



ENT 32881:2011 PG 1 of 6
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2011 Apr 29 3:20 pm FEE 0.00 BY SS
 RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2011 - 10

AN ORDINANCE AMENDING SECTIONS 6-2-C-2, 6-3-C-2, 6-4-C-2, 6-5-C-2 & 6-6-C-2 AND ESTABLISHING APPENDIX A OF CHAPTER 6 OF THE UTAH COUNTY LAND USE ORDINANCE, DEALING WITH A CHECKLIST FOR DEVELOPMENTAL IMPACT STATEMENTS

WHEREAS, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with the establishment of a checklist for developmental impact statements; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 6-2-C-2 of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-2: PLANNED UNIT DEVELOPMENTS
- C. APPLICATION REQUIREMENTS
- 2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

Part II:

Section 6-3-C-2 of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-3: PLANNED SUBDIVISIONS
 C. APPLICATION REQUIREMENTS
 2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

Part III:

Section 6-4-C-2 of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-4: MOUNTAIN HOME DEVELOPMENTS
 C. APPLICATION REQUIREMENTS
 2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

Part IV:

Section 6-5-C-2 of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-5: RECREATIONAL RESORTS
 C. APPLICATION REQUIREMENTS
 2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

Part V:

Section 6-6-C-2 of the Utah County Land Use Ordinance is hereby amended to read as follows:

- 6-6: PLANNED NONRESIDENTIAL SUBDIVISION
 C. APPLICATION REQUIREMENTS
 2. Developmental Impact Statement

The statement shall be prepared by an engineer licensed by the State of Utah, who has signed and dated the statement. See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.

Part VI:

Chapter 6 of the Utah County Land Use Ordinance is hereby amended to add Appendix A, which appendix shall read as follows:

**CHAPTER 6
APPENDIX A**

**DEVELOPMENTAL IMPACT STATEMENT
CHECK LIST**

1. **NAME OF PROJECT**
2. **DATE**
3. **NAME AND ADDRESS OF DEVELOPER AND PROJECT ENGINEER**
4. **DESCRIPTION OF THE PROPOSED PROJECT**

Note: The analysis should be made intensively enough to reflect all of the data necessary to enable the Planning Commission and governing body to make a decision as to whether or not the project or action is consistent with the development plan of the area and whether it can be made to comply with all ordinances and laws.

- a. Type of action or project (subdivision, recreational site, commercial facility, etc.).
 - b. Map or maps (preferably on a topographic base) showing the proposal, action, or project in detail. This should include such information as location of existing and proposed buildings, roads, power lines, pipelines, rail lines, streams, canals, excavations, etc.
5. **DESCRIPTION OF THE ENVIRONMENT**

Base map showing:

- a. Topography of the area within and surrounding the proposed action or project for a distance of one-fourth mile from the land involved. U.S. Geological Survey map or better should be used.
- b. Streams or drainage channels in or near the area. Also state approximate amount of flow and whether flow is constant or intermittent.
- c. Location of the proposed action or project in relation to municipalities, urban centers, recreational sites, farm lands, and other significant features. This should be shown in the form of a vicinity map with a scale not smaller than one inch equals two thousand feet - (1" = 2000').

- d. Location of surface drainage, underground drainage, flood hazards, lakes, rivers and other bodies of water, wetlands, fire hazards, snow avalanche areas, and habitat of endangered species and threatened species.
- e. Location of all geologic hazards, including the following:
 - (1) Faults;
 - (2) Landslides/rockfalls;
 - (3) Liquefaction;
 - (4) Shallow groundwater;
 - (5) Soil erosion;
 - (6) Expansive soils;
 - (7) Subsidence.

6. ANALYSIS OF IMPACTS OF THE PROJECT IN RELATION TO EACH OF THE FOLLOWING:

Note: Developers are cautioned against overlooking, concealing, or unduly mitigating adverse consequences of the action or project.

- a. Types and extent of vegetation and wildlife;
- b. Habitat of threatened or endangered species;
- c. Surface drainage;
- d. Underground drainage;
- e. Flood hazards;
- f. Lakes, rivers and other bodies of water;
- g. Wetlands;
- h. Fire hazards;
- i. Snow Avalanche hazards;
- j. Geologic hazards:
 - (1) Faults;
 - (2) Landslides/rockfalls;
 - (3) Liquefaction;
 - (4) Shallow groundwater;
 - (5) Soil erosion;
 - (6) Expansive soils;
 - (7) Subsidence.
- k. Socio-economic factors:
 - (1) Probable changes in population resulting from action or project;
 - (2) Probable changes in economic structure of area (i.e., farming, recreation, commercial, etc.);
 - (3) Probable amount and effect of traffic on access streets;
 - (4) Availability of utilities (water, electricity, telephone, gas);
 - (5) Existing and proposed facilities for waste disposal--both liquid and solid waste;
 - (6) Availability of health care, police protection, access, and road maintenance;
 - (7) Adequacy of access streets, sewer lines, sewage treatment, water supply, water distribution lines, and other facilities;

- (8) Sources of funds for on-site improvements;
- (9) Sources of funds for off-site improvements;
- (10) Comparison of the anticipated tax revenues vs. cost of services which will likely be imposed on local government for services rendered.

7. DETAIL OF MITIGATION OF THE NEGATIVE PROJECT IMPACTS IN RELATION TO THE ITEMS LISTED IN SECTION 6 OF THIS APPENDIX

Part VII:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part VIII:

If any of the sections, sentences, clauses 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.

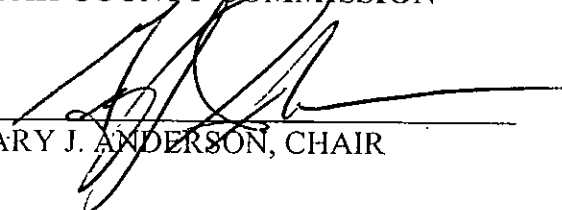
Part IX:

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 19th day of April, 2011.

UTAH COUNTY COMMISSION

VOTE



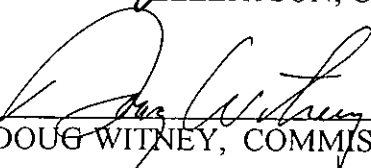
 GARY J. ANDERSON, CHAIR

aye



 LARRY A. ELLERTSON, COMMISSIONER

aye

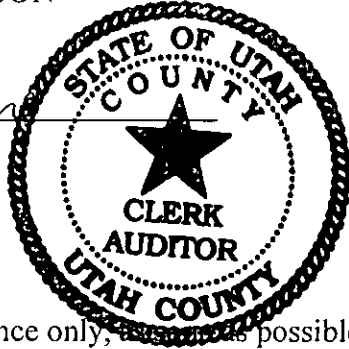


 DOUG WITNEY, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: Russie Carson
Deputy



APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

Approved

Disapproved

By: Jeffrey R. Buhman
Deputy

Date of Publication: Once only, as soon as possible
P:\PLANNING-ZONING\Ord-Res-Aff\2011 Chapter 6, Appendix A.wpd

March 15, 2011

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION: - Public Hearing
 - A. APPLICANT - Utah County Planning Commission
 - B. REQUEST - Proposed Land Use Ordinance Text Amendment to Chapter 6, inclusion of Appendix A - Developmental Impact Statement Checklist
 - C. LOCATION - Unincorporated Utah County

II. STAFF ANALYSIS:

A developmental impact statement is a required element of any large scale development application. The current requirements for developmental impact statements, found in Chapter 6 of the Utah County Land Use Ordinance, are seen by Staff as vague and inadequate to convey to applicants what information is expected to be address in such a document. In the recent past, Staff has given applicants a checklist to guide the preparation of such documents to compensate for the vagueness of the Land Use Ordinance in regard to this document. However, all requirements for large scale development applications should be clearly stated in Chapter 6 of the Land Use Ordinance.

The proposed amendments to Chapter 6 of the Utah County Land Use Ordinance are indicated by additions in *bold italics* and deletions as a ~~strikeout~~, as follows:

6-2: PLANNED UNIT DEVELOPMENTS

C. APPLICATION REQUIREMENTS

- 2. ~~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. *See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.*

6-3: PLANNED SUBDIVISIONS

C. APPLICATION REQUIREMENTS

- 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. *See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.*

6-4: MOUNTAIN HOME DEVELOPMENTS

C. APPLICATION REQUIREMENTS

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. *See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.*~~

6-5: RECREATIONAL RESORTS

C. APPLICATION REQUIREMENTS

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. *See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.*~~

6-6: PLANNED NONRESIDENTIAL SUBDIVISIONS

C. APPLICATION REQUIREMENTS

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. *See Appendix A of this chapter for a complete list of items that shall be addressed in this statement.*~~

**CHAPTER 6
APPENDIX A**

**DEVELOPMENTAL IMPACT STATEMENT
CHECK LIST**

1. NAME OF PROJECT

2. DATE

3. NAME AND ADDRESS OF DEVELOPER AND PROJECT ENGINEER

4. DESCRIPTION OF THE PROPOSED PROJECT

Note: The analysis should be made intensively enough to reflect all of the data necessary to enable the Planning Commission and governing body to make a decision as to whether or not the project or action is consistent with the development plan of the area and whether it can be made to comply with all ordinances and laws.

a. Type of action or project (subdivision, recreational site, commercial facility, etc.).

b. Map or maps (preferably on a topographic base) showing the proposal, action, or project in detail. This should include such information as location of existing and proposed buildings, roads, power lines, pipelines, rail lines, streams, canals, excavations, etc.

5. DESCRIPTION OF THE ENVIRONMENT

Base map showing:

a. Topography of the area within and surrounding the proposed action or project for a distance of one-fourth mile from the land involved. U.S. Geological Survey map or better should be used.

b. Streams or drainage channels in or near the area. Also state approximate amount of flow and whether flow is constant or intermittent.

c. Location of the proposed action or project in relation to municipalities, urban centers, recreational sites, farm lands, and other significant features. This should be shown in the form of a vicinity map with a scale not smaller than one inch equals two thousand feet - (1" = 2000').

d. Location of surface drainage, underground drainage, flood hazards, lakes, rivers and other bodies of water, wetlands, fire hazards, snow avalanche areas, and habitat of endangered species and threatened species.

e. Location of all geologic hazards, including the following:

- (1) Faults;*
- (2) Landslides/rockfalls;*
- (3) Liquefaction;*
- (4) Shallow groundwater;*
- (5) Soil erosion;*
- (6) Expansive soils;*
- (7) Subsidence.*

6. ANALYSIS OF IMPACTS OF THE PROJECT IN RELATION TO EACH OF THE FOLLOWING:

Note: Developers are cautioned against overlooking, concealing, or unduly mitigating adverse consequences of the action or project.

- a. Types and extent of vegetation and wildlife;*
- b. Habitat of threatened or endangered species;*
- c. Surface drainage;*
- d. Underground drainage;*
- e. Flood hazards;*
- f. Lakes, rivers and other bodies of water;*
- g. Wetlands;*
- h. Fire hazards;*
- i. Snow Avalanche hazards;*
- j. Geologic hazards:*
 - (1) Faults;*
 - (2) Landslides/rockfalls;*
 - (3) Liquefaction;*
 - (4) Shallow groundwater;*
 - (5) Soil erosion;*
 - (6) Expansive soils;*
 - (7) Subsidence.*
- k. Socio-economic factors:*
 - (1) Probable changes in population resulting from action or project;*
 - (2) Probable changes in economic structure of area (i.e., farming, recreation, commercial, etc.);*
 - (3) Probable amount and effect of traffic on access streets;*
 - (4) Availability of utilities (water, electricity, telephone, gas);*
 - (5) Existing and proposed facilities for waste disposal--both liquid and solid waste;*
 - (6) Availability of health care, police protection, access, and road maintenance;*
 - (7) Adequacy of access streets, sewer lines, sewage treatment, water supply, water distribution lines, and other facilities;*
 - (8) Sources of funds for on-site improvements;*
 - (9) Sources of funds for off-site improvements;*
 - (10) Comparison of the anticipated tax revenues vs. cost of services which will likely be imposed on local government for services rendered.*

7. *DETAIL OF MITIGATION OF THE NEGATIVE PROJECT IMPACTS IN RELATION TO THE ITEMS LISTED IN SECTION 6 OF THIS APPENDIX*

STAFF RECOMMENDATION:

That the Utah County Planning Commission recommend the above amendments of Chapter 6 of the Utah County Land Use Ordinance, for inclusion of Appendix A - Developmental Impact Statement Checklist, to the Utah County Commission for

approval, based on the following findings:

1. That a developmental impact statement is a requirement for all large scale developments.
2. That inclusion of Appendix A will clarify what information is required to be included in a developmental impact statement.

UTAH COUNTY PLANNING COMMISSION

Minutes
April 5, 2011

Selected Items UNAPPROVED

Present: Jan Anderson, Chair
Mike Stansfield, Vice-Chair
Helina Carter-Thomas
Janice Reeb
Odell Miner
John Glen Stevens

Excused: Kenny Parcell, Alternate

Others Present: Bryce Armstrong, Peggy Kelsey, Brandon Larsen, Utah County Community Development; Dennis Barker, Utah County Fire Marshal; Glen Tanner, Jeff and Margaret Cooper, Cole Cannon, Paul Southam

The meeting was called to order at 5:35 p.m. by Jan Anderson, Chair of the Utah County Planning Commission, at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah with five members present. The following is an account of that proceeding:

Commissioner Anderson welcomed those present and recognized John Glen Stevens as a new member of the Planning Commission. Mr. Stevens led the Pledge of Allegiance.

Motion: Mike Stansfield

Second: Odell Miner

Motion to **approve** the minutes of the February 15, 2011, Utah County Planning Commission meeting and the minutes of the March 1, 2011, Work Session meeting of the Utah County Planning Commission. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, John Glen Stevens; "Nay", none.

Utah County Planning Commission - proposed Land Use Ordinance Text Amendment to Sections 6-1-E-6, 7 & 8, Procedures for Large Scale Development applications

Brandon Larsen stated that this proposed change to the Land Use Ordinance is intended to give staff the ability to require a complete application for submittal and put the burden on the applicant to complete the process in a timely manner.

Odell Miner inquired about the time frame.

Jan Anderson inquired about what is currently required.

Motion: Mike Stansfield

Second: Odell Miner

Motion to open the public hearing. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.

There were no public comments.

Motion: Odell Miner

Second: Helina Carter-Thomas

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission the Land Use Ordinance amendments to Sections 6-1-E-6, 7 & 8, based on the findings of staff. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.

Utah County Planning Commission - proposed Land Use Ordinance Text Amendment to Chapter 6, Sections 6-2-C-2, 6-3-C-2, 6-4-C-2, 6-5-C-2 and 6-6-C-2, Developmental Impact Statement, and to include an "Appendix A", Development Impact Statement Checklist

Brandon Larsen stated that this change would add an "Appendix A" to the Land Use Ordinance, which is a checklist for applicants to use when submitting a large scale development. An engineer licensed in the State of Utah would need to stamp and sign the impact statement, and the staff and public works would review the information.

Janice Reeb asked if there would be verification of the analysis.

Jan Anderson remarked that the engineer or the applicant might have to hire a specialist for specific items listed on the environmental impact Appendix A.

Odell Miner mentioned that a geotechnical specialist might need to be hired.

Jeff Mendenhall stated that there is no environmental impact law in Utah, so with the impact statement we have, we try to get the best possible information to protect the future lot owner and the county's liability.

Dave Shawcroft mentioned that the engineer would have to take the burden of signing off and obtaining the information.

There were no public comments.

Motion: Odell Miner

Second: John Glen Stevens

Motion to close the public hearing. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.

Motion: Odell Miner

Second: Helina Carter-Thomas

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission the Land Use Ordinance amendments to Chapter 6 and inclusion of Appendix A, Development Impact Statement Checklist, based on the findings of staff. The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Helina Carter-Thomas, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", none.