

ORDINANCE NO. 2012- 23

AN ORDINANCE AMENDING CHAPTER 6, LARGE SCALE DEVELOPMENTS, SECTION 6-3, PLANNED SUBDIVISIONS, SUBSECTION 6-3-C(6)(e)(i), DEALING WITH ENGINEERING DRAWINGS, AND SUBSECTION 6-3-C-(7)(b) AND SUBSECTION 6-3-C(7)(d), DEALING WITH DOCUMENTATION, AND SUBSECTION 6-3-D(9)(c)(i), DEALING WITH WATER SUPPLY; CONCERNING THE DECLARATION AND DEDICATION OF WATER IN SUBDIVISION PLATS, OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, the Utah County Planning Commission has initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with an amendment to “planned subdivisions, application requirements, standards and conditions” for large scale developments as indicated in the above stated sections; 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 amendments, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

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

WHEREAS, the Board of County Commissioners finds that the proposed amendments to the Utah County Land Use Ordinance are 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:



ENT 63926:2012 PG 1 of 4
JEFFERY SMITH
UTAH COUNTY RECORDER
2012 Aug 01 11:52 am FEE 0.00 BY SS
RECORDED FOR UTAH COUNTY COMMISSIONERS

Part I:

Subsection 6-3-C(6)(e)(i), Subsection 6-3-C(7)(b), and Subsection 6-3-C(7)(d), of the Utah County Land Use Ordinance are hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONSC. APPLICATION REQUIREMENTS6. Engineering Drawings

e. A water and irrigation plan, which shall include:

- i. Water rights for each lot (a separate water right number shall be obtained for each lot) amounting to at least .45 acre-feet of water per year approved for culinary use, 1 acre-foot of water for landscaping water, and 1.5 acre-feet of water per acre per year for the area of the lot other than the .23 acre house site. Each lot's water right shall authorize use of the water on the lot. Copies of documents establishing the water rights shall be obtained from the State Water Engineer's Office and submitted with the application

7. Documentation

- b. If the proposed water source is an existing public water system, an agreement from the provider to permanently provide the required quantity of water. If the proposed central water source is not an existing public water system, documents from the Utah State Division of Water Quality approving the proposed public water system. If the proposed water source is not a public water system, each lot shall have a well located on the lot and the applicant shall provide a water right issued by the State Engineer for a permanent source of water which meets County standards. Copies of all applicable state water rights documentation, including applications and memorandum decisions shall be provided. All water rights shall be segregated for each lot within the proposed subdivision. Each lot shall have a separate water right. Water right documentation shall establish the approved type of use of the water, the authorized quantity of acre feet, and authorization to use the water on the lot. All irrigation water rights shall be accompanied by a letter from the irrigation company establishing the average number of acre-feet delivered per share of water stock. Water share certificates shall be separated and allocated to each lot within a subdivision (with separate certificates and certificate numbers). Copies of the share certificates shall be provided and submitted along with the application. The applicant shall be shown as the owner of all water rights. If the water rights are attached to a specific property (i.e. Strawberry water) the irrigation company shall provide an overlay on a copy of the plat showing the area covered by the irrigation water, together with a letter from the water company assigning a separate water right or serial number to

each lot and identifying the ownership and acre feet of water provided to each lot.

- d. A Declaration and Dedication of Water in the approved format, which has been signed by all owners of the water rights and of the property, shall be used to tie the water to each individual lot and to ensure a sufficient amount of culinary, landscaping and irrigation water is attached to each lot. The Declaration shall separately identify the amount of culinary water, landscaping water, and irrigation water required to be attached to each lot. This document shall also separately identify the culinary water, landscaping water, and irrigation water for each lot with share certificates and water right and change application numbers, together with the number of annual acre-feet of water representing by each water right. The plat shall contain a note identifying the quantity of culinary water, landscaping water, and irrigation water required to be attached to each lot. The plat shall also contain a note that states any transfer or purported transfer of the required water rights apart from the lots, or the lots apart from the water rights, without the express written consent of the Utah County Zoning Administrator, shall be null and void, and all residential use of any lot shall cease. After the Declaration and the Plat are recorded, a copy of the Declaration shall be provided to the State Engineer's Office to be filed with the water right file.

Part II:

Subsection 6-3-D(9)(c)(i), of the Utah County Land Use Ordinance is hereby amended to read as follows:

6-3: PLANNED SUBDIVISIONS

D. STANDARDS AND CONDITIONS

9. Water Supply

c. Types and Duration of Rights

- i. Water rights sufficient to meet quantity requirements shall be tied to each lot. Water rights shall not be transferred separate from lots, unless replacement water rights sufficient to meet quantity requirements are first provided. Any transfer of the water rights shall first be approved by the Utah County Zoning Administrator.

Part III:

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 IV:

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 V:

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 31st day of July, 2012.

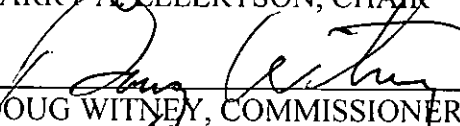
UTAH COUNTY COMMISSION

VOTE



LARRY A. ELLERTSON, CHAIR

aye



DOUG WITNEY, COMMISSIONER

aye

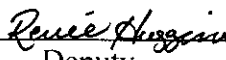


GARY J. ANDERSON, COMMISSIONER

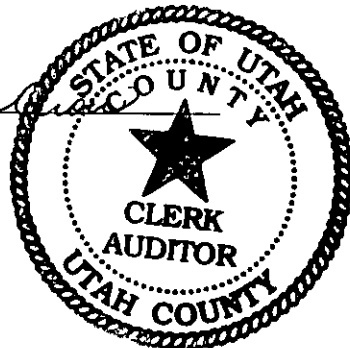
aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

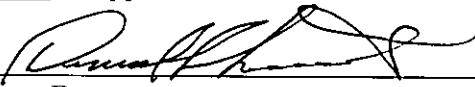
By: 

Deputy



Approved

Disapproved

By: 

Deputy

Date of Publication: Once only, as soon as possible