

2nd RECORDING
 ENT 42943:2011 PG 1 of 8
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2011 Jun 10 11:12 am FEE 0.00 BY ED
 RECORDED FOR UTAH COUNTY COMMISSIONERS

~~ENT 42152:2011 PG 1 of 8
 JEFFERY SMITH
 UTAH COUNTY RECORDER
 2011 Jun 07 3:25 pm FEE 0.00 BY ED
 RECORDED FOR UTAH COUNTY COMMISSIONERS~~

ORDINANCE NO. 2011- 17

RE-RECORD TO CORRECT DATE PASSED AND ORDERED PUBLISHED TO 5/31/11

AN ORDINANCE AMENDING SECTIONS 6-1-E-16 AND 17, SECTIONS 6-2-B-1 AND 6-2-E-16, AND SECTION 7-24-C-4 OF THE UTAH COUNTY LAND USE ORDINANCE, ALLOWING THE PHASING OF PLANNED UNIT DEVELOPMENTS

WHEREAS, the Utah County Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with conflicting regulations; 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 6-1-E-16, of the Utah County Land Use Ordinance is hereby amended to read as follows:

16. Limited Period Of Viability

- a. Approval of the development by the County Commission shall be valid for a period of one year from the date of the County Commission approval, provided the plat is recorded within such one-year period. After the one year period the approval of the County Commission, the recommendation of the Planning

Commission, and the developer's application, automatically expire and become null and void.

Exception: In planned unit developments only, the developer may request approval of a phased planned unit development by complying with all of the following requirements:

1. The developer shall request approval of a phased planned unit development in the initial application filed with the Community Development Department.
2. In the request for approval of a phased planned unit development, the developer shall describe, as to each proposed phase, the size in area of each phase (which size of the initial phase shall not be less than twenty acres and each phase after the initial phase shall not be less than ten acres), the number and type of dwelling units in each phase, the order of phasing, the projected time for recording the plat for each phase, a description and estimated cost for all required improvements for each phase, a detailed description of how the initial phase independently meets all of the requirements for a planned unit development, and how each subsequent phase, together with the previously recorded phases, will meet all of the requirements for a planned unit development.
3. For phased planned unit developments, the approval of the County Commission for the initial phase plat and for all other phase plats shall automatically expire and become null and void if the initial plat is not recorded within eighteen months from the date of the County Commission approval. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, for the phased planned unit development (including the initial phase plat and all other phase plats), automatically expire and become null and void.
4. For all phase plats subsequent to the initial phase plat, the approval of the County Commission for all unrecorded phase plats shall automatically expire and become null and void eighteen months from the date of the recording of the most recently approved phase plat, unless the next phase plat is approved and recorded prior to the end of said eighteen month period. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, as to all unrecorded phase plats, automatically expire and become null and void.
5. Each phase must be submitted, reviewed, approved, and recorded in the order of phasing established in the initial approval process. No phase plat can be recorded unless the preceding phase plat has been recorded.
6. The initial bond amount shall be set for only the plat for the first phase to be recorded. The bond amount for each subsequent phase shall be determined prior to the recording of the plat for each such phase.
7. No plat shall be approved or recorded for the initial phase unless the initial plat meets all of the requirements of this land use ordinance for a planned

- unit development, except the minimum size for the initial plat may be reduced to not less than twenty acres.
8. No plat shall be approved or recorded for any subsequent phase unless the subsequent phase plat, together with the previously recorded phase plats, meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for any subsequent phase plat may be reduced to not less than ten acres.
 9. No plat shall be approved or recorded for any subsequent phase unless all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, and the developer is not in violation of any provision of this land use ordinance.
 10. The application process described in this land use ordinance for planned unit developments, including the payment of all related fees, shall apply to all submitted plats.
 11. When the developer desires to record a plat for the subsequent phase, in compliance with the approved order of phasing, the developer shall pay the applicable fee, shall meet with the Community Development Director and shall submit the following:
 - A. A title report with an effective date not earlier than thirty (30) days prior to the submittal date, 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 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 re-conveyance 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, common areas, and public areas. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the recording of the plat.

- B. 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 phase plat.
 - C. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed phase plat perimeter boundary have been paid, including greenbelt rollback taxes.
12. If the Community Development Director finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, the Community Development Director shall transmit the materials and the proposed plat for the phase to the County Commission for review and consideration. The County Commission shall approve the phase plat if the County Commission finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit development, unless the County Commission, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the proposed phase plat.
- b. After approval by the County Commission, the Community Development Director shall keep the signed plat and documents to be recorded until the time the applicant records them, to insure compliance with this section.

Part II:

Section 6-1-E-17, of the Utah County Land Use Ordinance is hereby amended to read as follows:

17. Assuring Construction of Required Improvements
- a. After receiving final approval from the County Commission, the developer may either request that the final plat not be recorded for a period of time not to exceed one year, or if a phased planned unit development then within the time deadlines outlined in subsection 16 of this part, during which time it may install the improvements in the development, or it may post a bond before recording the plat, in an amount equal to 150% of the estimated cost of the required improvements as determined by the Public Works Director to guarantee the installation and warranty of the required improvements without cost to Utah County. Said bond shall be a cash bond deposited with the County. The final plat shall not be recorded until the developer has executed a subdivision improvement agreement, in the form

approved by the County, and the improvements are either constructed or the bond is delivered to and approved by the County. The bond, however, shall not limit the liability of the developer to install improvements, for the developer shall be obligated to the full extent of the cost of installing the improvements required by this ordinance. Private parties shall not be deemed third-party beneficiaries of the bond.

- b. All required improvements shall be constructed in accordance with approved plans and Utah County development standards and inspected by the County Public Works Department. The developer shall pay an inspection fee to the County in the amount set by the County.

Part III:

Section 6-2-B-1 and Section 6-2-E-16 of the Utah County Land Use Ordinance are hereby amended to read as follows:

6-2: PLANNED UNIT DEVELOPMENT

B. PERMITTED USES

Uses permitted in planned unit developments shall be limited to the residential, recreational, and supportive facilities listed below:

- 1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; townhomes; manufactured home parks; and manufactured homes.

E. STANDARDS AND CONDITIONS

16. Location Requirements for Buildings and Structures

The location of all buildings and structures not located on a separate platted lot shall be shown on the plat, along with the building's proposed use. Where the developer elects to plat separate lots, setback lines shall be shown on the final plat, along with the specified use for the separate lots. Setback distances shall conform to the following standards:

- a. Front and Rear Setback.
All buildings and structures shall have a combined front and rear setback of at least thirty (30) feet, but not less than ten (10) feet from the front and ten (10) feet from the rear unless a greater setback is required by chapter 3 of this land use ordinance. The developer/builder is encouraged to stagger the front setbacks to create a diversified streetscape.
- b. Side Setback.
All buildings and structures shall be set back from a side property line a distance of at least five (5) feet. The side setback from any street shall be not less than ten (10) feet unless a greater setback is required by chapter 3 of this land use ordinance. Townhomes with a common wall between units shall be construed as a single structure for setback calculations.

Part IV:

Section 7-24-C-4, of the Utah County Land Use Ordinance is hereby amended to read as follows:

7-24: POWERS AND DUTIES OF THE COUNTY COMMISSION

C. The County Commission may amend, change, or modify any provisions of the land use ordinance or zone map provided:

4. Any amendment to the zoning map which changes the zoning of property to the RR-5 Rural Residential Zone, shall be subject to the following restrictions and conditions:

a. The property to be rezoned must be located not closer than two (2) miles from the boundaries of any incorporated municipality, as measured from the closest property line of the property to be rezoned, and must not be located within two (2) miles from the boundaries of any other property which has been rezoned within the previous five (5) year period, as measured from the closest property line unless either:

1. The County Commission approves a zone change upon finding the requirements of subsection (a) would hinder the intent of promoting the orderly transition of new developments into newly incorporated municipalities, or:

2. The property to be rezoned is contiguous to, or within reasonable proximity of, land which has been rezoned within the previous five (5) year period such that the parcel to be rezoned can reasonably and cost effectively connect to services provided, or proposed to be provided, by the developer(s) on the previously rezoned parcel.

b. The maximum contiguous area of property subject to rezoning to the RR-5 Rural Residential Zone shall be seventy five (75) acres.

c. A Large Scale Development Plat encompassing all of the rezoned property shall ~~be approved~~ receive approval by Utah County and be recorded in the office of the Utah County Recorder within ~~three (3)~~ four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property, or the amendment of the zoning map and the rezoning of the property shall be void, and the zoning map and zoning of the property shall automatically revert to the status of the zoning map and the zoning of the property as they existed prior to the effective date of the amendment, and any unrecorded Large Scale Development Plat approval related to the rezoned property shall be void.

Exception: In a planned unit development which has been approved as a phased planned unit development, the amendment of the zoning map and the rezoning of the property shall be void, and the zoning map and zoning of the property shall automatically revert to the status of the zoning map and the zoning of the property as they existed prior

to the effective date of the amendment, and any unrecorded Large Scale Development Plat approval related to the rezoned property shall be void, unless (i) phased planned unit development plats encompassing all of the rezoned property have received approval by Utah County within four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property, (ii) the initial plat of the phased planned unit development has been recorded in the office of the Utah County Recorder within four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property, and (iii) all subsequent phased planned unit development plats, encompassing all of the rezoned property, have been recorded in the office of the Utah County Recorder within seven (7) years from the effective date of the amendment to the zoning map and the rezoning of the property.

Part V:

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 VI:

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 VII:

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.

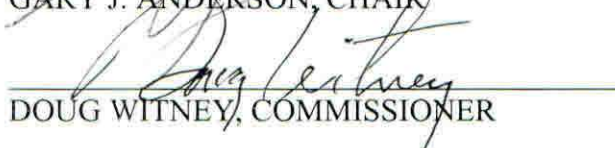
31st MAY



GARY J. ANDERSON, CHAIR

VOTE

Nay



DOUG WITNEY, COMMISSIONER

Aye



LARRY A. ELLERTSON, COMMISSIONER

Aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: *B. Thompson*
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

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, Utah County Public Works; 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 both 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.

Heritage Springs Estates - proposed four lot subdivision in the RA-5 Zone, Section 7, Plat "A" T9S, R2E, 21.66 acres, Payson area

Brandon Larsen stated that this property was recently disconnected from Payson City and returned to its previous county RA-5 Zone. Each lot will have a septic system, well, and connection to an existing pressurized irrigation line. There is sufficient culinary, landscaping and irrigation water to meet the requirements of Utah County.

Motion: Helina Carter-Thomas

Second: Odell Miner

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5. That Plat "A" and all associated documents must be recorded prior to the recording of Plat "B".

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

Motion: Mike Stansfield

Second: Odell Miner

Motion that the Utah County Planning Commission recommend **approval** of the DeHart Farms Subdivision, Plat "B" to the Utah County Commission based on staff findings and subject to the following conditions:

1. DeHart Farms Subdivision, Plat "A" must have received prior approval from the County Commission;
2. DeHart Farms Subdivision, Plat "A" and all associated documents must be recorded before DeHart Farms Subdivision Plat "B";
3. A partial deed of reconveyance and a declaration and dedication of water, all of which are elements of the applicant's DeHart Farms Subdivision, Plat "B" proposal, must be recorded at the same time as DeHart Farms Subdivision, Plat "B";
4. Revisions related to the submitted drainage plan, which must be reviewed and approved by the Utah County Public Works Department, must be submitted before this application can be considered for approval by the Utah County Commission.

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

Cole Cannon - proposed Land Use Ordinance Text Amendments to Section 6-1-E-16 & 17, Section 7-24, concerning the phasing of Planned Unit Developments (PUD)

Jeff Mendenhall stated that in the past phasing had been a part of the Land Use Ordinance and this proposed application is to return phasing into the amended PUD ordinance. The proposed amendment recommends minimum phase plat sizes, so that development of the first 75 acres of RR-5 zoning could be developed in stages. The proposal is for the initial phase and each additional phase to be 10 acres minimum. Staff has recommended that the initial phase plat be not less than 20 acres in area with secondary phase plats not less than 10 acres in area. Each phase would need to be a stand-alone phase.

Odell Miner inquired about the level of completion needed prior to starting another phase.

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Jeff Mendenhall answered that a phase would not need to be totally complete, however, each phase plat would have to have approval, and would have to have connective infrastructure. Each phase would be recorded separately.

Discussion:

There was discussion among the board members and staff concerning the following issues: bonding, initial phasing requirements and placement, open space, density, access, if phasing development conforms to the General Plan guidelines, preservation of agricultural land, traffic on feeder roads, financial impact of this density on county services and on county roads, concentric phasing, is phasing a good planning device for Utah County, and the time needed to obtain all approvals and build a large scale development.

Dave Shawcroft stated that as long as bonding has been provided, then phase plats may be recorded in the order in which they were approved.

Cole Cannon remarked that phasing is critical to building; and leap-frog development would be expensive. He would like to change the 1-year requirement for a phase plat to be recorded after County Commission approval, to 18-months if the acreage in the initial phase is to be increased to 20 acres. Also Mr. Cannon asked the Planning Commission to extend the 4 years to 5 years for recording all of the large scale development plats in the 75 acre RR-5 zoned area.

Glen Tanner, Utah County Public Works, stated that with increased traffic, county roads would have to be improved; current county roads were built for rural development and do not have proper shoulders; State Road 7300 South could probably handle the residential density.

John Glen Stevens asked about the possibility of an extension for a developer.

Motion: Helina Carter-Thomas

Motion that the Utah County Planning Commission approve the three amendments to exceptions No.'s. 2, 5, & 7, of the Utah County Land Use Ordinance text amendments to allow the phasing of planned unit developments, to the Utah County Commission based on the findings of staff and with the following changes: that the initial plat be recorded 1 -yr from the date of the County Commission approval, and the original 3- years for recording of a Large Scale Development Plat remain at 3 years.

The motion died for lack of a second.

Paul Southam feels that the Planning Commission is making it difficult for a large scale development to succeed because of all the limitations that are being placed on it.

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Janice Reeb noted that there is a option to change and amend the ordinance in the future, and the Planning Commission has an obligation to set guidelines for current as well as new residents.

Motion: Mike Stansfield

Second: Helina Carter-Thomas

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.

Jan Anderson thinks that after all the time that has gone into working on this development, giving the advantage of extended time is reasonable.

John Glen Stevens felt the proposed 18- month and 4 years should be approved.

Motion: Mike Stansfield

Second: Odell Miner

Motion that the Utah County Planning Commission recommend **approval** of the three amendments to exceptions No.'s 2, 5, & 7 to the Utah County Land Use Ordinance text amendments to allow the phasing of planned unit developments to the Utah County Commission, based on staff findings and the following recommendations:

1. That the three changes noted in the staff analysis, and any other changes or modifications to the proposed amendments that the Planning Commission may feel necessary be made a part of a motion for recommendation of approval to the Utah County Commission.
2. That in Section 16-a-3 & 4, 1-year be changed to 18-months for plats to be recorded.

The motion passed by the following vote: "Aye", Jan Anderson, Mike Stansfield, Odell Miner, Janice Reeb, John Glen Stevens; "Nay", Helina Carter-Thomas.

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.

April 5, 2011

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION: - Public Hearing
 - A. APPLICANT - Cole Cannon
 - B. REQUEST - Proposed Land Use Ordinance Text Amendments to Sections 6-1-E-16 & 17, Section 6-2 and Section 7-24, concerning the phasing of Planned Unit Developments (PUD).

II. STAFF ANALYSIS:

This application was first heard by the Planning Commission at their agenda meeting of February 15, 2011, at which time it was continued to the March 15, 2011, agenda meeting, with a work session meeting scheduled on March 1, 2011. That work session was held at the scheduled date and time and the applicant was able to present again his development plan for the RR-5 Zone on the north end of West Mountain to the Planning Commission. Staff indicated at the work session that the minimum phasing area for various cities and counties was not consistent, but that the minimum of 20 acres for the initial phase, as proposed in this amendment is not inconsistent with Wasatch County and is less than the minimum phase of 40 acres required by Washington County. Staff continues to recommend the same wording as proposed in February with the initial phase of a planned unit development plat to be a minimum of 20 acres, with plats for ensuing phases to be a minimum of 10 acres.

The applicant has proposed the following amendments to the sections of the land use ordinance as listed above for the purpose of allowing a planned unit development project to be a phased development. Currently, all new areas zoned RR-5, Rural Residential Zone, are to be approved with a maximum of 75 acres (Section 7-24-C-4[b]) and a plat containing all utilities, roads, lots, open space, and on-site and off-site improvements, must be completed for that first 75 acres of the development. This proposal would allow for phasing the planned unit development so that the development of the seventy five acres of RR-5 Zoned land could be developed in stages (not less than 10 acres) according to the housing market demand.

The applicants proposal would make the following amendments to Sections 6-1-E-16 & 17 (proposed additions are shown in red and proposed deletions are shown ~~struck through~~):

- 16. Limited Period Of Viability
 - a. Approval of the development by the County Commission shall be valid for a period of one year from the date of the County Commission approval, provided the plat is recorded within such one-year period. After the one year

period the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, automatically expire and become null and void.

Exception: In planned unit developments only, the developer may request approval of a phased planned unit development by complying with all of the following requirements:

1. The developer shall request approval of a phased planned unit development in the initial application filed with the Community Development Department.
2. In the request for approval of a phased planned unit development, the developer shall describe, as to each proposed phase, the size in area of each phase (which size of each phase shall not be less than ten acres), the number and type of dwelling units in each phase, the order of phasing, the projected time for recording the plat for each phase, a description and estimated cost for all required improvements for each phase, a detailed description of how the initial phase independently meets all of the requirements for a planned unit development, and how each subsequent phase, together with the previously recorded phases, will meet all of the requirements for a planned unit development.
3. For phased planned unit developments, the approval of the County Commission for the initial phase plat and for all other phase plats shall automatically expire and become null and void if the initial plat is not recorded within eighteen months from the date of the County Commission approval. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, for the phased planned unit development (including the initial phase plat and all other phase plats), automatically expire and become null and void.
4. For all phase plats subsequent to the initial phase plat, the approval of the County Commission for all unrecorded phase plats shall automatically expire and become null and void eighteen months from the date of the recording of the most recently approved phase plat, unless the next phased plat is approved and recorded prior to the end of said eighteen month period. After the eighteen month period, the approval of the County Commission, the recommendation of the Planning Commission, and the developer's application, as to all unrecorded phase plats, automatically expire and become null and void.
5. Each phase must be submitted, reviewed, approved, and recorded in the order of phasing established in the initial approval process unless otherwise approved by the County Commission. No phase plat can be recorded unless the preceding phase plat has been recorded.
6. The initial bond amount shall be set for only the plat for the first phase to be recorded. The bond amount for each subsequent phase shall be determined prior to the recording of the plat for each such phase.
7. No plat shall be approved or recorded for the initial phase unless the initial

plat meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for the initial plat may be reduced to not less than ten acres.

8. No plat shall be approved or recorded for any subsequent phase unless the subsequent phase plat, together with the previously recorded phase plats, meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for any subsequent phase plat may be reduced to not less than ten acres.
9. No plat shall be approved or recorded for any subsequent phase unless all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, and the developer is not in violation of any provision of this land use ordinance.
10. The application process described in this land use ordinance for planned unit developments, including the payment of all related fees, shall apply to all submitted plats.
11. When the developer desires to record a plat for the subsequent phase, in compliance with the approved order of phasing, the developer shall pay the applicable fee, shall meet with the Community Development Director and shall submit the following:
 - A. A title report with an effective date not earlier than thirty (30) days prior to the submittal date, 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 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 re-conveyance 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, common areas, and public areas. If the plat is approved, the applicant shall provide an update letter from the title company, amending the prior title report effective date to the date of the

- recording of the plat.
 - B. 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 phase plat.
 - C. A tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing on parcels within the proposed phase plat perimeter boundary have been paid, including greenbelt rollback taxes.
 - 12. If the Community Development Director finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit developments, the Community Development Director shall transmit the materials and the proposed plat for the phase to the County Commission for review and consideration. The County Commission shall approve the phase plat if the County Commission finds that the approval of the proposed phase plat has not expired, that any title, bond and tax issues have been resolved, that all requirements, conditions of approval, and agreements related to any previously recorded phase plat have been met, that the developer is not in violation of any provision of this land use ordinance, and that the proposed phase plat meets all of the requirements of this section for a phased planned unit developments, unless the County Commission, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the proposed phase plat.
 - b. After approval by the County Commission, the Community Development Director shall keep the signed plat and documents to be recorded until the time the applicant records them, to insure compliance with this section.
- 17. Assuring Construction of Required Improvements
 - a. After receiving final approval from the County Commission, the developer may either request that the final plat not be recorded for a period of time not to exceed one year, or if a phased planned unit development then within the time deadlines outlined in subsection 16 of this part, during which time it may install the improvements in the development, or it may post a bond before recording the plat, in an amount equal to 150% of the estimated cost of the required improvements as determined by the Public Works Director to guarantee the installation and warranty of the required improvements without cost to Utah County. Said bond shall be a cash bond deposited with the County. The final plat shall not be recorded until the developer has executed a subdivision improvement agreement, in the form approved by the County, and the improvements are either constructed or the bond is delivered to and approved by the County. The bond, however, shall not limit the liability of the developer to

install improvements, for the developer shall be obligated to the full extent of the cost of installing the improvements required by this ordinance. Private parties shall not be deemed third-party beneficiaries of the bond.

- b. All required improvements shall be constructed in accordance with approved plans and Utah County development standards and inspected by the County Public Works Department. The developer shall pay an inspection fee to the County in the amount set by the County.

6-2: PLANNED UNIT DEVELOPMENT

B. PERMITTED USES

Uses permitted in planned unit developments shall be limited to the residential, recreational, and supportive facilities listed below:

1. One-, two-, three-, and multiple-family dwellings, including residential condominium projects; townhomes; manufactured home parks; and manufactured homes.

E. STANDARDS AND CONDITIONS

16. Location Requirements for Buildings and Structures

The location of all buildings and structures not located on a separate platted lot shall be shown on the plat, along with the building's proposed use. Where the developer elects to plat separate lots, setback lines shall be shown on the final plat, along with the specified use for the separate lots. Setback distances shall conform to the following standards:

a. Front and Rear Setback.

All buildings and structures shall have a combined front and rear setback of at least thirty (30) feet, but not less than ten (10) feet from the front and ten (10) feet from the rear unless a greater setback is required by chapter 3 of this land use ordinance. The developer/builder is encouraged to stagger the front setbacks to create a diversified streetscape.

b. Side Setback.

All buildings and structures shall be set back from a side property line a distance of at least five (5) feet. The side setback from any street shall be not less than ten (10) feet unless a greater setback is required by chapter 3 of this land use ordinance. **Townhomes with a common wall between units shall be construed as a single structure for setback calculations.**

7-24: POWERS AND DUTIES OF THE COUNTY COMMISSION

C. The County Commission may amend, change, or modify any provisions of the land use ordinance or zone map provided:

4. Any amendment to the zoning map which changes the zoning of property to the RR-5 Rural Residential Zone, shall be subject to the following restrictions and conditions:
 - a. The property to be rezoned must be located not closer than two (2) miles from the boundaries of any incorporated municipality, as measured from the closest property line of the property to be rezoned, and must not be located within two (2) miles from the

boundaries of any other property which has been rezoned within the previous five (5) year period, as measured from the closest property line unless either:

1. The County Commission approves a zone change upon finding the requirements of subsection (a) would hinder the intent of promoting the orderly transition of new developments into newly incorporated municipalities, or:
 2. The property to be rezoned is contiguous to, or within reasonable proximity of, land which has been rezoned within the previous five (5) year period such that the parcel to be rezoned can reasonably and cost effectively connect to services provided, or proposed to be provided, by the developer(s) on the previously rezoned parcel.
- b. The maximum contiguous area of property subject to rezoning to the RR-5 Rural Residential Zone shall be seventy five (75) acres.
- c. A Large Scale Development Plat encompassing all of the rezoned property shall ~~be approved~~ **receive approval** by Utah County and **be** recorded in the office of the Utah County Recorder within ~~three (3)~~ **four (4)** years from the effective date of the amendment to the zoning map and the rezoning of the property, or the amendment of the zoning map and the rezoning of the property shall be void, and the zoning map and zoning of **the** property shall automatically revert to the status of the zoning map and the zoning of the property as they existed prior to the effective date of the amendment, and any **unrecorded** Large Scale Development Plat approval related to the rezoned property shall be void.

Exception: **In a planned unit development which has been approved as a phased planned unit development, the amendment of the zoning map and the rezoning of the property shall be void, and the zoning map and zoning of the property shall automatically revert to the status of the zoning map and the zoning of the property as they existed prior to the effective date of the amendment, and any unrecorded Large Scale Development Plat approval related to the rezoned property shall be void, unless (i) phased planned unit development plats encompassing all of the rezoned property have received approval by Utah County within four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property, (ii) the initial plat of the phased planned unit development has been recorded in the office of the Utah County Recorder within four (4) years from the effective date of the amendment to the zoning map and the rezoning of the property, and (iii) all subsequent phased planned unit development plats, encompassing all of the rezoned property, have been recorded in the office of the Utah County Recorder within seven (7) years from the effective date of the amendment to the**

zoning map and the rezoning of the property.

Staff feels that the phasing of plats for a planned unit development is an excepted and tested planning practice and is utilized by most jurisdictions within Utah and throughout the country. Phasing was included in the Utah County Land Use Ordinance prior to the amendment of Chapter 6, Large Scale Developments, in November of 2008, when it was deleted due to its non-specific wording and the fact that no applicant had applied to utilize phasing for their development within the past 30+ years.

In Section 7-24, Powers and Duties of the County Commission, Subsection C-4[c], and within the proposed exception to be added to this same subsection, the time period for a planned unit development plat to be recorded after the effective date of approval of the rezoning of property to the RR-5 Zone, is proposed to be changed from *three (3) years* to *four (4) years*.

Also proposed is the extension of time from one year to *eighteen months* from the time the initial phase plat is approved by the County Commission to the time the plat is recorded. This extension from one year to *eighteen months* is also proposed for all subsequent plats beyond the initial phase plat in a phased planned unit development (Sections 6-1-E-3 & 4).

Staff feels that the following changes to three of the proposed exceptions (No's. 2, 5, & 7) should be amended, removed or added to the proposed land use ordinance text amendments for phasing planned unit development plats before the proposed text amendments are recommended to the County Commission:

1. Section 6-1-E-16-a, Exception #2, the wording inside the parentheses should be amended to read:
(which size of *the initial phase shall not be less than 20 acres and* each phase *after the initial phase* shall not be less than ten acres).

The minimum size for all unincorporated Utah County planned unit development proposals is currently twenty (20) acres (See LUO Section 6-1-B-4, Size).

2. Section 6-1-E-16-a, Exception #5, the words "~~*unless otherwise approved by the County Commission.*~~" at the end of the first sentence, to be deleted. The Utah County Commission should only make a decision on changing the order of the phases through the plat amendment process, which requires the developer to submit a new application for a plat amendment to be recommended by the Utah County Planning Commission and then forwarded to the Utah County Commission for a final decision.
3. Section 6-1-E-16-a, Exception #7, reads "No plat shall be approved or recorded for the initial phase unless the initial plat meets all of the requirements of this land use ordinance for a planned unit development, except the minimum size for the initial plat may be reduced to not less than ten acres." The word **ten** to be changed to *twenty*, to be consistent with Section 6-1-E-4, Size, as indicated in correction #1 above.

STAFF RECOMMENDATION:

That with the inclusion of the three amendments to exceptions No's. 2, 5, & 7, as indicated above, that the Utah County Planning Commission recommend approval of the Utah County Land Use Ordinance text amendments to allow the phasing of planned unit developments to the Utah County Commission, based on the following findings and condition of approval:

Findings

1. The phasing of planned unit development plats is a recognized and widely used tool in the approval process of land subdivision.
2. The previous Planned Unit Development chapter of the Utah County Land Use Ordinance, prior to November 2008, allowed for phasing of large scale developments.
3. The proposed amendments to the Utah County Land Use Ordinance to allow phased development of planned unit developments has been reviewed by staff and the Utah County Attorney's Office, and found to be adequate to cover all aspects of the phasing of planned unit development plats.

Condition of Approval

1. That the three changes noted in the staff analysis, and any other changes or modifications to the proposed amendments that the Planning Commission may feel necessary be made a part of a motion for recommendation of approval to the Utah County Commission.