

AN ORDINANCE AMENDING SECTION 6-3 OF THE UTAH COUNTY LAND USE ORDINANCE, DEALING WITH THE REQUIREMENTS FOR PLANNED SUBDIVISIONS

WHEREAS, the Planning Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Section 6-3, requirements for Planned Subdivisions; and

WHEREAS, the Planning Commission addressed the proposed amendments to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, on January 19, 2016, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

WHEREAS, a public hearing regarding the proposed amendments had been scheduled and was held during the regularly scheduled meeting of the Planning Commission, on January 19, 2016; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendments, the minutes from the Utah County Planning Commission meeting, and the 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

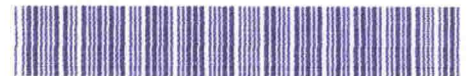
WHEREAS, the Board of County Commissioners finds the proposed amendments to the Utah County Land Use Ordinance conform to the Utah County General Plan, 2014, and are consistent with the other provisions of the Utah County Land Use Ordinance; and

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:

Part I:

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



6-3: PLANNED SUBDIVISIONSA. GENERAL PROVISIONS1. Declaration of Legislative Intent

The intent of this section is to establish requirements for the approval of a proposed planned 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 subdivisions are permitted may construct a planned 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. Requirements Minimum.

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 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 subdivision plat 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 unit development upon the County;
2. The creation of additional on-site and/or off-site facilities and improvements necessary for the planned subdivision;
3. The creation of additional utility easements within the development;
4. Additional requirements for moderate income housing units;
5. Additional restrictions on the location and slopes of roadways, and;
6. 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. Exemptions from Rule 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 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 Community Development 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

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

3. Layout Map

A layout map that has been dated, stamped and signed by an engineer or land surveyor licensed by the State of Utah (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 Zoning Administrator, and shall show all of the following items. If any specified item does not exist, or is not applicable, a brief explanatory note shall be placed on the layout map explaining that the item does not exist or why it is not applicable:

- 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 and structures within the perimeter boundary, and the location of existing public utility easements, railroads, street locations and names, power lines, culverts, drain pipes, drainage channels, flood channels, areas where ground water rises periodically to within five feet of the surface of the ground, and any area within the boundary of the development in a 100 year flood area.
- l. Existing water and sewer mains and lines--location and size.
- m. Source of water and place of sewage disposal.
- n. Proposed lot and location layout for the development including lots, streets, street names, utility easements, building sites, common areas, common recreational facilities and structures, and building setback lines.
- o. Cross-section of proposed new streets.
- p. Proposed power lines, bridges, utilities, and utility easements.
- q. Proposed water, sewage lines--location and size and place of sewage

- disposal, and location of solid waste collection points.
- r. Intended source of water, if private wells, must be one well per lot for culinary use, location of proposed fire hydrants, and location of any proposed lighting systems.
 - s. Layout of irrigation system if required, showing how water will be delivered and distributed on the lots.
 - t. Any additional information which the Plan Coordinating Committee may require.

Exception: Unless requested by the Planning Commission or County Commission, no layout map is required for a planned subdivision having 5 or fewer lots when each lot is five acres or larger in area, will utilize individual wells and septic tanks on each lot.

4. Excluded Portions of Parcels

The portion of a parcel of land which is not included within a proposed planned subdivision plat must qualify for, and be approved as, an agricultural land exemption from the subdivision plat requirements, as provided in chapter 3 of this land use ordinance.

5. 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 area).
- b. Total number of lots or building sites.
- c. Percentage of area and acres to be devoted to roadways.
- d. Percentage of area and acres to be devoted to common area.

6. Engineering Drawings

The following engineering drawings, unless deemed to be inapplicable by the County Engineer, shall be properly dated, stamped and signed by an engineer licensed by the State of Utah and submitted with the application:

- a. Plan and profile drawings pertaining to the water system, sewage system, street system, drainage system, irrigation system, utilities, and any other engineered drawings required by the County Engineer in order to determine compliance with the County Public Works standards, this ordinance, or other applicable requirements. Engineered drawings shall be reviewed and approved by the County Engineer.

7. Documentation

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

- a. Executed articles of incorporation and bylaws of the homeowner association. (This requirement only applies to Planned Subdivisions with common area).
- b. An executed (except by Utah County) common area preservation agreement and an executed maintenance agreement among the developer, the homeowner association, and Utah County, based on the Utah County format. (These agreements must be recorded at the time the plat is recorded and are only required for those Planned Subdivisions with

- common area).
- c. 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, or other documents deemed acceptable by the Utah County Attorney's Office, 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 lien is a trust deed or mortgage, in lieu of a partial deed of reconveyance, the applicant may obtain consent from the trustee of the trust deed to record the proposed plat and to subordinate the trust deed to the plat. Such consent must be provided on the County approved form and recorded with the plat. Prior to plat approval, the trustee of the trustee deed must commit to give consent to record the approved plat and subordinate the trust deed to the plat. Such commitment and consent must be provided on the County approved form and submitted as part of the complete application. 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.
- d. 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 Division of Drinking Water 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.

- e. 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 the water quality requirements of the Utah County Health Department. 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 engineer's statement and calculations shall be reviewed for accuracy by the 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."

- f. 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 being attached to each lot, and shall identify the share certificate serial numbers, water right and change application numbers, together with the number of annual acre-feet of water associated with 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 Zoning Administrator, shall be null and void, and all residential use of any such 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.

- g. A drainage and flood plan shall be dated, stamped and signed by an engineer licensed by the State of Utah, and shall include the following:
 - i. 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 Engineer when ample information already exists for the area).
 - ii. 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.
 - iii. The location and size of any ditches, culverts, drains, sumps, percolation basins, curbs and gutters, and other proposed structures and facilities.
 - iv. A method of handling all runoff on site when an existing storm water system is not available. If all surface drainage water is proposed to be retained on-site, the engineer must certify all surface water can be maintained on-site.
 - v. A statement of acceptance of the drainage waters from the appropriate entity 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.
 - vi. A method of covering, fencing, or similar safety treatment of canals and waterways traversing the development.

The drainage and flood plan shall be reviewed and approved by the County Engineer. A note shall be placed on the plat that briefly describes the method for handling all runoff for the development.
- h. A dated, signed and stamped itemized estimate from an engineer licensed by the State of Utah, verified by the County Engineer, stating the cost of

installing all required improvements related to the development. The cost estimate shall include the cost of all improvements, including but not limited to all irrigation plan facilities and improvements to independently irrigate each lot, any fire-break clearing, surface water facilities, canal covering, street improvements, utility relocation, inspections, utilities, and survey monument costs. The applicant shall also provide a statement addressing the proposed bonding method or a written statement that the applicant will construct all improvements prior to plat recordation.

- i. A statement from the County Health Department certifying that the proposed central water supply or water from wells on each lot and central sewage disposal system or septic tank sewage disposal system on each lot conforms to the pertinent state and county health regulations. The letter shall approve the culinary water and sewage facilities and shall include a verification that the water quality tests have been reviewed and approved, and all culinary water feasibility tests have been satisfactorily completed. Any conditions, limitations, or restrictions shall be added as a note on the Plat. If septic systems are proposed, the plat shall contain the following note:

Individual lots have neither been tested nor approved for septic systems. No building permit will be issued until septic system approval is granted by the County Health Department, any lot not approved will not be approved for a dwelling.

If individual wells located on each lot are proposed, but are not yet drilled, the plat shall contain the following note:

Individual wells located on each lot have neither been drilled nor found to produce the required quality, quantity and flow of water. 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. Any lot with a well that has not been drilled and found to produce the required quality, quantity and flow of water will not be approved for a dwelling.

- j. A statement from the County Engineer certifying that the proposal conforms to the County standards and requirements for roads and other improvements. The approval letter from the County Engineer will address: plat accuracy, any of the applicant's engineer's statements or drawings (i.e., irrigation plan, letter on water, drainage, roads, etc.), and all on-site and off-site improvement costs. The approval letter shall be without exceptions or conditions. If any exceptions or conditions are listed, the issues shall be resolved and a new letter submitted. All set-back lines shall be shown on the plat, all public utility and irrigation easements shall be shown on the plat, survey monuments shall be shown on the plat, street dedication areas shall be clearly identified and labeled as being

dedicated to the public, and the design of the subdivision shall comply with County requirements. The dedication language on the plat shall read as follows:

Know all men by these present that we, all of the undersigned owners of all of the property described in the surveyor's certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements, and do hereby dedicate the streets and other public areas as indicated hereon for the perpetual use of the public, the public utility easements to all utility providers, public or private, and the irrigation easements to all lot owners, and their successors and assigns in perpetuity.

- k. 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.
 - l. A tax clearance from the Utah County Treasurer. The tax clearance shall be provided for each parcel serial number identified in or by the title report. The tax clearance shall include all property taxes due as of the date of the filing of the application and shall be updated to show the payment of all taxes due as of the date the plat is recorded, including greenbelt rollback taxes for all road dedications, rollback taxes for any lot less than 5.25 acres in area, and for any other area of the plat if required by the Utah County Commission.
8. Plat
- The plat shall be reproducible and be drawn in accordance with county standards at a scale of one inch equals one hundred feet (1"=100') or as directed by the Zoning Administrator, 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 or reserved for common use by the residents of the development.
 - 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, and the owner's conveyance of easements and parcels for utilities or other special use.
 - 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.
9. 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.

D. STANDARDS AND CONDITIONS

All planned 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.
- b. The design of subdivisions shall conform to County Public Works standards, requirements of this land use ordinance and other applicable law.

2. Size of Development.

The minimum acreage required to qualify for a planned subdivision shall be in accordance with the following schedule:

<u>Zone</u>	<u>Area (in acres)</u>	<u>Zone</u>	<u>Area (in acres)</u>
RA-5	5	M&G-1	50
RR-5	5*	NC-1	1
TR-5	5*	HS-1	1
CE-1	50	I-1	1
CE-2	20	A-40	40

Exception: In the RR-5 or TR-5 Zones, the County Commission may approve a planned subdivision for a smaller parcel, provided that:

- a. Such parcel is a nonconforming lot of record as defined by this ordinance; and
- b. Such parcel cannot be added to an existing subdivision or combined with other parcels to make a combined lot area which conforms to this schedule.

3. Lot Area and Width Requirements

The area and width of individual lots within planned subdivisions shall be in accordance with the following schedule.

<u>Zone</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u> at any point between the frontage and the front of the primary structure
RA-5	5 acres	250 feet
RR-5	20,000 sq ft	100 feet
TR-5	20,000 sq ft	100 feet
CE-1	50 acres	330 feet
CE-2	20 acres	330 feet
M&G-1	50 acres	330 feet
A-40	40 acres	330 feet
PC	As per the PC Zone Dev. Standards	As per the PC Zone Dev. Standards

4. Paved Road Access

All planned subdivisions, and each lot within a subdivision, shall abut on and shall have access to a hard-surfaced public street that connects to and is part of the paved official county, state, or municipal road system, and contains no unpaved section.

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 County Engineer finds that a modified standard will provide a more efficient means of managing the street system given the existing road construction.
- 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 element map, and the right-of-way dedicated to the public.
 - c. No vehicular road shall have a grade of more than eight (8) percent.

Exception: A grade of ten (10) percent may be approved, upon recommendation of the County Engineer, when the County Commission finds all of the following criteria are met:

 - i. the grade is necessary to eliminate extra cuts, fills, or circuitous routes;
 - ii. no section of road which exceeds 8 percent grade is longer than one thousand (1000) feet in length
 - iii. the total distance of roadways which exceeds 8 percent grade is less than five (5) percent of the total road system in the development;
 - iv. police, fire, ambulance, snow removal, and other essential services can be provided at a substantially equal level of quality; and
 - v. no section of road exceeding a grade of 8 percent is located within two hundred (200) feet of an intersection, or is on a curve having a radius of one hundred fifty (150) feet or less for the curve of the inside street line.
 - d. All vehicular roads shall be paved to meet the minimum requirements of the Utah County Public Works Department. 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 County Engineer finds that a modified paving standard will provide a more efficient means of managing the street system 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.
 - e. 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 County Engineer.
 - f. Subdivisions may abut an existing dead-end paved county road, but the road system within the subdivision shall consist of through roads, with two access points to the existing official county, state, or municipal road. No cul-de-sac or bulb roads are permitted.
 - g. 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.
 - h. If accesses for individual lots are on a state highway, a letter shall be provided from UDOT granting the accesses onto the state highway, with the

location of the accesses shown on the plat. The County Engineer must approve the plans.

6. Sidewalks

If one or more of the lots in the subdivision has frontage of less than 150 feet, sidewalks, dedicated to the public, shall be installed on both sides of all new streets, both sides of all streets located within the subdivision, and on the development side of existing streets bounding the subdivision, unless the County Engineer finds that a modified standard will provide a more efficient means of managing pedestrian traffic.

7. Curbs and Gutters

If one or more of the lots in the subdivision has frontage of less than 150 feet, curbs and gutters shall be installed on both sides of all new streets, both sides of all streets located within the subdivision, and on the development side of existing streets bounding the subdivision, unless the County Engineer finds that a modified standard will provide a more efficient means of managing drainage and road functions.

8. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- i. Culinary-quality water for use inside the dwelling shall be provided to each lot and dwelling unit at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per lot and dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.
- ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided at the rate of at least 1 acre-foot per year per lot and occupied structure (including dwellings) and building site, which water shall be available from April 30 to October 1 annually.
- iii. Water for irrigation shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot and parcel of the development beyond the first 10,000 square feet of area of each lot and parcel, which quantity of water must be available from April 30 to October 1 annually. The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot, if the irrigation water quantity requirement of at least 1.5 acre-feet of irrigation water per each acre of area of each lot (less the 10,000 square feet) is satisfied.

Exception 1 to part 'iii' above: Where all of the following conditions are met, the quantity of 1.5 acre feet per acre per year for irrigation water shall not be required: (a) the area to be excepted is part of a lot or site

for a one-family dwelling or mobile home; (b) no lot or dwelling site in the subject plat has an area of less than 50 acres; (c) each building on the lot is surrounded by an irrigated band of landscaping that is no narrower than 30 feet at any point and no smaller than 10,000 square feet in area; (d) the irrigated band of landscaping is surrounded by a platted, maintained fuel break easement which is 100 feet in width (or less than 100 feet when, based on the findings of the county fire marshal, the county commission determines that specific peculiarities of the site permit a lesser fuel break); and (e) the flammable native species have been thinned and/or replaced in accordance with terms recommended by the fire marshal and stated or referred to on the plat.

Exception 2 to part 'iii' above: The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of an engineered study, prepared, and signed by an engineer licensed in the State of Utah, conducted in the preparation of the irrigation plan if the County Commission finds that less water is needed to establish and to meet the green plant needs of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction. The engineered study shall determine the quantity of water needed to establish and to maintain alfalfa, in the green condition, having a low flammability, and shall identify the high water table by area and depth below natural grade.

- 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 the water quality standards of the Utah County Health Department.
- 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 Zoning Administrator.
 - ii. The developer shall present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.
 - iii. 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 demonstrate that the supplier can meet its commitments outside the subject development while meeting the

standards of this ordinance within the development.

Exception 1 to part 'iii' above: Where the number of lots in the development will be five (5) or less and the water supplier is a municipality with a population over 5,000, the engineering study need not address whether the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.

9. Water System

- a. All planned subdivisions having one or more lots or platted building sites under five (5) acres in area shall have a central water system which shall supply culinary quality water for culinary use and which shall supply water meeting the supply and flow requirements for fire protection. The following requirements apply for a central water system servicing a planned subdivision:
 - i. The water system shall have a storage facility which has a capacity to meet peak hourly culinary use, based on Utah Division of Drinking Water standards, plus a minimum fire protection storage in an amount as determined by the County Fire Marshal using applicable adopted codes, but not less than 180,000 gallons. The storage capacity shall be increased, as determined by the County Fire Marshal using applicable adopted codes, if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development, or if irrigation water (culinary quality, only) is to be stored in the central water system.
 - ii. The central water system shall have a source capacity to meet peak day demand and average yearly demand, based on Utah Division of Drinking Water standards. If the central water system provides water for irrigation, the source capacity shall be increased, based on Utah Division of Drinking Water standards.
 - iii. The central water system 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 1000 gallons per minute for a duration for at least two hours, as measured in an engineering study, in addition to simultaneous culinary or irrigation use. The delivery rate and duration amount shall be increased, as determined by the County Fire Marshal using applicable adopted codes, if residential buildings over 3600 square feet in floor area (or other structures needing increased capacity) are to be permitted in the development.
 - iv. Water mains in the central water system supplying fire hydrants, dwellings, and any irrigation needs, shall be sized according to an engineering study to adequately supply those uses, but in no case shall they be less than eight (8) inches in diameter.

Exception: Where a planned subdivision that: 1) is connecting to an existing central water system which had an operating permit issued by the Utah Division of Drinking Water prior to July 23, 2010, 2) includes not more than

three (3) lots or platted building sites, 3) limits new residential buildings to a maximum of 4800 square feet in building area, as defined in the currently adopted building codes, 4) requires new residential buildings to have an approved fire sprinkler system, unless each lot in the subdivision has an area of at least five (5) acres, and 5) does not lie within the Urban Wildland Interface, the required central water system storage capacity, gravity-induced fire flow delivery rate, and water main size for the existing central water system, may be reduced by the County Fire Marshal using applicable adopted codes. A request for an exception to the central water system requirements shall be supported by a signed, dated and stamped statement by a professional engineer licensed by the State of Utah, which statement certifies that the storage capacity, gravity-induced fire flow delivery rate, and water main size for the existing central water system meets the requirements of the adopted county fire codes, and that inclusion of the planned subdivision onto the system will not impact the system's ability to deliver sufficient culinary water, fire flow, and irrigation water, if applicable, to each lot or building site connected to the existing central water system. No exception shall be approved in relation to a central water system, if 1) the storage capacity is less than 120,000 gallons, 2) the existing gravity-induced fire flow delivery rate is less than 750 gallons per minute, and 3) the existing water main size of the lines that would directly supply water to the development are less than six inches in diameter.

- b. Irrigation systems need not have a central storage facility, but must be designed to provide the required irrigation water flows and coverage.
- c. A statement from the irrigation water delivery entity, on County approved form, determining that the proposed on-site irrigation system can connect to the delivery system, and approving the irrigation plan.
- d. A statement, which has been dated, stamped and signed by an engineer licensed by the State of Utah, which confirms the irrigation plan will allow for the independent irrigation of each lot in the plat.
- e. Existing and proposed irrigation structures located within an existing or proposed road right-of-way, such as concrete or earth channels, ditches, pipes, head-gate structures, and any other facilities pertaining to irrigation systems, shall be relocated outside of all existing or proposed road rights-of-way. If an irrigation company is supplying the irrigation water, the design and construction of all new and existing irrigation channels, ditches, structures, and other facilities shall be: (i) pre-approved in a written signed document from said irrigation company, and (ii) approved by the Utah County Engineer. The written document shall include approval of adequate ditch sizes, location of the irrigation system within the subdivision, and the materials to be used to construct the irrigation system. The irrigation system shall be designed to allow for each lot to be watered independently. Any open irrigation channels or ditches which are adjacent to the county right of way shall be lined with concrete or with some other impermeable material approved by the Utah County Engineer. Closed irrigation channels or

ditches, such as piped ditches, which are adjacent to the county right of way shall be reviewed and approved by the Utah County Engineer for adequate construction, pipe type and diameter. The design, layout, construction, facilities, construction materials, ditch sizes, and component elements, of the proposed irrigation system, shall be reviewed and approved by the Utah County Engineer.

10. Sewage Disposal

Each planned subdivision shall be provided with and served by a central public sewage disposal system or by individual wastewater disposal systems entirely located on each lot which are approved by the City-County Health Department.

11. Fire Protection

All planned subdivisions having one or more lots under five (5) acres in area shall have fire hydrants installed as required by the County Fire Marshal using applicable adopted codes.

12. Utility Easements

- a. All new utilities shall be installed underground. Existing above-ground electrical 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. The location of the easements shall be approved by the County Engineer.
- c. No structure shall be placed within the designated easements except utility structures.
- d. The applicant shall provide a service letter from each utility provider, which shall include all costs associated with installing or upgrading the utility.

13. Setback Distances

The setback requirements shall be the same as those listed for the pertinent zoning district.

14. Common Area Requirements

- a. Any proposed subdivision with ten (10) or more lots with any lot less than five acres in area, and any proposed subdivision of any parcel of land containing ten (10) or more acres in area with more than three (3) lots with any lot less than five acres in area, shall provide a minimum of twenty percent (20%) of the total subdivision acreage as dedicated common area for the use of the residents of the subdivision.
- b. The land covered by vehicular roads, off-street parking, yard areas around the dwellings, lots for dwellings, and service buildings shall not be included in the area used to meet the common area requirements.
- c. The common area shall be fully integrated into the design of the development in a manner which is most useful and convenient for the residents of the development. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as common area shall be submitted.

- d. As assurance that the designated common area will remain as common area, the developer and the homeowner association shall execute a common area preservation and maintenance agreement with the county in which the developer and the homeowner association agree to maintain the common area and facilities and agree to refrain from constructing dwellings or other structures not expressly allowed by this Ordinance.
- e. Where a developer owns or controls more land than he wishes to develop immediately, a development plan for the entire area shall be submitted, in which case the developer shall indicate on such plan the portion to be developed immediately and the portion to be held for future development. The following is required in relation to the development plan:
 - i. Development plans must receive approval from the County Commission;
 - ii. The common area requirements, as set forth above, shall be applied to the development area as a whole, such that the entire development area shall be considered in making the determination of whether the common area requirements are applicable;
 - iii. Not less than twenty percent (20%) of the total development area acreage shall be dedicated as common area;
 - iv. The development plan shall show the location of those areas to be designated as common area; and
 - v. Each separate development, which is only a part of the entire development area, shall be required to develop at least a portion of the common area, as set forth on the development plan, which portion shall be not less than twenty percent (20%) of the area of the separate development and must be contiguous with the separate development.

E. REQUIRED IMPROVEMENTS

All improvements which are required under the terms of this ordinance shall be shown on the layout map, engineered drawings, or recorded plat. Such improvements shall be constructed by the developer in accordance with the County Public Works standards, requirements of this ordinance, and other applicable requirements, and inspected by the County Engineer. The required improvements include all improvements required by the terms of this ordinance, including the following:

1. Water system improvements.
2. Sewage system improvements.
3. Street system improvements.
4. Drainage system improvements.
5. Irrigation system improvements.
6. Utility improvements, including electrical service, and natural gas service where available, which shall be made accessible to, and at the front of each lot.
7. Permanent survey markers.
8. Other improvements, if required by the County Commission.

Part II:

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 III:

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 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 2nd day of February 2016.


UTAH COUNTY COMMISSION

VOTE



LARRY A. ELLERTSON, CHAIR

Aye



WILLIAM C. LEE, VICE-CHAIR


Aye



GREG GRAVES, COMMISSIONER

Aye


ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

By: 
Deputy

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

Approved

Disapproved

By: 
Deputy

Date of Publication: Once only, as soon as possible

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED. TAX I.D.# 87-0217663
801-204-6910

Deseret News



Karen
The Salt Lake Tribune

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DATE

2/22/2016

ACCOUNT NAME

UTAH COUNTY AUDITOR,

TELEPHONE

8018518238

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2016-422

CAPTION

SUMMARY OF ORDINANCE ORDINANCE NO. 2016-4 WAS ADOPTED BY THE BOAR

SIZE

25 LINES 1 COLUMN(S)

TIMES

2

TOTAL COST

31.25

SUMMARY OF ORDINANCE
ORDINANCE NO. 2016-4 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON FEBRUARY 2, 2016, AMENDING SECTION 6-3 OF THE UTAH COUNTY LAND USE ORDINANCE, DEALING WITH THE REQUIREMENTS FOR PLANNED SUBDIVISIONS.
A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE, COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER WILLIAM C. LEE, AND COMMISSIONER GREG GRAVES VOTED IN FAVOR OF THE ORDINANCE.
1077050 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SUMMARY OF ORDINANCE ORDINANCE NO. 2016-4 WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON FEBRUARY 2, 2016, AMENDING SECTION 6-3 OF T FOR UTAH COUNTY AUDITOR, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

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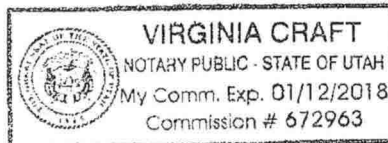
SIGNATURE *Ann Dartnell*

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 22ND DAY OF FEBRUARY IN THE YEAR 2016

BY ANN DARTNELL



Virginia Craft
NOTARY PUBLIC SIGNATURE