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RODNEY D. CAMPBELL  
UTAH COUNTY RECORDER  
2010 Dec 07 3:48 pm FEE 0.00 BY SS  
RECORDED FOR UTAH COUNTY COMMISSIONERS

**ORDINANCE NO. 2010- 3\**

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE BY  
ADDING SECTION 6-6, PLANNED NONRESIDENTIAL SUBDIVISIONS, TO THE  
UTAH COUNTY LAND USE ORDINANCE**

**WHEREAS**, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO) to consider adding planned nonresidential subdivisions to the UCLUO and 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 during the regularly scheduled agenda 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 addressed the proposed amendments to the UCLUO during the regularly scheduled agenda meeting of the Board of County Commissioners; 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, including information found in the file and any 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; 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:**

**SECTION 6-6 OF THE UTAH COUNTY LAND USE ORDINANCE IS HEREBY  
ENACTED, TO READ AS FOLLOWS:**

6-6: PLANNED NONRESIDENTIAL SUBDIVISION

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 planned nonresidential 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 nonresidential subdivisions are permitted may construct a planned nonresidential 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. Minimum Requirements.

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 nonresidential 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 planned nonresidential subdivision 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 nonresidential subdivision upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned nonresidential subdivision and/or the expansion of the proposed community;
3. The creation of additional utility easements within the development;
4. Additional restrictions on the location and slopes of roadways, and;
5. 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 document executed in accordance with this ordinance.

**B. PERMITTED USES**

A planned nonresidential 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 Planning Commission staff 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, traffic impact, 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 exist":

- 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, structures, walls and fences within the perimeter boundary, and the location of existing public utility easements, railroads, public and private street locations and names, power lines, culverts, drain pipes, drainage channels, canals, ditches, flood channels, areas where ground water rises

periodically to within five feet of the surface of the ground, wetlands and riparian areas, streams and lakes on the subject property and within 100' of such property and any area within the boundary of the development in a 100 year or greater flood area.

- l. Identification of any contaminated and unstable soils, past cuts or fills and fill material types.
- m. Identification of fault lines or other natural hazards affecting the subject property.
- n. Existing water and sewer mains and lines--location and size.
- o. Existing irrigation mains and/or secondary water sources.
- p. The location and an identification of each use of land and each building adjacent to the boundaries of the proposed development.
- q. Proposed lot and location layout for the development, including lots and building sites.
- r. Source of water.
- s. Cross-section of proposed streets and roads as per county standards.
- t. Proposed power lines, bridges, utilities, and utility easements.
- u. Proposed water, sewage lines--location and size and place of sewage disposal, and location of solid waste collection points.
- v. Location of proposed fire hydrants, and location of proposed lighting systems.
- w. Any additional information which the Plan Coordinating Committee may require.

4. 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 areas).
- b. Total number of lots.
- c. Percentage of area and acres to be devoted to roadways.

5. 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, a proposed central sewage treatment plant, including sewer lines, fire hydrants, utilities, curbs and gutters, streets, drainage systems and structures, irrigation system plans, secondary water source 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. Any other engineered drawings required by the County Public Works Director in order to determine compliance with the Utah County development standards ordinance, this land use ordinance, or other applicable requirements.

6. Documentation

The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:

- a. A fiscal impact report consisting of an analysis of projected revenues and costs to Utah County for governmental services, on-site improvements, off-site improvements, including county road usage to the nearest state or federal road or highway and the utilization of Utah County mandated fire and life safety services.
- b. 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.

- c. If the proposed central 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.
- d. A dated, signed and stamped statement 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.
- e. A dated, signed and stamped letter from a professional 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.
- f. A dated, signed and stamped report from a professional engineer licensed by the State of Utah detailing the specifications and capacities of the following:
  - 1. Gravity pressurized central water system. (Storage capacity, fire flow delivery rate and fire flow duration must be addressed.)
  - 2. Central sewage disposal system.
  - 3. Utilities.
  - 4. Street system.
  - 5. Surface water, drainage and flood control system.
  - 6. Fire hydrants.
  - 7. Any additional information which the Plan Coordinating Committee may require.

The plat shall contain a note that summarizes the findings of this

- report.
- 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.
  - h. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system conform to the pertinent state and county health regulations.
  - i. A statement from the County Public Works Director certifying that the proposal conforms to the pertinent provisions of the Utah County development standards ordinance and the road and other improvement standards of the land use ordinance.
  - 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 County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed development perimeter boundary have been paid, including greenbelt rollback taxes.
  - l. 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.
  - m. A restrictive covenant, in a form acceptable to the Community Development Director, prohibiting any residential use of the property described on the plat.  
Exception: Caretaker's Dwellings, which meet all the requirements of this land use ordinance, are permitted in Planned Nonresidential Subdivisions.

7. Plat

The plat shall be reproducible and drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Community Development 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, if applicable.
- 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.

E. **STANDARDS AND CONDITIONS**

All planned nonresidential 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.
  - c. The suitability and capability of soils, the convenience of access, the preservation of bodies of water, and other significant features are factors to consider in the design of the development.
  - d. Individual lots within the planned nonresidential subdivision shall have a minimum area of one (1) acre.
2. Size

The minimum acreage required to qualify for a planned nonresidential subdivision shall be one (1) acre. No minimum lot width shall be required.

3. Paved Road Access

All planned nonresidential subdivisions shall abut on and shall have access to a hard-surfaced public street that is part of the paved official county, state or municipal road system. However, a planned nonresidential subdivision that is an extension of a previously approved nonresidential subdivision plat may obtain paved road access through said prior plat.

4. 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.
- 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. All roadways and 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.

5. 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.
  - 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.
6. Water Supply
- a. Water Rights
    - i. Culinary-quality water shall be provided to each lot at a flow rate of at least .015 cubic feet per second, per lot, and a quantity of at least 1 acre-feet per year, per lot, or such larger amount as defined by an engineering study to be submitted by the developer, which proposes the water usage for the development.
  - b. Water Quality
    - i. All nonresidential subdivisions shall be serviced by a central water system, which has been 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 must 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.
7. Water System
- a. All planned nonresidential subdivisions shall have a central water system which shall supply water to each lot, including 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 and industrial use, based on state health department standards and engineering study provided by the developer, plus a minimum fire protection storage in an amount as determined by the County Fire Marshal using applicable adopted codes, but not less than 270,000 gallons. The storage capacity shall be increased, as determined by the County Fire Marshal using applicable adopted codes, according to engineering documents submitted for this application or if irrigation water is to be stored in

- the culinary and industrial- fire protection storage facility.
- c. The culinary and industrial 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 County Fire Marshal, but not less than 2250 gallons per minute for a duration for at least two hours, in addition to simultaneous culinary and irrigation use. The delivery rate and duration amount shall be increased, as determined by the County Fire Marshal using applicable adopted codes and according to engineering documents submitted for this application.
  - d. Water mains shall be sized according to an engineering study, provided by the developer, which addresses the requirements of this land use ordinance for culinary and industrial water fire protection facilities and establishes a sufficient amount of water to be supplied to each lot in the development, but in no case shall they be less than eight (8) inches in diameter.
8. Sewage Disposal  
Each planned nonresidential subdivision shall be provided with and served by a central sewage disposal system which is approved by the State of Utah and the County Health Department.
  9. Fire Protection  
Fire hydrants and other fire protection shall be determined by the Fire Marshal using applicable adopted codes.
  10. Off-Street Parking and Loading
    - a. Off-street parking and loading spaces shall be provided according to the provisions of Chapter 3 of this land use ordinance.
  11. Utilities
    - a. All new utilities shall be installed underground. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing.
    - b. Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the development.
    - c. No structure shall be placed within the designated easements except utility structures.
  12. Setback Distances  
The setback requirements shall be the same as those listed 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 Ordinance and inspected by the County Public Works Director. For planned nonresidential 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. 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.
6. Fire hydrants.
7. Permanent survey monuments.
8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.
9. Coverings or fencing for safety of canals and streams, when applicable.
10. Other improvements 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 IV:**

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 November, 2010.

UTAH COUNTY COMMISSION

VOTE

Steve White  
STEVE WHITE, CHAIR

aye

Gary J. Anderson  
GARY J. ANDERSON, COMMISSIONER

aye

Larry A. Ellertson  
LARRY A. ELLERTSON, COMMISSIONER

aye



ATTEST:  
BRYAN E. THOMPSON  
County Clerk/Auditor

APPROVED AS TO FORM:  
JEFFREY R. BUHMAN  
County Attorney

By: R. Homan, Deputy

By: Jeffrey R. Buhman, Deputy

Date of Publication: Once only, as soon as possible

October 19, 2010

## UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION: - Public Hearing
- A. APPLICANT - Utah County Planning Commission
- B. REQUEST - Amendment of the Utah County Land Use Ordinance, the addition of Section 6-6 - Planned Nonresidential Subdivisions .

### II. STAFF ANALYSIS:

This amendment to the Utah County Land Use Ordinance is proposed due to the need for clarification in regard to the requirements for the division of land in the commercial and industrial zone designations. There has been no attempt to alter the intent of the zone districts or the goals and policies of the general plan by the proposed amendments.

The proposed amendments to the land use ordinance indicate additions in *bold italics* are, as follows:

#### 6-6: **PLANNED NONRESIDENTIAL SUBDIVISION**

##### 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 planned nonresidential 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 nonresidential subdivisions are permitted may construct a planned nonresidential 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. **Minimum Requirements.**

*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 nonresidential 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 planned nonresidential subdivision 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 nonresidential subdivision upon the County;*
  - 2. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned nonresidential subdivision and/or the expansion of the proposed community;*
  - 3. The creation of additional utility easements within the development;*
  - 4. Additional restrictions on the location and slopes of roadways, and;*
  - 5. 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 document executed in accordance with this ordinance.*

#### **B. PERMITTED USES**

*A planned nonresidential 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 Planning Commission staff 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, traffic impact, 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 exist":*

- 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, structures, walls and fences within the perimeter boundary, and the location of existing public utility easements, railroads, public and private street locations and names, power lines, culverts, drain pipes, drainage channels, canals, ditches, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, wetlands and riparian areas, streams and lakes on the subject property and within 100' of such property and any area within the boundary of the development in a 100 year or greater flood area.*
- l. Identification of any contaminated and unstable soils, past cuts or fills and fill material types.*
- m. Identification of fault lines or other natural hazards affecting the subject property.*
- n. Existing water and sewer mains and lines--location and size.*
- o. Existing irrigation mains and/or secondary water sources.*
- p. The location and an identification of each use of land and each building adjacent to the boundaries of the proposed development.*
- q. Proposed lot and location layout for the development, including lots and building sites.*
- r. Source of water.*
- s. Cross-section of proposed streets and roads as per county standards.*
- t. Proposed power lines, bridges, utilities, and utility easements.*
- u. Proposed water, sewage lines--location and size and place of sewage disposal, and location of solid waste collection points.*
- v. Location of proposed fire hydrants, and location of proposed lighting systems.*
- w. Any additional information which the Plan Coordinating Committee may require.*

**4. 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 areas).*
- b. Total number of lots.*
- c. Percentage of area and acres to be devoted to roadways.*

**5. 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, a proposed central sewage treatment plant, including sewer lines, fire hydrants, utilities, curbs and gutters, streets, drainage systems and structures, irrigation system plans, secondary water source 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. *Any other engineered drawings required by the County Public Works Director in order to determine compliance with the Utah County development standards ordinance, this land use ordinance, or other applicable requirements.*

6. **Documentation**

*The application shall include the following documents which shall be prepared in accordance with Utah County standards and forms:*

- a. *A fiscal impact report consisting of an analysis of projected revenues and costs to Utah County for governmental services, on-site improvements, off-site improvements, including county road usage to the nearest state or federal road or highway and the utilization of Utah County mandated fire and life safety services.*
- b. *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,*

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*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.*

- c. If the proposed central 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.*
  - d. A dated, signed and stamped statement 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.*
  - e. A dated, signed and stamped letter from a professional 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.*
  - f. A dated, signed and stamped report from a professional engineer licensed by the State of Utah detailing the specifications and capacities of the following:
    - 1. Gravity pressurized central water system. (Storage capacity, fire flow delivery rate and fire flow duration must be addressed.)*
    - 2. Central sewage disposal system.*
    - 3. Utilities.*
    - 4. Street system.*
    - 5. Surface water, drainage and flood control system.*
    - 6. Fire hydrants.*
    - 7. Any additional information which the Plan Coordinating Committee may require.**
- The plat shall contain a note that summarizes the findings of this report.*
- 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.*
  - h. A statement from the County Health Department certifying that the proposed central water supply and central sewage disposal system conform to the*

- pertinent state and county health regulations.*
- i. A statement from the County Public Works Director certifying that the proposal conforms to the pertinent provisions of the Utah County development standards ordinance and the road and other improvement standards of the land use ordinance.*
  - 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 County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed development perimeter boundary have been paid, including greenbelt rollback taxes.*
  - l. 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.*
  - m. A restrictive covenant, in a form acceptable to the Community Development Director, prohibiting any residential use of the property described on the plat. Exception: Caretaker's Dwellings, which meet all the requirements of this land use ordinance, are permitted in Planned Nonresidential Subdivisions.*

**7. Plat**

*The plat shall be reproducible and drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Community Development 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, if applicable.*
- 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:*

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- 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.*

**E. STANDARDS AND CONDITIONS**

*All planned nonresidential 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.*
- c. *The suitability and capability of soils, the convenience of access, the preservation of bodies of water, and other significant features are factors to consider in the design of the development.*
- d. *Individual lots within the planned nonresidential subdivision shall have a minimum area of one (1) acre.*

**2. Size**

*The minimum acreage required to qualify for a planned nonresidential subdivision shall be one (1) acre. No minimum lot width shall be required.*

**3. Paved Road Access**

*All planned nonresidential subdivisions shall abut on and shall have access to a hard-surfaced public street that is part of the paved official county, state or municipal road system. However, a planned nonresidential subdivision that is an extension of a previously approved nonresidential subdivision plat may obtain paved road access through said prior plat.*

**4. 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.*
- 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. All roadways and 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.*

**5. 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.*
- 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.*

**6. Water Supply**

**a. Water Rights**

- i. Culinary-quality water shall be provided to each lot at a flow rate of at least .015 cubic feet per second, per lot, and a quantity of at least 1 acre-feet per year, per lot, or such larger amount as defined by an engineering study to be submitted by the developer, which proposes the water usage for the development.*

**b. Water Quality**

- i. All nonresidential subdivisions shall be serviced by a central water system, which has been 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 must 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.*

**7. Water System**

- a. *All planned nonresidential subdivisions shall have a central water system which shall supply water to each lot, including 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 and industrial use, based on state health department standards and engineering study provided by the developer, plus a minimum fire protection storage in an amount as determined by the County Fire Marshal using applicable adopted codes, but not less than 270,000 gallons. The storage capacity shall be increased, as determined by the County Fire Marshal using applicable adopted codes, according to engineering documents submitted for this application or if irrigation water is to be stored in the culinary and industrial- fire protection storage facility.*
- c. *The culinary and industrial 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 County Fire Marshal, but not less than 2250 gallons per minute for a duration for at least two hours, in addition to simultaneous culinary and irrigation use. The delivery rate and duration amount shall be increased, as determined by the County Fire Marshal using applicable adopted codes and according to engineering documents submitted for this application.*
- d. *Water mains shall be sized according to an engineering study, provided by the developer, which addresses the requirements of this land use ordinance for culinary and industrial water fire protection facilities and establishes a sufficient amount of water to be supplied to each lot in the development, but in no case shall they be less than eight (8) inches in diameter.*

**8. Sewage Disposal**

*Each planned nonresidential subdivision shall be provided with and served by a central sewage disposal system which is approved by the State of Utah and the County Health Department.*

**9. Fire Protection**

*Fire hydrants and other fire protection shall be determined by the Fire Marshal using applicable adopted codes.*

**10. Off-Street Parking and Loading**

- a. *Off-street parking and loading spaces shall be provided according to the provisions of Chapter 3 of this land use ordinance.*

**11. Utilities**

- a. *All new utilities shall be installed underground. Existing above-ground utilities that must be relocated are not required to be placed underground, unless required by the utility provider in writing.*
- b. *Easements of not less than ten (10) feet in width shall be required for all utility lines, the location of which may vary depending upon the design of the*

*development.*

- c. No structure shall be placed within the designated easements except utility structures.*

**12. Setback Distances**

*The setback requirements shall be the same as those listed 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 Ordinance and inspected by the County Public Works Director. For planned nonresidential 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. 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.*
- 6. Fire hydrants.*
- 7. Permanent survey monuments.*
- 8. Installed underground utilities, including natural gas (where available), electrical supply lines, and telephone lines.*
- 9. Coverings or fencing for safety of canals and streams, when applicable.*
- 10. Other improvements required by the County Commission.*

**III. RECOMMENDATION:**

That the Utah County Planning Commission recommend approval to the Utah County Commission of the proposed amendment of the Utah County Land Use Ordinance, the addition of Section 6-6, Planned Nonresidential Subdivisions; based on the following findings:

1. The proposed amendment is in the best interest of the public health, safety, and welfare of the citizens of Utah County.
2. Section 17-27a-103-55-b-ii of the Utah Code defines subdivisions as:  
“divisions of land for residential and nonresidential uses, including land used or to be used for commercial . . . and industrial purposes.”
3. The proposed amendment will establish the administration and enforcement of the division of land in the commercial and industrial zone designations.
4. The proposed amendment will provide direction for those interested in subdividing and developing land in the commercial and industrial zone designations.