



ENT 9258:2012 PG 1 of 5
JEFFERY SMITH
UTAH COUNTY RECORDER
2012 Feb 06 1:52 pm FEE 0.00 BY EO
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2012 - 4

AN ORDINANCE AMENDING PORTIONS OF SECTION 6-3 "PLANNED SUBDIVISIONS" OF THE UTAH COUNTY LAND USE ORDINANCE DEALING WITH WATER QUALITY TESTS AND ROAD IMPROVEMENTS

WHEREAS, the Planning Commission of Utah County initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with planned subdivisions; 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, 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, scheduled and held a 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:

Subsection 6-3-C-7-c of the Utah County Land Use Ordinance is hereby amended to read as follows:

C. APPLICATION REQUIREMENTS

7. Documentation

- c. A statement signed, dated and stamped by a professional engineer licensed by the State of Utah attesting that the proposed source water has been tested and found to comply with Utah County standards for quality, flow, pressure and delivery, and that the water system will meet Utah County standards when the project is complete. If wells are proposed to provide the water for a central water system, the wells must be drilled and tested to establish that the wells will be able to provide the required flow, quality, and quantity of water. If the proposed source of water is from individual wells located on each lot, the water shall meet water quality requirements before any treatment or filtration. Where individual wells on each lot are proposed and the wells have not yet been drilled, in lieu of testing, the engineer shall study well logs in the area and state his/her opinion that the wells will be able to provide the required flow, quality, and quantity of water; the plat shall contain a written condition that no building permit for a dwelling or other occupied building will be issued until the wells are drilled and found to produce the required quality, quantity and flow of water prior to any treatment or filtration. The engineer's statement and calculations shall be reviewed for accuracy by the Utah County Engineer and the County Engineer must provide a letter to the Planning Commission verifying that the County Engineer has reviewed the engineer's statement and calculations for accuracy.

Exception 1: An existing culinary water well that serves an existing legal dwelling which is located on a parcel of land which is being incorporated as a lot on the proposed subdivision plat is not required to have the water quality or flow from the existing well tested, unless so required by the Utah County Health Department, provided that a note is placed on the plat stating: "The water quality and flow of the existing culinary water well serving the existing dwelling located on lot ___ have not been tested."

Part II:

Subsections 6-3-D-5-a and 6-3-D-5-e of the Utah County Land Use Ordinance are hereby amended to read as follows:

D. STANDARDS AND CONDITIONS

5. Street System

- a. All new streets shall be constructed to conform to the street standards for public streets as adopted by Utah County. Existing

streets shall be improved to the standards for public streets as adopted by Utah County unless the Utah County Engineer finds that a modified standard will provide a safer street given the existing road construction.

- 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, unless the Utah County Engineer finds that a modified paving standard will provide a safer street given the existing road construction. The applicant shall be required to dedicate ownership of the portion of the required right-of-way which he owns to the County.

Part III:

Subsection 6-3-D-9-b-I of the Utah County Land Use Ordinance is hereby amended to read as follows:

D. STANDARDS AND CONDITIONS

9. Water Supply

b. Water Quality

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

meet primary drinking water standards and be approved by the Utah County Health Department. The recorded plat shall contain a written condition that no building permit will be issued for a single family dwelling or other occupied structure until the individual water supply has been sampled and found to meet primary drinking water standards as outlined above by the Utah County Health Department.

Exception 1: The Zoning Administrator may, with the favorable review by the Utah County Health Department, approve the sampling of water from an existing well outside of the subdivision boundary, based upon the developer submitting a written finding from a Utah licensed engineer, stating the opinion, after studying the well logs of the proposed sampling well, that the sample will be representative of the aquifer to be utilized by the proposed subdivision; and further provided, however, that the proposed existing well is not located more than five hundred (500) feet from the closest subdivision boundary.

Exception 2: An existing culinary water well that serves an existing legal dwelling which is located on a parcel of land which is being incorporated as a lot on the proposed subdivision plat is not required to have the water quality or flow from the existing well tested, unless so required by the Utah County Health Department, provided that a note is placed on the plat stating: "The water quality and flow of the existing culinary water well serving the existing dwelling located on lot ___ have not been tested."

Part IV:

Insert pages reflecting the above amendments, including a title page which bears the enactment date of this ordinance, are hereby ordered to be filed in the copy of the Utah County Land Use Ordinance which is on file with the Utah County Clerk/Auditor.

Part V:

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 VI:

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

PASSED and ordered published this 31st day of January, 2012.

UTAH COUNTY COMMISSION

VOTE

Larry A. Ellertson
LARRY A. ELLERTSON, CHAIR

aye

Doug Witney
DOUG WITNEY, COMMISSIONER

aye

Gary J. Anderson
GARY J. ANDERSON, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: *Bennie Higgins Carson*
Deputy



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

X Approved _____ Disapproved

By: *Jeffrey R. Buhman*
Deputy

Date of Publication: Once only, as soon as possible

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