vegetation, or where the native vegetation is removed, shall be landscaped and maintained by the lot owner or by the body identified in the open space and maintenance agreement.
  - b. The installation of permanent sprinkler or other irrigation systems are required when necessary to sustain planted areas.
  - c. A fuel break approved by the Utah County Fire Marshal shall be maintained around residential lots or residential development clusters.
- 3. Open Space, Parks, Playgrounds, and Facilities
  - a. At least twenty-five (25) percent of the area in the development shall be designated as natural open space for the common use of the occupants of the

development. The land covered by streets and off-street parking facilities, the lot and yard area of individual dwellings sites, the area covered by common facilities, and improved areas, shall not be included in the area used to meet the 25 percent amount set aside as natural open space.

- b. As assurance that the designated area will remain as natural open space, the owner and the homeowner's association shall execute an open space preservation agreement with the county, in which the owner and the homeowner's association agree for themselves and their successors and assigns to refrain from constructing dwellings or other structures the designated open space areas.
- c. All flood plain areas and floodways, if any, all streams, ponds, other water features, and riparian habitat, shall be identified, and shall be included as part of the common open space.
- d. Construction of all common areas and facilities shall be provided by the developer and shall be maintained by the homeowner's association.

4. Size

The minimum acreage required to qualify for a mountain home development shall be twenty (20) acres.

5. Density

a. Number of Units Permitted.

The maximum number of dwellings units permitted within a mountain home development shall be determined by the slope of the land within the development according to the following schedule:

- i. One dwelling per acre having a slope of ten (10) percent or less.
- ii. One dwelling per ten (10) acres having a slope of more than ten (10) percent but less than thirty (30) percent.
- iii. One dwelling per twenty (20) acres having a slope of more than thirty (30) percent. The determination of slope within a development shall be based upon a detailed slope analysis. The slope analysis shall be conducted using the contour maps prepared by the U.S. Geological Survey; however, other more detailed contour maps may be used when approved by the Planning Director.

b. Development Credits Increased.

The number of dwelling units permitted within a mountain home development may be increased by the transfer of residential development credits from lands located within an adjacent CE-1 Critical Environmental Zone, subject to the following conditions.

- i. The land from which the development credits are transferred:
  - (A) Is situated entirely within the CE-1 Critical Environmental Zone;
  - (B) Is located contiguous to or within two miles of a boundary of the mountain home development; and
  - (C) Is shown on the plans and documents as part of the open space area of the development and subject to the open space preservation agreement, but will not be part of the minimum 25% natural open space required within the perimeter boundary of the development.

- ii. The number of residential development credits received shall be at the rate of one dwelling unit per each full twenty (20) acres of land in the CE-1 zone covered by the transfer of development credits agreement.
  - iii. There is sufficient area for development within the plat to accommodate the increased number of dwelling units and meet the common open space requirement.
  - iv. Whenever the terms of this ordinance shall permit or authorize a property owner to transfer development credits, such transfer shall be accompanied by an agreement by the owner indicating the extent of the credit transfer and agreeing to refrain from construction of dwellings or other buildings or from exercising any of the entitlements so transferred. Said agreement shall be made between the owner (and his heirs and assigns) and the County Commission, and shall be recorded in the office of the County Recorder.
- c. **Maximum Slope.**  
No dwelling unit shall be constructed on an area which exceeds thirty (30) percent slope as shown on the detailed slope analysis.
- d. **Density and Building Lot Size.**  
Individual building lots shall not be less than ten thousand (10,000) square feet in area.

6. Paved Road Access

All mountain home developments shall abut on and shall have two separate road access locations to a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system. However, a mountain home development which is an extension of a previously approved county development which has a hard-surfaced road system may obtain paved road access through said prior plat. There shall be no unpaved section of road from the county, state, or municipal hard-surfaced road to the proposed new development, and any proposed road within the development shall be a through road connected to the county, state, or municipal hard-surfaced road at two different access locations.

7. Street System

- a. All public and private streets shall conform to the official street standards as required by the Utah County Public Works Department.
- b. The road system of the development shall conform to the land use ordinance for mountain home developments with respect to grades, and length of cul-de-sacs.
- c. In the event that land within the proposed development is traversed by a proposed street that is shown on the county general plan, the road system within the mountain home development shall be constructed in accordance with the county general plan, transportation and traffic circulation plan.
- d. No vehicular road shall have a grade of more than eight (8) percent.  
Exception: A grade of up to twelve (12) 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 substantiality 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.
- e. No street or road shall be constructed in a location or in such a manner which produces a slope face which exceeds the critical angle of repose, provided that the County Commission may approve a road producing such a slope face where it finds:
- i. a road is necessary to the development, and the proposed road follows the most appropriate alignment;
  - ii. the road and slope will not produce an undue hazard to the environment or adjacent properties; and
  - iii. the road is engineered and constructed to prevent the soil from moving.
- f. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department.  
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.
- h. 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.
- i. The maximum length of any dead-end road or cul-de-sac shall be seven hundred and fifty (750) feet, measured from the nearest edge of right-of-way from the connecting through road to the center of the cul-de-sac or turn-around, except that an additional 750 feet may be approved by the Utah County Fire Marshal when the design of such extension is in compliance with currently adopted fire codes.
- j. 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.
8. Sidewalks  
Sidewalks shall not be required.
9. 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.

10. 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 quantity of at least .45 acre-feet per year 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 to part 'iii' above: The County Commission may increase, decrease or eliminate the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of an engineering study, prepared, and signed by an engineer licensed in the State of Utah and approved by the Utah County Fire Marshal, conducted in the preparation of the irrigation plan if the County Commission finds that more or less water is needed for each lot and parcel to maintain the native vegetation in a green condition, having a low flammability and low risk of fire hazard, or to establish and maintain planted vegetation in a green condition, having low flammability and low risk of fire hazard.

- b. Water Quality
  - i. Culinary quality water for use inside each dwelling shall 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.
- c. Types and Duration of Rights
  - i. The developer shall present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.
  - ii. 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.

11. Water System

- a. All mountain home-developments 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 Utah County Fire Marshal using applicable adopted codes, but not less than 120,000 gallons. The storage capacity shall be increased as determined by the Utah 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 water-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 meets the adopted fire codes as determined by the Utah 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 Utah 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.

12. Sewage Disposal

Each mountain home development 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 County Health Department. 13. Fire Protection

- a. Fire hydrants shall be installed as required by the Utah County Fire Marshal using applicable adopted codes.
- b. Roofs and exteriors of buildings shall be of fire resistant materials as approved by the County Building Official and County Fire Marshal..
- c. All highly flammable weeds and plant material shall be removed and shall be kept removed from occupied structures (including dwellings) as determined by the County Fire Marshal using applicable adopted codes.

14. Off-street Parking and Driveways

- a. At least two off-street parking spaces shall be provided for each dwelling unit.
- b. Additional off-street parking spaces shall be required for other uses as set forth in chapter 3 of this land use ordinance.
- c. Written verification by an engineer licensed to practice in the State of Utah that the driveway access for each lot can meet the minimum requirements of this land use ordinance and other adopted applicable codes shall be provided and must be approved by the County Public Works Director.
- d. All cut or fill slopes made in the construction of driveways from the development road to the dwelling shall be less than the critical angle of repose of the soil, unless engineered and approved retaining structures are installed.

15. 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 mountain home development 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.

16. Location of Common Facilities and Structures

The location of all common facilities and structures shall be shown on the detailed site plan.

17. Setback requirements shall be the same as those found for the pertinent zoning district.

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 mountain home developments, the required improvements include all improvements required by the terms of this land use ordinance, and the following:

1. Hard-surfaced streets as per the approved street plan and street cross-sections.
2. Street signs, and traffic control devices.
3. An approved surface water, drainage, and flood control system, including both off-site and on-site facilities.
4. An approved central culinary water and fire suppression water supply system, including both off-site and on-site facilities.
5. An approved central sewer system, including both off-site and on-site facilities,

unless all lots are served by individual septic systems located on each lot..

6. Fire hydrants and fuel breaks.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Landscaping in common areas, as required .
10. An approved landscape watering and irrigation system, including both off-site and on-site facilities, as described in the approved irrigation plan.
11. Coverings or fencing for safety of canals and streams, when applicable and required by the County Commission.
12. All facilities and amenities shown for common use, including all fences, walls and other common area improvements and structures.
13. Other improvements required by the County Commission.

Amendment to Section 6-1-E-17, to delete paragraph (b) in its entirety, and amending paragraph "c." to paragraph "b.", and to replace Section 6-1-E-17-b as Section 6-1-E-26 to read as follows:

26. Building Permits

No building permit shall be issued until the plat is recorded. After the plat is recorded, no building permit shall be issued for any structure within the development, other than utility related structures, until (i) all of the roads, streets, street signs, traffic control signs and devices, and information signs, have been constructed, inspected, and approved; (ii) the central culinary water system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction; (iii) the private culinary well, if one is proposed or required for the lot, has been drilled, tested, and approved as a culinary water source, meeting all applicable requirements for use, flow, quantity, and quality; (iv) the central sewer system, if one is proposed or required for the development, is constructed, inspected, approved and is operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction; and (v) all other required utility systems have been constructed, inspected, approved and are operational, including the issuance of all required operational permits from the State of Utah and other entities having jurisdiction, provided that if the sewer treatment method is by private septic systems entirely located on each lot, the permit for the construction of the dwelling may be issued concurrent with the issuance of the required permits for construction of the private septic system serving that dwelling.

Also to correct Section 6-2-E-13, Planned Unit Development, Off-Street Parking, by adding said section that had been partially omitted as part of the recorded ordinance adopting the changes that were recommended by the Planning Commission and approved by the Utah County Commission. The section to read as follows:

13. Off-Street Parking

- a. The proposed development shall provide two off-street parking spaces for each dwelling unit.

- b. Additional off-street parking spaces for visitors shall be provided at a ratio of one-half space per dwelling unit, which shall be located within 400 feet from the dwelling unit it is intended to serve.
- c. Additional off-street parking spaces for other uses shall also be required as set forth in this land use ordinance.

**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 23rd day of June, 2009.

UTAH COUNTY COMMISSION

VOTE

  
 \_\_\_\_\_  
 LARRY A. ELLERTSON, CHAIR

Aye

  
 \_\_\_\_\_  
 STEVE WHITE, COMMISSIONER

Aye

  
 \_\_\_\_\_  
 GARY J. ANDERSON, COMMISSIONER

Aye

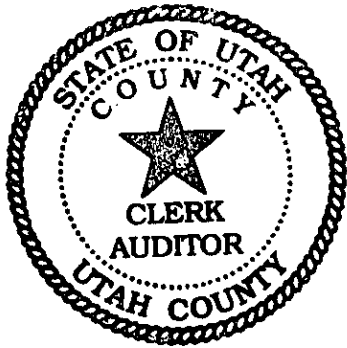
**ATTEST:**  
**BRYAN E. THOMPSON**  
County Clerk/Auditor

By: Linda Strickland Deputy

**APPROVED AS TO FORM:**  
**JEFFREY R. BUHMAN**  
County Attorney

By: [Signature], Deputy

Date of Publication: Once only, as soon as possible



PROOF OF PUBLICATION

CUSTOMER'S COPY

| CUSTOMER NAME AND ADDRESS  | ACCOUNT NUMBER |
|--|----------------|
| UTAH COUNTY AUDITOR,<br>ATTN: Karen Fairbanks<br>100 E CENTER ST #2400<br>PROVO UT 84606 | 9001334912     |

| ACCOUNT NAME                             |                             |
|--|-----------------------------|
| UTAH COUNTY AUDITOR,                     |                             |
| TELEPHONE                                | AD ORDER # / INVOICE NUMBER |
| 8018518002                               | 0000479088 /                |
| SCHEDULE                                 |                             |
| Start 07/27/2009                         | End 07/27/2009              |
| CUST. REF. NO.                           |                             |
| 2009-1132                                |                             |
| CAPTION                                  |                             |
| ORDINANCE NO. 2009-19 WAS ADOPTED BY THE |                             |
| SIZE                                     |                             |
| 129 Lines                                | 1.00 COLUMN                 |
| TIMES                                    | RATE                        |
| 1  |                             |
| MISC. CHARGES                            | AD CHARGES                  |
|  | ATTN                        |
| TOTAL COST                               |                             |
| 135.45                                   |                             |

ORDINANCE NO. 2009-19 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JUNE 2, 2009, AMENDING THE OFFICIAL UTAH COUNTY ZONE MAP, A PART OF THE UTAH COUNTY LAND USE ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY FROM THE MLC-1 TRAINING AND GRAZING ZONE TO THE RA-5, RESIDENTIAL AGRICULTURAL ZONE. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

ORDINANCE NO. 2009-20 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JUNE 23, 2009, AMENDING THE UTAH COUNTY LAND USE ORDINANCE, CHAPTER 6, LARGE SCALE DEVELOPMENTS, AND MORE PARTICULARLY, AMENDING SECTION 6-4, MOUNTAIN HOME DEVELOPMENTS. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

ORDINANCE NO. 2009-21 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JUNE 23, 2009, AMENDING THE UTAH COUNTY LAND USE ORDINANCE, SUBSECTION 3, 11, FRONTAGE ON AN APPLIED PUBLIC STREET, REQUIRED, SUBSECTION A, TO INCLUDE AN EXCEPTION NO. 8. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

ORDINANCE NO. 2009-22 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JUNE 30, 2009, AMENDING THE OFFICIAL UTAH COUNTY ZONE MAP, A PART OF THE UTAH COUNTY LAND USE ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY (TAX SERIAL NUMBER 21,091,0001) LOCATED IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 2 EAST, FROM THE PF, PUBLIC FACILITIES ZONE TO THE RA-5, RESIDENTIAL AGRICULTURAL ZONE. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

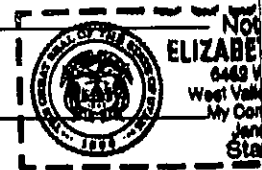
ORDINANCE NO. 2009-23 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON JUNE 30, 2009, AMENDING THE OFFICIAL UTAH COUNTY ZONE MAP, A PART OF THE UTAH COUNTY LAND USE ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY (TAX SERIAL NUMBER 21,088,0001 AND TAX SERIAL NUMBER 21,089,0001) LOCATED IN SECTION 134, TOWNSHIP 7 SOUTH, RANGE 2 EAST, FROM THE RA-5, RESIDENTIAL AGRICULTURAL ZONE TO THE PF, PUBLIC FACILITIES ZONE. A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER STEVE WHITE, AND COMMISSIONER GARY J. ANDERSON VOTED IN FAVOR OF THE ORDINANCE.

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT FOR ORDINANCE NO. 2009-19 WAS ADOPTED BY THE UTAH COUNTY AUDITOR, WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE IN THE STATE OF UTAH.

PUBLISHED ON Start 07/27/2009 End 07/27/2009

SIGNATURE *Annex Crest*  
 7/28/2009



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

*Elizabeth*